

ITEM 3

Application Reference	DC/081379
Location:	Highfield Benches Lane Marple Bridge Stockport SK6 5RY
PROPOSAL:	Demolition of existing bungalow and double garage and erection of replacement single storey dwelling with integrated garage and alterations to access.
Type Of Application:	Full Application
Registration Date:	02/06/2021
Expiry Date:	28/07/2021
Case Officer:	Mark Burgess
Applicant:	Mr And Mrs Yusuf
Agent:	Ruth Jackson Planning Ltd

DELEGATION/COMMITTEE STATUS

Committee Item. Should Marple Area Committee be minded to agree the Officer recommendation to grant, the application shall be referred to the Planning and Highway Regulation Committee for determination as a Departure from the Development Plan.

Application also called up by Councillor Allan.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of an existing detached bungalow at Highfield, Benches Lane, Marple Bridge and the erection of a replacement single storey detached dwelling with integrated garage, with associated access alterations and landscaping works.

The proposed dwelling would be of L-shaped footprint and would comprise a 'sleeping wing' running North to South, fronting Benches Lane and a 'living wing' to the rear running East to West. Although of single storey scale, the 'sleeping wing' would include a mezzanine level. The 'sleeping wing' would have a width of 7.5 metres, a length of 20.5 metres and a maximum height of 6.2 metres with a pitched roof. The 'living wing' would have a width of 7.3 metres, a length of 16.6 metres and a maximum height of 5.9 metres with a pitched roof. The proposed dwelling would be of contemporary design and materials, which would comprise a variety of natural and black timber cladding and brick on the external walls, with a profiled metal and standing seam roof. The design approach taken is proposed to take the form of the surrounding agricultural context with a sustainable, modern interpretation of these forms.

Access to the site would be taken via an amended and improved existing access from Benches Lane to the North East. Hardstanding for parking and manoeuvring would be provided to the North of the proposed dwelling.

The proposal includes a comprehensive landscaping scheme. Formal landscaping is proposed to the North of the proposed dwelling, including planting, tiered lawns and external terraces. It is proposed to retain and enhance the existing woodland to the West and South of the site, which would include a series of woodland walks, raised boardwalks, seating areas and biodiversity enhancements.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Design and Access Statement.
- Transport Note.
- Construction Method Statement.
- Arboricultural Impact Assessment.
- Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey.
- Bat Emergence Survey.
- Method Statement for the Control and Treatment of Himalayan Balsam.
- Drainage Strategy.
- Technical Note – Coal Mining Risk Assessment.
- Energy Statement.

Details of the design and siting of the proposed development are appended to the report.

SITE AND SURROUNDINGS

The 0.405 hectare application is located on the Western side of Benches Lane in Marple Bridge and comprises a single storey L-shaped detached bungalow at 'Highfield' with associated parking, amenity space, detached garage and outbuildings and woodland to the West and Southern portions of the site. Access to the site is taken from Benches Lane, a narrow, country lane, to the North East.

The site is adjoined to the North and South by wooded areas, with residential properties beyond. To the East of the site is Benches Lane, with a residential property and outbuilding/annexe at 'Stoneycroft' beyond. Adjoining the site to the West are residential properties at 'Sunnymount' and 'Honey Suckle Cottage' which, due to the steep change in levels from East to West, are located at a lower level to the site.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 1^{7th} March 2011.

The site is allocated within the Green Belt and a Landscape Character Area (Ludworth Moor), as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the proposal :-

Saved UDP policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- EP1.7 : DEVELOPMENT AND FLOOD RISK
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN THE 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
- TD2.2 : QUIET LANES

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-3 : DELIVERING THE ENERGY OPPORTUNITIES PLAN : 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 ENVIRONMENT
- 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 and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD

- PROVISION OF AFFORDABLE HOUSING SPG
- SUSTAINABLE DESIGN AND CONSTRUCTION SPD
- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 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.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

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

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

Paragraph 7 states '*The purpose of the planning system is to contribute to the achievement of sustainable development*'.

Paragraph 8 states '*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*

Paragraph 11 states '*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'.

Paragraph 12 states '*.....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’.

Paragraph 38 states ‘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’.

Paragraph 47 states ‘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’.

Paragraph 219 states ‘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)’.

National Planning Practice Guidance (NPPG)

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

- DC080519 : Extension to create a 1st floor to an existing bungalow. Increase in height from 4.32m to 7.8m (3.48m increase) : Prior Approval Approved – 17/05/2021.
- DC080517 : Single storey rear extension and erection of two outbuildings (Lawful Development Certificate) : Granted – 25/05/2021.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application and the application was advertised by way of display of notice on site and in the press.

