

ITEM 2

Application Reference	DC/074716
Location:	211 Buxton Road Hazel Grove Stockport SK7 6NA
PROPOSAL:	Redevelopment of existing site to provide one detached dwelling (re-submission of DC/071877)
Type Of Application:	Full Application
Registration Date:	09.10.2019
Expiry Date:	04.12.2019
Case Officer:	Mark Jordan
Applicant:	Mr & Mrs S Clarke
Agent:	Wharfe Rural Planning Ltd

DELEGATION/COMMITTEE STATUS

Should Marple Area Committee be minded to grant permission under the Delegation Agreement the application should be referred to the Planning & Highways Regulations Committee as the application relates to a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

Committee is advised that planning permission has been granted on 26/07/19 for the re-development of the same site, through the construction of a single detached dwelling. The current proposal now before Members remains identical to the previous approval, with the exception that a detached garage is now proposed as part of the latest submission.

The proposed development seeks the removal of an existing riding arena and associated outbuildings and the construction of a hipped roof bungalow, to the rear of the applicants existing dwelling of 211 Buxton Road.

The proposed dwelling would roughly be of a T-shaped layout of 138 sq.m. comprising a hipped roof design. External materials of construction would include Cheshire brick walls, natural stone heads and cills, together with a tiled roof.

The proposed detached garage, which would be positioned within the north-western corner of the site, would have a footprint of 53 sq.m, comprising a pitched roof design with eaves and ridge heights of 2.4m and 4m respectively.

The existing vehicular access of Buxton Road would be utilised to serve both the existing and proposed dwellings. The width and layout of the access drive would be re-configured internally within the site to accommodate the development.

SITE AND SURROUNDINGS

The site (0.14 hectares) comprises an existing detached, two storey house fronting onto Buxton Road, with land to the rear occupied by a riding arena and a number of outbuildings including but not limited to stables, sheds and a hay store.

Grounds levels across the site are flat. Vehicular and pedestrian access is taken off Buxton Road.

The site is enclosed by a variety of boundary treatments, including planting, fencing and brick walls.

The site lies in an area characterised by sporadic and varied development with a mix of residential properties to the east along Buxton Road. Directly to the west exists land associated with a covered reservoir, which wraps round to the north of the site, beyond which exists the A555 relief road. Open fields lay to the south beyond Buxton Road.

The application site also lies within the Green Belt and 'Ladybrook Valley' Landscape Character Area, as identified on the Proposals Map of the Stockport Unitary Development Plan Review.

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 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: URBAN FRINGE INCLUDING THE RIVER VALLEYS

GBA1.1: EXTENT OF GREEN BELT

GBA1.2: CONTROL OF DEVELOPMENT IN GREEN BELT

GBA1.5: RESIDENTIAL DEVELOPMENT IN GREEN BELT

L1.1: LAND FOR ACTIVE RECREATION

L1.2: CHILDRENS PLAY

MW1.5: CONTROL OF WASTE FROM DEVELOPMENT

LDF Core Strategy/Development Management policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT –
ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-3: Delivering the Energy Opportunities Plans - New Development

SD-6: Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

H-2: Housing Phasing

H-3: Affordable Housing

CS8: SAFEGUARDING AND IMPROVING THE

SIE-1: Quality Places

SIE-2: Provision of Recreation and Amenity Open Space in New Developments

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

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.

'Affordable Housing' (2003), 'Recreational Open Space and Commuted Payments' (2006), 'The Design Of Residential Development' (2007), 'Transport & Highways in Residential Areas' (2006), 'Sustainable Transport' (2007), 'Sustainable Design and Construction' (2012).

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, 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. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

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.59 *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing*

requirements are addressed and that land with permission is developed without unnecessary delay”.

Para.63 “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Para.67 “.....Planning policies should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan period³²; and*
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan”*

Para.68 “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.*

Para.73. “Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁶, or against their local housing need where the strategic policies are more than five years old³⁷. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan³⁸, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply³⁹”.*

Para.84. “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.

Para.103 “The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to

maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”.

Para.109 “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Para.110. “Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Para.117 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

Para.118 “Planning policies and decisions should:

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)”

Para.122 “Planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places”.

