

Application Reference	DC/067440
Location:	2 Erskine Street Compstall Stockport SK6 5JP
PROPOSAL:	Change of use from un-used open space to domestic curtilage/garden area and erection of new boundary wall and fence.
Type Of Application:	Full Application
Registration Date:	09.03.2018
Expiry Date:	20180504
Case Officer:	Mark Jordan
Applicant:	Mr Idle
Agent:	

DELEGATION/COMMITTEE STATUS

Under the Delegation Agreement, should Marple Area Committee be minded to grant permission then the application will be referred to the Planning & Highways Regulations Committee as a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the change of use of an un-used area of open space to form an extended domestic curtilage/garden area serving No. 2 Erskine St. The land in question is roughly rectangular in shape, measuring approximately 24m x 4m.

Additional works are proposed which comprise the re-positioning of a 2m high perimeter fence, set on top of a newly built 0.75m high brick wall.

SITE AND SURROUNDINGS

The site comprises an end-terraced dwelling, located along the eastern edge of Erskine St, set within a larger residential estate. The piece of un-used land, is currently grassed over and falls adjacent to the southern boundary of the applicants dwelling.

A vehicular access runs along the southern site boundary, which provides access to an area of residents parking.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The site falls within THE Green Belt and a Landscape Character Area, as identified on the Proposals Map DPD. Although not formally allocated due to its size being

below 0.2 hectares, the existing grassed area to the south constitutes Local Open Space.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

LCR1.1: LANDSCAPE CHARACTER AREAS

LCR1.1a: THE URBAN FRINGE INCLUDING THE RIVER VALLEYS;

GBA1.1: EXTENT OF GREEN BELT

GBA1.2: CONTROL OF DEVELOPMENT IN GREEN BELT

UOS1.3: PROTECTION OF LOCAL OPEN SPACE

LDF Core Strategy/Development Management policies

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

LDF Core Strategy/Development Management policies

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) initially published on 27th March 2012, subsequently revised and published on 24th July 2018 by the Ministry of Housing, Communities and Local Government sets out the government's planning policies for England and how these are expected to be applied. The revised National Planning Policy Framework will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 "The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect*

of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.133 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.134 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns merging into one another;*
- to assist in safeguarding the countryside from encroachment;*
- to preserve the setting and special character of historic towns; and*
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.*

Para.141 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.143 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.144 “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Para.146 “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

DC/048082 - Change of use from open space to domestic curtilage and relocation of boundary fence. Withdrawn 20/12/212.

DC/051104 - Two storey side extension and alterations to front elevation. Granted 17/12/12.

NEIGHBOUR'S VIEWS

The occupiers of neighbouring properties have been notified in writing in addition the application has been advertised as a Departure from the Development Plan.

A single letter has been received raising concerns about the application on the following summarised grounds:-

- 1) Is the land owned by the applicant, if not the site should be used as shared open space;
- 2) The re-positioned boundary fence could cause an obstruction to the parking area to the rear and impede disabled access;
- 3) A better alternative would be to tarmac the piece of land and provide a widened access to the parking area to the rear;
- 4) Parking problems are already experienced by local residents as a result of overspill traffic from Etherow Park.

CONSULTEE RESPONSES

Conservation & Heritage Team: I can confirm that whilst the application site is located close to the Compstall Conservation Area it is not sited within its boundary. The property is also not a listed building.

The application seeks planning permission to extend its garden area involving the erection of a new boundary wall and fence of similar appearance to the existing to encompass a small area of open space.

In light of the above I consider that the proposed development would have limited impact on the Conservation Area and as such I raise no objection.

Highway Engineer: Examination of the revised plan concludes that whilst it shows the fence being set back along the lines previously recommended for visibility purposes, the plan is not based on topographic survey, as required, and therefore does not show the exact alignment of the kerb line and the exact positions of the existing street lighting column, telegraph pole and BT chamber.

In addition, the applicant has also not provided any information to indicate that a utilities search has been carried out to determine what utilities are located within the

land in question and the location of the utilities, nor has annotated these details on a plan, as requested (required to determine if the needs to be set further back). As such, I would conclude that the revised plan does not address the issues previously raised and therefore consider the application needs to be further deferred and the applicant asked again to address the issues previously raised. Recommendation: Defer

Planning Policy: No objection (verbal response).

Carillion Stockport: No response, therefore no objection.

Stockport Homes: No response, therefore no objection.

ANALYSIS

The following matters are material to the assessment of the current application:-

Policy Principle

Green Belt

Policy GBA1.2 of the Unitary Development Plan Review sets out that there is a presumption against forms of development other than new buildings, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

It is however, noted that Policy GBA1.2 adopted May 2006 pre-dates the revised NPPF published July 2018. In respect of the NPPF paragraph 133 outlines that the fundamental aim is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. In addition paragraphs 143 and 144 sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. Although paragraph 146 identifies that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, there are exceptions to this presumption against, including:-

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

Accordingly, the NPPF takes precedence and Policy GBA1.2 carries limited weight.

In this instance it is noted that:-

- 1) Whilst the site falls within a part of Compstall that is washed over by the Green Belt, the predominant character of the surrounding area is suburban, with the site falling within a larger 1970's residential estate;
- 2) The proposed re-positioned perimeter fence would have the same overall height and appearance (with the exception of a proposed low brick wall), when compared to the existing boundary fence set 4m to the north. The largest expanse of the new boundary wall / fence would be viewed from the north and south against the backdrop of the applicants dwelling and other surrounding residential properties, resulting in a limited impact on the openness of the Green Belt. In addition Committee will be advised that a

boundary wall / fence in the same location could be erected up to 1m in height without the need for planning permission.