Letters of objection from 3 properties have been received to the application. The main causes for concern are summarised below :-

Green Belt

- Should this large development on a Green Belt site be approved, the precedence will open the floodgates for future development.
- The current and third application has seen substantial growth in relation to the initial application, together with so-called evidence of two additional footprints for buildings (Planning Application DC080517). These were originally a chicken coop and wooden shed, now non-existent having rotted away 40 years ago.

- Potential overbuilding.

Highways Issues

- Concern with this major development is the impact of heavy construction vehicles on what is currently a single-track country lane.
- The junction of Benches Lane and Glossop Road is a concern, due to the blind vision from both Marple and Charlesworth direction. Particular note should be brought to travelling from Marple to the junction, which is immediately after a blind bend on a 40 MPH road.
- Benches Lane is narrow in parts with a blind bend, making it dangerous to pedestrians and bikers who use it. It is especially a risk while walking or going to catch a bus with young children, even more so when using a pushchair as there are only a few places where you can get off the roadway when a car is coming.
- Some cars travel fast and the fact that there is a national speed limit sign at the bottom of the lane does not help.
- Such a large building and the prospect of more cars coming and going would make the lane more hazardous.
- The added traffic congesting Benches Lane will make turning into and travel up the lane extremely hazardous both during and after should the development proceed at this scale. This would be an issue for residents and access for emergency vehicles.
- The other access route to the development is via Ernocroft Lane, passing over many under road gullies, some of which are already damaged and sinking.
- Not sure looking at the proposed plans that further development will not be applied for, making Benches Lane even more dangerous for people going about their daily business.

Design

- Erecting what looks like an industrial building next to the roadway will look totally out of place on a country lane.
- Although all the houses on the lane are different, this all black building would spoil the charm and aesthetics of Benches Lane.
- Two new footprints, the size, use and materials of which are unknown.

Impact on Residential Amenity

- Loss of privacy.
- Many large, overlooking windows.

- Light and noise concerns.

Drainage

- With the third larger proposal of the site, water flow will increase due to the extended roof span and extended terraces.
- There will be a higher flow of domestic drainage and a larger septic tank in keeping with the size of the property.
- Concerns are to what plans will be put in place for the directional excess waterfall, as the natural fall is towards neighbouring properties.
- Excess water direction and handling and potential damage to private land and greenery.
- Most will know what damage excess waterfall can potentially do – flood the land, make the land both above and below the ground unstable, possibly dislodging root systems causing loss of large/small trees and shrubs and impacting on the beauty.
- There has been no firm solution to how this issue is to be handled which is a concern.
- Need to know what plans are to be addressed before construction starts.

Other Issues

- Measurements are required to clarify the distance of the building and terrace to the boundary to clarify proximity and height relating to properties.
- What are the future plans for future hedge management?
- Property size/weight.
- To fully understand the development, a site visit should be undertaken to assess the above problems and the scale of the sites future potential usage.

CONSULTEE RESPONSES

Highway Engineer

This application seeks permission for the demolition of existing bungalow and double garage at Benches Lane, Marple Bridge, and the construction of a replacement single storey dwelling house in its place. After reviewing the submitted drawings and documents I would make the following comments:

- 1) The proposal should not result in a material increase in vehicle movements or change in character of traffic on Benches Lane or other roads within the vicinity of the site (once constructed). Although the site is accessed via Benches Lane, which is sub-standard in nature and is designated as a 'Quiet Lane' (Policy TD2.2 'Quiet Lanes' outlines that developments and highway improvements that have an impact upon rural roads, which would detract from their character and their value as "Quiet Lanes", will only be permitted where they can be justified on safety grounds [and that] any development that would

result in a significant increase in traffic or conflict between different users of these lanes will not be permitted), as the scheme involves a like-for-like replacement of a dwelling, which will be accessed via the site's existing access, the proposal should not result in a material increase in traffic or conflict between different users on the lane. As such, the proposal would not be contrary to policy nor increase the risk of conflict or adversely affect highway safety on Benches Lane.

2) The site could not be regarded as being accessible as:

- Lies in excess of 400m from the nearest bus stop on a high frequency bus route
- Lies in excess of 1000m from the nearest railway station with a frequent service
- Lies in excess of 800m from a district shopping centre / Stockport Town centre
- Is not within reasonable walking distance of the shops, services, schools or places of employment
- Gradients in the vicinity of the site would not be conducive to walking / cycling
- There is a lack of pedestrian / cycle infrastructure in the vicinity of the site, notably there are no footways on Benches Lane

As the proposal relates to a like-for-like replacement of an existing dwelling and will therefore not result in an additional dwelling being constructed in a location that has a poor level of accessibility, however, I would conclude that a recommendation of refusal could not be justified.