Para.123 *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

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.145 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development;*
 - or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

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:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Para.150 *“New development should be planned for in ways that:*

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”.

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.170 *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

Para.212. *“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication”.*

Para.213 *“However 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)”.*

Para.217 *“The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered”.*

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/024910 Creation of menage with fencing to rear of property. Granted 24/01/07.

DC/025622 Erection of stables for three horses (Retrospective application).
Granted 02/04/07.

DC/070239 Construction of a detached swimming pool building. Granted 24/08/17.

DC/071877 Redevelopment of existing site to provide one detached single storey dwelling. Granted 26/07/19.

NEIGHBOUR'S VIEWS

Relevant 3rd parties have been notified in writing of the proposal, with the application also having been advertised via site and press notices as a departure to the Development Plan. The consultation period has expired. No representations have been received.

CONSULTEE RESPONSES

Highway Engineer: The development, consisting of the construction of a single detached dwelling, differs from that previously approved by the inclusion of a detached garage. This change should not result in a material increase in vehicle movements or change in character of traffic on the local highway network.

An adequate level of car parking is proposed to be provided (having regard to the adopted parking standards and expected demand).

Following re-routeing of the A6 this section of Buxton Rd is now effectively a cul-de-sac other than to buses and cycles and relatively lightly trafficked.

The development reuses an existing vehicular entrance which retains satisfactory visibility between the access and Buxton Rd. Though gated this access does not have dropped kerbs. When used for a new dwelling these are to be provided. Provision of this should be conditioned, together with details of the construction of the proposed SUDS compliant parking area for the new dwelling.

No details are provided of proposed cycle parking or bin storage; this is also to be conditioned

Recommendation: No objection subject to conditions relating to access details, gates, domestic parking and electric vehicle charging points.

Nature Development Team:

Nature Conservation Designations

The site has no nature conservation designations, legal or otherwise.

Legally Protected Species

An ecological survey (extended Phase 1 habitat survey) has been carried out and submitted with the application. The survey was carried out in April 2018 by a suitably experienced ecologist (Rachel Hacking Ecology Ltd, 2018). The survey mapped the habitats present on site and assessed their potential to support protected species.

Many buildings and trees have the potential to support roosting bats. All species of bats, and their roosts, are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal.

Buildings to be impacted by the proposals were subject to an internal and external assessment to search for signs of bats and assess the potential for bats to be present. Trees were also assessed as to their roosting potential. The buildings and trees were assessed as offering negligible potential as bat roost sites.

Buildings and trees/vegetation offer potential nesting opportunities for breeding birds. All breeding birds and their nests are legally protected under the Wildlife and Countryside Act 1981 (as amended).

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN). GCN have the same level of legal protection as bats (outlined above). A pond is present within the application area (although it does not appear as though this pond will be directly impacted by the proposed scheme). The ecology report refers to the nearby destruction of a pond known to support GCN and associated trapping and translocation of GCN as part of the adjacent A6MARR scheme. It should be noted that amphibian exclusion fencing was erected around the nearby properties (including the current application area), which means any GCN present within this area would have been maintained within this area (see Figure E4a 'Capture & Exclusion Methods sheet 1 or 8, Rev P3 (2015))

The habitats within the application area are considered to be of limited potential to support GCN: the pond contains koi carp (which would likely eat newt larvae) and terrestrial habitats are generally of low value (dominated by bare ground and amenity grassland) although the shrub beds do offer some cover for amphibians. This reduces the risk of GCN being present and affected by the proposals. However, given exclusion works referred to above it is possible that newts may be found in more sub-optimal habitat than would normally be expected. In this respect it is therefore recommended that Reasonable Avoidance Measures (RAMS) should be followed during works and further details are provided below.

No signs or significant potential for any other protected species (such as badger) were recorded during the survey. It should be noted however that a badger sett was excluded as part of works for the A6MARR. This has the potential to alter the dynamics of the local badger social groups which may in turn mean that badgers are more likely to create setts in new areas. Badgers and their setts are legally protected under the Protection of Badgers Act 1992.

Invasive Species

Rhododendron ponticum and variegated yellow arch-angel were recorded on site. These species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to grow these invasive species in the wild.