Details of siting, design and external appearance are acceptable and the proposal can be sympathetically absorbed within the Landscape Character Area without damaging rural character or causing harm to the amenities of neighbouring occupiers, consequently the proposal accords with Policies LCR1.1, LCR1.1a, SIE-1 and SIE-3.

Overall whilst technically triggering a Departure from the Development Plan the proposal represents a green belt exception in respect of paragraph 146 of the NPPF.

Local Open Space

In respect of the loss of the existing grassed area, which is classed as forming local open space, regard should be had to Saved policy UOS1.3. This presumes against the loss of local open space unless (i) it is clearly needed in connection with the outdoor recreational use of the land or is otherwise appropriate to the maintenance of the open nature of the land, and it would clearly enhance the overall quality of Local Open Space provision in the area; or (ii) It can be demonstrated that there is an adequate provision of open space in the local area and that the loss of the site would not be detrimental to the well-being of the local community or the amenities of the area; or (iii) the open space that would be lost as a result of the proposed development would be replaced by open space of equivalent or better quantity, quality, usefulness, and attractiveness, in a location at least as accessible to current and potential users.

Having regard to the above it is acknowledged that in principle the proposal would not comply with the general approach of Policy UOS1.3, however in assessing the importance of the value of particular areas of Local Open Space, policy UOS1.3 advises that the following factors should be considered:

- standards of open space provision in the local area, in general terms and in terms of specific facilities, as set out in policies L1.1 and L1.3
- visual or amenity value of the land
- ecological value of the land, in general terms and in terms of designations set out in policies NE1.1 and NE1.2 and including possible contribution to Green Chains or linked areas of open land
- formal recreational use
- informal public access
- contribution to urban form or general well-being of a community.

In support of the application and specifically the loss of the local open space, it is noted that the land is under private ownership and could be enclosed without the need for planning permission. In addition due to its limited size, topography and location adjacent to a highway and vehicular access to a residents parking area, the parcel of land does not readily lend itself as performing a role as local open space.

In assessing the above Members will be advised that the grassed area which covers approximately 96 sq.m, does not provide formal or informal recreational use and is

not considered to have any ecological interest. The main consideration therefore revolves around the visual or amenity value of the land. Whilst the parcel of land undoubtedly provides a buffer, the landscaping (grass) currently on site is considered to be of low quality and has a limited contribution to the wider amenities of the surrounding area.

Notwithstanding the above it is acknowledged that there are significantly larger areas of open space situated further afield to the south off Orchard Rd, however there are no other parcels of land of a size, shape, siting, landscaping and topography directly comparable to the current application, within the surrounding area.

Having regard to all the circumstances outlined above and in the absence of any objections from the Council's Planning Policy Officer, it is considered that a case has been demonstrated which justifies the loss of the local open space, contrary to Saved Policy UOS1.3.

Highway/Pedestrian Safety and Parking

The comments of the Council's Highway Engineer are included earlier in this report under the Consultees Responses section. In considering the Engineers comments, Officers consider that the submitted drawings accurately reflect the layout of the application site. Furthermore issues relating to service utilities are matters which fall outside of the planning system and are controlled by other forms of non-planning legislation.

Notwithstanding the above, it is noted that the applicant has previously submitted amended drawings in order to provide appropriate visibility splays, as acknowledged by the Council's Highway Engineer.

Whilst 3rd party comments have been received in respect of access to a residents parking area to the rear of the site, it is noted that no fundamental objections have been received in this respect from the Council's Highway Engineer. Furthermore it is acknowledged that as the land is under the ownership of the applicant, a 1m high boundary fence could be erected along the rear and side boundaries of the parcel of land, without the need for planning permission.

In light of the above it is not considered that a refusal of the current proposal on the grounds of highway/pedestrian safety and parking provision could be sustained at Appeal.

Residential Amenity

Any potential impact on amenity would be limited to the erection of a new boundary wall and perimeter fence.

Whilst the new boundary treatments would be 4m nearer to habitable room windows in the facing elevations of properties along the southern edge of Erskine Street, the overall height would be no greater than the maximum height of the existing perimeter fence along the southern boundary of the applicants' property. In addition, separation of at least 8m would be retained to facing habitable room windows, whilst the fence and wall would continue to be viewed against the backdrop of the two storey gable elevation of the applicants' dwellings.

In light of the above it is not considered to be unduly detrimental to residential amenity as to justify a recommendation of refusal.

Other Matters

The proposal is not considered to have a detrimental impact in terms of ground contamination.

The site has no ecological designation and given the limited landscaping (grass) currently on site, would not be detrimental to ecological interests or matters of landscaping.

The site falls outside of but in close proximity to the boundary of the Compstall Conservation Area. In the absence of any objections from the Council's Conservation Officer, the proposal is considered to be acceptable in terms of its impact on heritage assets.

To conclude, having regard to matters outlined previously in this report the proposal is recommended for approval.

Should Members be minded to recommend approval, the application will need to be referred to the Planning and Highways Regulations Committee for determination, due to being a departure to the development plan.

RECOMMENDATION

Grant