- 3) An adequate level of car parking is proposed to be provided (a garage and 2 external spaces) having regard to the adopted parking standards and expected demand.
- 4) Sufficient room to allow vehicles to turn within the site will be provided
- 5) A bin storage area will be provided within the site
- 6) Although the existing access does not benefit from an adequate level of visibility, the proposal will not intensify the use of the access and the proposed boundary treatment will not reduce the level of visibility that is presently afforded. In addition pedestrian visibility splays will be provided
- 7) No gates are proposed to be constructed at the access and therefore vehicles will be able to enter and exit the site unhindered.
- 8) An electric vehicle charging point which will be in line with the Council's recommended specification will be provided within the site.
- 9) The proposed garage, at 5.4m by 3.1m, would not be of sufficient size to accommodate cycles as well as cars (paragraph 5.3.3.1 of the Transport and Highways in Residential Areas SPD advises minimum dimensions of 6m by 3.6m). As such a separate cycle store will be required. This matter, however, can be dealt with by condition.

Based on the above, I can confirm that, subject to detail / conditions, I consider the proposal acceptable from a highways and transport perspective and, as such, I raise no objection to this application, subject to conditions.

- Recommendation : No objection, subject to the following conditions :-

Construction of the approved development (including demolition and site clearance) shall be carried out in complete accordance with the approved construction method statement (Ref: LM20219-DYSE-XX-ZZ-RP-C-0002 Rev P02).

Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The approved development shall not be occupied until the existing access that serves the site has been amended in accordance with the details indicated on drawing LM20219-DYSE-XX-ZZ_DR-C-1002 Rev P02 'Proposed Driveway', which shall include:

- 1) The provision of 25mm bullnose kerb across the access abutting the carriageway
- 2) The provision of 1m by 1m pedestrian visibility splays at either side of the access
- 3) Paving for a minimum distance of 2m into the site (measured from the edge of carriageway, which shall be graded so it falls to the adjacent gravel and not towards the highway

No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays.

Reason: In order that the site will benefit from safe and practical access arrangements in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate or other means of obstruction shall be erected across the vehicular access that will serve the approved development at any time.

Reason: In order to ensure that vehicles can enter and exit the site unhindered so that they are not required to stop of the highway and therefore be a threat to highway safety and / or affect the free-flow of traffic in terms of Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The approved development shall not be occupied until the driveway (car parking and turning area) has been provided and surfaced in accordance with the details indicated on drawing LM20219-DYSE-XX-ZZ_DR-C-1002 Rev P02 'Proposed Driveway' and is available for use. The car parking and turning facilities shall thereafter be kept clear and remain available for parking and turning of vehicles.

Reason: To ensure that adequate parking and turning facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

The approved dwelling shall not be occupied until an electric vehicle charging point has been provided in the location and to the specification indicated on drawing LM20219-DYSE-XX-ZZ_DR-C-1002 Rev P02 'Proposed Driveway' and is available for use. The charging point shall thereafter be retained (unless it is replaced with an upgraded charging point in which case that should be retained).

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-3: Protecting, Safeguarding and enhancing the Environment, T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 110, 170 and 181 of the National Planning Policy Framework.

No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide a long-stay cycle parking facility/s for the approved dwelling/s (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for the/each dwelling) have been submitted to and approved in writing by the Local Planning Authority. The approved dwelling / each dwelling within the development shall not be occupied until the cycle parking facility/s for that dwelling has been provided in accordance with the approved details. The cycle parking facility/s shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.

Informatives :-

In addition to planning permission, consent will also be required from the Highway Authority (Stockport Council) for the highway works to be carried out to amend the site's access. Applications for consent can be made on-line at the Council's web-site (www.stockport.gov.uk) or via the Council's contact centre. Consent must be obtained prior to the commencement of any works.

A condition/s of this planning consent requires the submission of detailed drawings / additional information relating to the access arrangements / parking / works within the highway. Advice on the discharge of highways related planning conditions is available within the 'Highways and Transport Advice' section of the planning pages of the Council's web-site (www.stockport.gov.uk). The applicant is advised to study this advice prior to preparing and submitting detailed drawings / the required additional information.