Recommendations:

In relation to breeding birds, the following condition should be used: [BS42020: D.3.2.1] No vegetation clearance/demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before vegetation clearance/demolition works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA.

Variegated yellow archangel and *Rhododendron ponticum* were recorded within the application area which are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A condition should therefore be attached to any planning permission granted to state that the spread of these invasive species will be avoided and that if removed as part of landscaping works they will be treated/disposed of appropriately.

It is advised that best practice reasonable avoidance measures (RAMS) are adopted during works to reduce the risk of any potential impacts on GCN. These measures should involve confining the works area/storage of materials to areas of existing bare ground/short-mown grassland, storing any materials on raised pallets so as not to create great crested newt refuge areas and careful removal (using hand tools) of features that could support resting/sheltering amphibians.

Given the nearby badger sett exclusion and disruption to the local badger population as a result of the construction of the A6MARR, I would recommend that an update badger survey is carried out of the application area and habitats within 30m of the application site boundary (no more than 3 months in advance of works commencing) so as to confirm whether badgers have moved into the area since the 2018 survey. This survey work can be done in conjunction with the update survey referred to below.

The proposed works are considered to be of low risk to roosting bats. Bats can roost in unlikely places however and so as a precautionary measure, I would recommend that an informative is attached to any planning permission granted so that the applicant is aware of the potential for bats (and other protected species such as GCN and badger) to be present on site. It should also state that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats, GCN, badger or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted.

Ecological conditions can change over time and so if the proposed works have not commenced by April 2020 (i.e. within two years of the April 2018 survey) it is advised that update surveys are carried out in advance of works to ensure the assessment of impacts is still accurate. This can be secured by condition.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Replacement planting will be required for any trees to be lost but moreover, planting across the site should be enhanced. Proposed landscaping plans should be submitted to the LPA for approval. And should comprise wildlife friendly species (preferably locally native) to maximise benefits to biodiversity. Bat and bird boxes should be provided on retained mature trees and/or the new proposed building. It is also recommended that gaps (13cm x 13cm) are provided at the base of boundary fencing to allow small

mammals such as hedgehogs to pass through the site. Species rich hedgerows should be planted rather than using fencing wherever possible.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance).

Environment Team (Contaminated Land): No objection.

Planning Policy (Open Space): No response received, therefore no objection.

Planning Policy (Energy): No response received, therefore no objection.

United Utilities:

Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as main river.

Water supply

We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand,

this could be a significant project which should be accounted for in the project timeline for design and construction.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

This development is close to United Utilities reservoir. As this is an operational site, please ensure that access to the site is not restricted.

There are two large water mains adjacent to the site. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme.

The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure; □ Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them. □ Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation.

It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. We recommend the developer contacts United Utilities for advice on identifying the exact location of the water main.

Our standard conditions document includes details of trees and shrubbery suitable for planting in the vicinity of a water main. The applicant should consult this document to ensure their landscaping proposals meet with the advice provided in the document.

We also recommend the use of root barriers to afford additional protection to the water main.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

ANALYSIS

Committee is advised that the principle of the re-development of the site with a single dwelling has already been established through the grant of planning permission under application DC/071877. This permission remains capable of being implemented and therefore carries significant material weight in consideration of the current application now before Members.

The site lies within the Greater Manchester Green Belt and 'Ladybrook Valley' Landscape Character Area as identified on the Proposals Map of the SUDP Review.

Policy Principle

Policy GBA1.2 confirms that there is a presumption against the construction of new buildings in the Green Belt unless it is for one of 4 purposes (agriculture & forestry; outdoor sport & recreation; extension, alteration or replacement of existing dwellings; limited infilling or redevelopment of Major Existing Developed Sites). The proposed development does not fall within any of these exceptions and therefore for the purposes of Policy GBA1.2 must be considered 'inappropriate'. Policy GBA1.5 of the UDP Review confirms that new residential development in the Green Belt will be restricted to dwellings for the purposes of agriculture; re-use of buildings and development that meets the requirements of Policy GBA1.7 in relation to Major Existing Developed Sites. The proposed development does not fall within any of the exceptions and therefore for the purposes of Policy GBA1.5 must be considered a departure from the Development Plan'.