Arboricultural Officer

Site Context

The proposed development site is located within the rural land/gardens of the site predominantly on the existing informal grounds and wooded areas. The plot is comprised largely of woodlands, informal grounds and associated infrastructure.

Conservation Area Designations

The proposed development is not within or affected by a conservation Area.

Legally Protected Trees

There are no legally protected trees within this site or affected by this development.

Recommendations:

The proposed development footprint is indicated at this time within the vicinity of the existing site and it is assumed the proposed new developments will potentially impact on several small low amenity trees but not the majority of trees and hedges within the site or neighbouring site as the development site is not located in proximity of several trees or the woodlands adjacent to the site.

A full tree survey has been supplied as part of the planning application to show the condition and amenity levels of the existing neighbouring trees and where applicable which trees will have a potential impact on the proposed development, which is accepted as a true representation of the trees on site.

A detailed revised landscaping scheme has also been supplied following discussions, which clearly shows enhancements of the site and surrounding environment to improve the local biodiversity and amenity of the area.

In principle the main works and design will not have a negative impact on the trees on site, in neighbouring properties on all the boundaries and with the revised replacements easily off-set any loss.

In its current format it could be considered favourably with the need to off-set any loss proposed, so it would require the compliance of the reviewed landscape plan and consideration to the existing trees in or around the site prior to commencing on site.

The following conditions would be relevant to any planning application relating to the site :-

Condition Tree 1

- No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be

approved in writing by the local planning authority.

Condition Tree 2

- No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

Condition Tree 3

- No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

Nature Development Officer

Site Context

The site is located on Benches Lane in Marple Bridge. The application is for demolition of the existing bungalow and double garage and erection of replacement single storey dwelling with integrated garage and alterations to access.

Nature Conservation Designations

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

Legally Protected Species

A Preliminary Ecological Appraisal (PEA) has been carried out. This involved an Extended Phase 1 Habitat Survey to map the habitats present and assess the likelihood for protected species to be impacted by the proposals. The survey was carried out in September 2020 by a suitably experienced ecologist (Arbtech, 2020). Habitats on site comprise amenity grassland, scattered trees, hedgerow, scrub and buildings and hard standing.

Many buildings and trees have the potential to support roosting bats. All species of bats, and their roosts, are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. 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

A Preliminary Roost Appraisal (PRA) survey was carried out for bats as part of the ecological assessment. This involved an internal and external inspection of the buildings (bungalow, garage and greenhouse) and trees on site to search for signs of bats and assess the potential for roosting bats to be present.

The roof of the bungalow was found to be in generally good condition, with tight-fitting and intact tiles, mortar and lead flashing. A gap was however observed behind the soffit on the southeast gable. The internal inspection revealed the presence of approx. 30 bat droppings. They were considered likely to be pipistrelle droppings and the PEA report states they have been sent for DNA analysis to confirm the species. The results of the DNA analysis has not been submitted to the LPA.

In accordance with best practice survey guidelines, further survey work, in the form of emergence surveys, has been carried out to determine the type of roost present so that potential impacts can be fully assessed. Two emergence activity surveys were carried out in May 2021 (Rachel Hacking Ecology Ltd, 2021). A single soprano pipistrelle bat was observed to emerge from the gap under the soffit during the second survey. Foraging and commuting activity from common pipistrelle and noctule bats respectively was also recorded. Given the results of the inspection and activity surveys it is considered that the bungalow supports a soprano pipistrelle day roost, used by small numbers of non-breeding bats.

Buildings, trees and vegetation also offer suitable nesting habitat for breeding birds. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). No evidence of nesting birds was noted during the survey.

The site is considered to offer suitable habitat for badger, hedgehog and amphibians (terrestrial habitat) but no signs of their presence, or of any other protected species (other than bats), was observed during the survey and there do not appear to be any ponds located within 250m of the application site so there is considered to be a low risk of amphibians to be present.

Invasive Species

Himalayan balsam was recorded on site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to spread this species in the wild.

Local Planning Policies

- Core Strategy DPD policy CS8 'Safeguarding and Improving the Environment' (Green Infrastructure : 3.286; Biodiversity and Nature Conservation : 3.296).
- Core Strategy DPD policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment' (Protecting the Natural Environment : 3.345, 3.347, 3.361, 3.362, 3.363, 3.364, 3.366, 3.367 and 3.369).

Recommendations

There is considered to be sufficient ecological information available to inform determination of the application. The bungalow proposed for demolition was found to support a soprano pipistrelle bat roost. Survey results indicate that the roost is a day roost: used by low numbers of non-breeding bats.

The proposed development would result in the destruction of a bat roost with the potential to kill or injure bats/ and damage their habitat without appropriate mitigation and compensation measures. As a result a European Protected Species Licence (EPSL) or a Bat Mitigation Class Licence (formally called a Low Impact Class Licence (LICL)) will be required from Natural England. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats.

When determining the application, it is advised that the Council has regard to the 3 Habitats Regulation derogation tests: -

- Imperative reasons of Over-riding Public Importance (IROPI)
- No satisfactory alternative solution
- Maintenance of the favourable conservation status (FCS) of the species

The need for consideration of the three tests has been demonstrated by a number of judicial reviews, including R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) and Morge (FC) (Appellant) v Hampshire County Council (2011).

Natural England standing advice states that the LPA must be satisfied that a licence is likely to be granted before planning consent can be granted: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#consider-if-a-licence-is-likely-to-be-granted-before-you-give-permission>

The first two tests are outside my area for comment, however in terms of the favourable conservation status test, the proposed mitigation measures outlined in sections 4.3 and 4.4 of the bat emergence survey report (Rachel Hacking Ecology Ltd, 2021) are considered appropriate to satisfy this test. The measures include provision of two Schwegler bat boxes on site during works, sensitive working measures such as soft strip during demolition and supervision by a licenced bat ecologist, and provision of an integrated Eco bat box in the new building. I would request also that the two Schwegler bat boxes to be provided on site during works are retained on site permanently (rather than as a temporary measure as currently proposed) as an enhancement measure. These measures should be implemented in full and should be secured by condition.

In relation to the bat licence, the following condition can be used:

The works hereby approved shall not commence until the local planning authority has been provided with either: -

- a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats & Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/developments will require a licence.

In relation to nesting birds, the following condition should be used:

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 (no more than 48 hours 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.

Himalayan balsam was recorded on site. A method statement for the control and treatment of Himalayan balsam has been submitted (dated May 2021) This includes a distribution map of the balsam on site and details of suitable control measures to prevent its spread along with a treatment plan and subsequent monitoring. This method statement should be implemented in full.

No evidence of other protected species was observed on site but Reasonable Avoidance Measures (RAMS) are outlined in table 4.2 of the Preliminary Ecological Appraisal report (Arbtech, 2020) to protect wildlife. These RAMS should be implemented in full. In the event that evidence of protected species is identified on site during works, works must stop and a suitably experienced ecologist be contacted for advice.

Developments are expected to achieve net gains for biodiversity. Biodiversity enhancements should therefore be incorporated into the scheme design in accordance with national and local planning policy. A Biodiversity Enhancements Plan and Landscape Masterplan have been submitted with the application and show several biodiversity enhancement measures, which are very much welcomed within the scheme design. These include:

- Landscape planting includes locally native species and comprises a mix of species known to be beneficial to biodiversity so as to maximise benefits.
- Tree planting and new native hedgerow (holly/yew)
- Provision of two bird boxes on site
- Creation of habitat piles

It is also recommended that occasional gaps (13cm x 13cm) are provided at the base of any close-board fencing/walls to maintain habitat connectivity through the site for wildlife (such as hedgehog which are a UKBAP species).

These above measures can be secured via a suitably worded landscaping condition.

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: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>).

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2020 survey (i.e. September 2022) it is advised that update survey work is undertaken to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data. This can be secured by condition if necessary.

Drainage Engineer

We see that the applicant is proposing to discharge the foul drainage to a new sewage treatment plant. Notwithstanding any building regulation requirements the unit will need to comply with DEFRA General binding rules for small sewage discharges.

We are aware that it probably does as they are going for a proprietary Klargestor unit but this is not referenced in the strategy. Can the applicant provide confirmation of this please.

Otherwise, the strategy looks good.

Environment Team (Land Contamination)

The proposed development site has not been identified as potentially contaminated. The developer will need to keep a watching brief for any unexpected contamination and if any is found or suspected then this must be reported to the LPA. As such, I would recommend the CON 2 informative :-

- *Should contamination be suspected, found or be caused at any time when carrying out the development that was not previously identified, the local planning authority should be notified immediately and development affected or potentially affected by the contamination should stop and an investigation and or risk assessment and/or remediation carried out to establish the most appropriate course of action. Failure to stop and notify may render the Developer or Owner liable for the costs of any investigation and remedial works under Part IIA of the Environmental Protection Act 1990.*

Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

- The Coal Authority Response : Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, the site lies in an area where the Coal Authority's information indicates that historic unrecorded underground coal mining activity is likely to have taken place at shallow depth.