The Replacement NPPF published in February 2019, significantly post-dates the UDP Review and sets out the Government's most up to date policy position in relation to development in the Green Belt. Where there are discrepancies between the Development Plan and the NPPF greater weight should be given to the policies of the NPPF, which represents the direction of travel of government policy.

Members are advised that at the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
 - where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:
 - the application of policies in the Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed;
- or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2

which seek to deliver housing supply that are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF is engaged.

Paragraph.133 of the NPPF sets out that 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.

Paragraph.143 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph.145 of the NPPF confirms that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out exceptions to what should be regarded as inappropriate in Green Belt. Given Policies GBA1.2 and GBA1.5, do not refer to 'limited infilling in villages' they remain inconsistent with paragraph.145 of the NPPF; and as a consequence are out of date given that they pre-date the NPPF.

In assessing the current proposal the applicant's agent has submitted a Planning Statement in support of the proposal. This acknowledges that the proposal represents inappropriate development within the Green Belt and the need remains to demonstrate the existence of very special circumstances.

The very special circumstances advanced in support of the proposal revolve around the same principles as those accepted as part of planning approval DC/071877. These being that the current proposal represents a more consolidated form of development, which has a lesser impact on the openness of the Greenbelt, when compared to buildings / structures already in situ and further development which could subsequently be provided without the need for planning permission.

Specifically the scale and mass of the existing buildings and structures already in place on site and of a swimming pool, which was deemed to be constitute 'permitted development' under application DC/070239, and which could be constructed on site, are considered to carry significant material weight.

In comparing the varying impacts of the fall-back position outlined above and the potential impact of the proposed dwelling on the openness of the Green Belt, Members are advised that there would be an overall reduction of approximately 20 sq.m in footprint and 21 cubic metres in volume, when compared to the buildings / structures already on site and the swimming pool approved under application DC/070239.

Irrespective of the above, due regard must be given to the fact that the spatial improvements to the openness of the Green Belt are diminished when compared to the planning approval previously granted under DC/071877. This provided an overall reduction of approximately 71 sq.m in footprint and 183 cubic metres in volume. The latest proposal would however still result in an overall reduction of 10% in footprint and 3% in volume, when compared to the buildings / structures already on site and the swimming pool approved under application DC/070239.

Notwithstanding the reduction in built development that is / could be constructed on site, the proposed dwelling would also represent a more consolidated built form when compared to the existing building and structures / permitted development which are spread across the site. Officers are therefore of the view that the proposed development would result in visual improvements to the openness of the Greenbelt, which carry significant material weight.

For the reasons outlined above, it is considered that, on balance, very special circumstances have been demonstrated, which carry sufficient material weight as to outweigh the inappropriateness of the principle of the additional dwelling within the Green Belt.

Delivery of Housing

Paragraph 59 of the NPPF puts additional emphasis upon the government's objective to "significantly boost the supply of homes". Policy CS4 directs new housing towards 3 spatial priority areas (the town centre, district and large local centres, and finally, other accessible locations. Stockport is in a position of housing undersupply (2.8 years) against the minimum requirement of 5 years +20% buffer as set out in paragraph 73 of the NPPF. In situations of housing undersupply, Policy CS4 allows Policy H-2 to come into effect bringing housing development on sites, which meet the Council's accessibility criteria. Therefore the site exceeds the current minimum accessibility level of 'zero' when assessed against Policy H-2.

To summarise the principle of an additional house, taking into regard the persistent under delivery of housing within the Borough, means that the proposal remains compliant with Policies CS4 and H2.

Design, Character, Appearance & Amenity Considerations

Policy SIE-1 states development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment, within which it is sited, will be given positive consideration. Policy CS8 states that the landscape and character of the countryside will be preserved and enhanced, taking into account the distinctive attributes of local areas based on a landscape character assessment. Moreover, Policy SIE-3 states that the borough's rural landscape will be conserved and enhanced in line with the borough's Landscape Character Assessment. Policies LCR1.1 and LCR1.1a require that development be accommodated without adverse effects on landscape quality of the particular character area.