The planning application is accompanied by a Technical Note – Coal Mining Risk Assessment (29 April 2021, prepared by DYSE Structural Engineers within input from Groundtech Consulting Ltd).

Based on a review of relevant sources of coal mining and geological information, including Coal Authority data, a Mining Report, and BGS mapping/memoirs, the submitted report acknowledges that the Ganister Coal seam (also known as the Lower Foot coal seam) is likely to underlie the site at shallow depth. Nevertheless,

the report author considers that this seam is unlikely to have been worked beneath the site and, as such, they are satisfied that the site is safe, stable and suitable for development. No further site investigation works or remedial measures are proposed.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Based on the information submitted, and the professional opinions of the report author set out therein, the Coal Authority wishes to raise no objection to the planning application. However, further more detailed considerations of ground conditions and foundation design may be required as part of any future application for the development under the Building Regulations.

United Utilities

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

Drainage

United Utilities have no wastewater assets in the area.

Water supply

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.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

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.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows :-

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

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.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

ANALYSIS

Policy Principle – Green Belt

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of the NPPF and saved policies GBA1.2 and GBA1.5 is required.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 137 of the NPPF confirms that '*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*'. Paragraph 147 of the NPPF states that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 149 d) of the NPPF '*the replacement or a building, provided the new building is in the same use and not materially larger than the one it replaces*'.

Saved UDP policy GBA1.2 states that within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain specified purposes, including '*limited extension, alteration or replacement of existing dwellings (in accordance with policy GBA1.5)*'. Saved UDP policy GBA1.5 states that proposals relating to existing residential uses in the Green Belt may be permitted in certain specified cases, including '*rebuilding or replacement of an existing habitable dwelling where the new dwelling is of similar size and would not be more intrusive in the landscape than the one demolished*'. The explanation to saved UDP policy GBA1.5

goes on to state that the rebuilding of an existing habitable dwelling as an alternative to refurbishment may be acceptable where the existing structure is not of architectural or historic interest and where the resulting dwelling is not significantly larger or more intrusive than that previously existing. As a general guideline, the volume of the proposed dwelling should not exceed the volume of the original dwelling by more than about one-third and the form of the dwelling should not be significantly altered. Siting should remain the same unless there would be environmental and amenity gain from a relocation.

In assessment of the proposal against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 149 of the NPPF, information submitted in support of the application confirms that existing bungalow and garage on the site has a volume of 614 cubic metres. The proposed replacement dwelling would have a volume of 1021 cubic metres. This would represent a 66% increase on the volume of the original bungalow and garage.

In view of the above, the proposal would clearly represent inappropriate development in the Green Belt by virtue of a disproportionate addition. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. In such situations, there is a requirement for the applicant to seek to demonstrate that 'Very Special Circumstances' exist to justify the harm to the Green Belt by reason of inappropriateness or any other harm.

The Planning Statement submitted in support of the application includes the applicant's case for 'Very Special Circumstances' and asserts the following :-

- A Lawful Development Certificate for a single storey rear extension and the erection of two outbuildings was granted by the Council on the 25th May 2021 (Reference : DC080517). This confirms that the single storey rear extension and outbuildings could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Prior Approval for an extension to create a first floor to the existing bungalow, including an increase in height of the bungalow from 4.32 metres to 7.8 metres was approved by the Council on the 17th May 2021 (Reference : DC080519). This confirms that the first floor extension could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The total volume of development that could be undertaken without the requirement for planning permission, as confirmed by Lawful Development Certificate application DC080517 and Prior Approval application DC080519 stated above, would be 1131 cubic metres. This would represent an 84% increase on the volume of the original bungalow and garage.
- As such, the volume of the proposed dwelling for which planning permission is sought (1021 cubic metres = 66%) would be less than the volume of development that could be undertaken at the site without the requirement for planning permission (1131 = 84%) by 111 cubic metres or 18% of the volume of the original bungalow and garage.

In view of the above, the 'Permitted Development Rights' fall-back position cited by

the applicant, above, is considered to demonstrate that 'Very Special Circumstances' exist to justify the harm to the Green Belt, by reason of inappropriateness from a disproportionate addition. Members are advised that this genuine fall-back position represents a material consideration and 'Very Special Circumstances' in order to justify approval of the proposed replacement dwelling within the Green Belt as a departure from the Development Plan.

Policy Principle – Residential

It is acknowledged that the Green Belt sites are last sequentially in terms of acceptable Urban Greenfield and Green Belt sites for residential development, as defined by Core Strategy DPD policy CS4. However, the proposal would comprise the replacement of an existing dwelling on the site, with no net increased in residential units proposed at the site. As such, the principle of a replacement dwellinghouse at the site is considered acceptable and does not conflict with the requirements of Core Strategy DPD policies CS2, CS4 and H-2.

Design, Siting and Impact on Visual Amenity

No concerns are raised to the proposed demolition of the existing bungalow and detached garage at the site, which are not considered to comprise buildings of any architectural or visual merit worthy of protection.

The Benches Lane street scene within which the application site relates, along with the Glossop Road street scene to the West is mixed, comprising detached residential properties of a varying age, design and scale. As such, no concerns are raised to the principle of what is effectively a single storey scale development, with mezzanine accommodation, of a fairly similar siting to the existing bungalow to be demolished in relation to Benches Lane.

The contemporary design and materials of the proposed dwelling are noted. However, the design approach taken to the proposed development would take cues from the surrounding architectural context, proposing a traditional pitched roof form and agricultural materials, including timber cladding and sheet roof materials. The design of the proposed development is considered to provide a modern, sensitive and sustainable interpretation of the form and materials of existing buildings in the wider area. The siting and height of the proposed development and existence of mature woodland surrounding the site would ensure that the proposed dwelling would assimilate comfortably within the wider landscape, without causing harm to the character of the Ludworth Moor Landscape Character Area within which the site is located. Suitably worded planning conditions would be imposed to secure appropriate matters of details, in relation to materials of external construction, hard and soft landscaping, boundary treatment and bin storage.

The density of the proposed development is considered acceptable within a Green Belt location and is reflective of the density of surrounding properties. Private amenity space to serve the proposed dwellinghouse in excess of 100 square metres complies with the guidance contained within the Design of Residential Development SPD. On this basis, the quantum of development proposed is not considered to result in an unacceptable over-development of the site.

Members should also note the extant Prior Approval for the creation of a first floor extension to the existing bungalow, including an increase in height of the existing bungalow from 4.32 metres to 7.8 metres (Reference : DC080519). This development, which is capable of implementation without the requirement for

planning permission, would be higher than the proposed dwelling for which the current application relates and, in the opinion of Officers, would be of reduced quality of design than the current scheme.

In view of the above, it is considered that the siting, scale, size, height, design and materials of the proposed development could be accommodated on the site without causing harm to the character of the street scene, the visual amenity of the area or the character of the Ludworth Moor Landscape Character Area within which the site is located. As such, the proposal is considered to comply with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The site is adjoined to the North and South by areas of woodland and the proposed dwelling would be well separated and screened from the nearest residential properties beyond.

The proposed dwelling would be sited 31.0 metres from and at an angle to the residential property at 'Stoneycroft' on the opposite side of Benches Lane to the North East, in excess of the required separation distance of 21.0 metres, as defined by the Design of Residential Development SPD. The proposed dwelling would be sited a minimum of 24.0 metres from the boundary with and a minimum of 39.0 metres from the residential properties at 'Sunnymount' and 'Honey Suckle Cottage' to the West of the site. This comfortably exceeds the required separation distance of 6.0 metres from the proposed dwelling to the boundary and 25.0 metres from the proposed dwelling to the windows of these properties, as defined by the Design of Residential Development SPD, notwithstanding the substantial change in levels from the application site to these properties.

In view of the above, it is considered that the siting, height and scale of the proposed dwelling could be accommodated on the site without causing undue harm to the residential amenity of surrounding properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. On this basis, the proposal is considered to comply with Core Strategy DPD policies SIE-1 and H-1 and the Design of Residential Development SPD.

Highways Considerations

The detailed comments received to the proposal from the Council Highway Engineer are contained within the Consultee Responses section above.

In terms of traffic generation, the Highway Engineer notes that the proposed development, once constructed, should not result in a material increase in vehicle movements or change in character of traffic on Benches Lane or other roads in the vicinity of the site. Although the site is accessed via Benches Lane, which is sub-standard in nature and designated as a 'Quiet Lane', due to the fact that the scheme involves the replacement of an existing dwelling which would be accessed via the sites existing access, the proposal should not result in a material increase in traffic or conflict between different users on Benches Lane. As such, the proposal would not be contrary to policy and would not increase the risk of conflict or adversely affect highway safety on Benches Lane.