Policy SIE-1 sets out that development should be designed with high regard to the built or natural environment in which it is sited; Policy H-1 requires that the design and build standards of new residential development should be high quality, inclusive, sustainable and contribute to the creation of successful communities. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance, and should consider the need to deliver low carbon housing. Good standards of amenity, privacy, safety/security and open space should be provide for the occupants of new housing and good standards of amenity and privacy should be maintained for the occupants of existing housing.

The Design of Residential Development SPD's overall purpose is to achieve high quality design in residential development; the document has three broad aims: 1. promote high quality inclusive design; 2. ensure efficient use of resources; 3. Endorse developments that make a positive contribution to the townscape and landscape character of the local area. The SPD indicates that when redeveloping the sites of existing dwellings the main areas of focus are the maintenance of established spacing between dwellings and the maintenance of appropriate scale and massing. Moreover, paragraph 124 of the NPPF outlines that 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.

In this instance, the design approach for the dwelling and detached garage would be sympathetic in terms of its siting, scale, massing, design, roofline, and materials and can be accommodated without adverse effects on landscape quality of the 'Ladybrook Valley' Landscape Character Area.

The proposal would safeguard residential amenity and preserve local character, resulting in the efficient use of land in accordance with the provisions of Policy CS3.

The layout and form of development represents a considered response to its context and would avoid any undue impact on the amenity of neighbouring properties, which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy.

Overall, the proposal and accords with the provisions of Policies LCR1.1, LCR1.1a, CS8, SIE-1, SIE-3 and H-1 and guidelines set out in the Design of Residential Development SPD.

Highway / Pedestrian Safety Implications

The comments of the Council's Highway Engineer are detailed earlier in this report. In this respect it is acknowledged that the creation of a single, additional dwelling would not result in a material increase in vehicle movements, utilising the exiting access onto Buxton Rd. This combined with appropriate provision of vehicular and cycle parking means that the proposal would comply with Policies SIE-1, CS9, T-1 and T-3.

Other Planning Matters/Considerations

In respect of contamination, the Council's Environmental Health Officer (Contaminated Land) remains satisfied the development could be carried out safely without unacceptable risks in accordance with the provisions of Policy SIE-3.

With regard to landscaping, no existing planting is proposed to be removed in order to accommodate the proposed development. As such the proposal would be in accordance with the provisions of Policies SIE-1 and SIE-3

Turning to potential impacts on acknowledged ecological interests, the comments of the Council's Nature Development Team are set out in detail earlier in this report. Based on the above, no objections are raised to the proposal subject to the use of appropriate conditions on any approval.

Policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS, detail of which can be suitably addressed through conditional control.

Whilst the proposal does not trigger targets for carbon emissions, the supporting Planning Statement identifies that the development will seek to create a sustainable building which is energy efficient and will attempt to contribute to the reduction in carbon emissions using sustainable, recyclable and renewable materials.

Given the above and in the absence of any objections from the Council's Planning Policy Team, it is accepted that the consideration of energy efficiency issues has been adequately addressed in accordance with the requirements of Policy SD-3,

which requires the consideration of including micro-generation technologies in order to reduce CO2 emissions.

The current proposal remains exempt from the need to provide affordable housing under the provisions of Policy H3.

National legislative changes in respect of tariff style planning obligations, mean that unlike planning permission DC/071877, the current proposal would no longer be exempt from the payment of a commuted sum contribution towards open space, under provisions required by Policies L1.2 and SIE-2. As such should this application be resolved for approval, then an appropriately worded planning condition will need to be applied to ensure compliance with this matter.

In the event that Committee is minded to grant permission, the application will be required to be referred to the Planning & Highways Regulation Committee as a Departure from the Development Plan.

SUMMARY

Whilst the proposal constitutes inappropriate development, it would have only limited harm to the openness of the Green Belt and the case for very special circumstances is sufficient to outweigh harm by reason of inappropriateness.

In acknowledging the tilted balance in favour of approval under paragraph 11 of the NPPF, the proposal is on balance considered to represent sustainable development.

Consequently it is recommended that permission be granted subject to appropriate planning conditions.

RECOMMENDATION

Grant.