The site is not regarded accessible, due to its distance from the nearest bus stop, railway station, shopping provision, services, schools or places of employment. In

addition, gradients in the vicinity of the site would not be conducive to walking/cycling and there is a lack of pedestrian/cycle infrastructure in the vicinity of the site. However, due to the fact that the proposal relates to a replacement dwelling and will therefore not result in an additional dwelling being constructed, a recommendation for refusal could not be justified.

An adequate level of car parking is proposed to be provided, comprising a garage and two external spaces, in accordance with adopted parking standards and expected demand. Sufficient room to allow vehicles to turn within the site will be provided. A bin store will be provided within the site. Although the existing access does not benefit from an adequate level of visibility, the proposal would not intensify the use of the access and the proposed boundary treatment would not reduce the level of visibility that is presently afforded, with pedestrian visibility splays to be provided. No gates are proposed to be constructed at the access, therefore vehicles will be able to enter and exit the site unhindered. An electric vehicle charging point will be provided within the site, in line with the Councils recommended specification. A separate cycle store will also be required. The above matters of detail can be dealt with by way of suitably worded conditions.

In view of the above, in the absence of objections from the Highway Engineer and subject to the imposition of conditions as recommended by the Highway Engineer, the proposal is considered acceptable from a traffic generation, parking, access and highway safety perspective. As such, the proposal complies with Core Strategy DPD policies SD-6, SIE-1, SIE-3, CS9, T-1, T-2 and T-3, the Sustainable Transport SPD and the Transport and Highways in Residential Areas SPD.

Impact on Trees

An Arboricultural Impact Assessment and proposed landscaping scheme have been submitted in support of the application. The detailed comments received to the proposal from the Council Arboricultural Officer are contained within the Consultee Responses section above.

The Arboricultural Officer acknowledges that existing trees on the site are not afforded protection by way of either Tree Preservation Order or Conservation Area status. As such, consideration must be had of the fact that existing trees on the site could effectively be worked to or removed within the requirement for consent.

The Arboricultural Officer notes the proposed tree removal, however considers that the proposed development would only potentially impact on several low amenity trees, with the majority of the trees and hedges on the site and within the adjacent woodland not to be impacted on. The Tree Survey submitted in support of the application is accepted as a true representation of trees on the site and the submitted landscaping scheme clearly shows enhancements of the site to improve the biodiversity and amenity of the area and off-set any tree loss. Conditions are recommended to ensure that no existing retained tree is worked to, to require the provision of protective fencing to retained trees during construction and to ensure that the proposed landscaping is provided in accordance with the submitted scheme.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

Impact on Protected Species and Ecology

A Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Bat Emergence Survey and Method Statement for the Control and Treatment of Himalayan Balsam have been submitted in support of the application. The detailed comments received to the proposal from the Council Nature Development Officer are contained within the Consultee Responses section above.

It is noted that the site has no nature conservation designations, legal or otherwise. Nevertheless, buildings, trees and vegetation have the potential to support roosting bats and nesting birds, both of which are protected species. The Nature Development Officer considers that sufficient ecological information has been submitted to inform determination of the application.

Buildings and trees have the potential to support roosting bats, a protected species. The Surveys submitted in support of the application found that the existing bungalow proposed for demolition supports a Soprano Pipistrelle bat roost and indicate that the roost is a day roost, used by low numbers of non-breeding bats. As such, the proposed development would result in the destruction of a bat roost, with the potential to kill or injure bats and damage their habitat without appropriate mitigation and compensation measures. When determining planning applications, legal cases demonstrate that the Local Planning Authority has a requirement to have regard to the 3 Habitats Regulation derogation tests :-

1. Imperative reasons of Over-riding Public Importance (IROPI);
2. No satisfactory alternative solution;
3. Maintenance of the favourable conservation status (FCS) of the species.

In assessment of each of the tests, Members are advised of the following :-

1. It is considered that the proposed development would be for a reason of over-riding public importance. The proposal would comprise a sustainable form of development with less impact on the Green Belt than the developments that could be lawfully implemented without the requirement for planning permission, as highlighted within previous sections of the report.
2. It is considered that there is no satisfactory alternative solution to the proposed development. If the development was not approved, the developments that could be undertaken without the requirement for planning permission, as highlighted within previous sections of the report, could be lawfully implemented.
3. The Nature Development Officer considers that the proposed mitigation measures outlined within the submitted Bat Emergence Survey Report are appropriate to satisfy this test. Such measures would include the provision of two Schwegler bat boxes on site during works and retained on site permanently; sensitive working measures, such as soft stripping during demolition; supervision by a licensed bat Ecologist; and the provision of an Eco bat box in the new building. Such mitigation measures would be secured by condition.

In addition to the above, a condition would be imposed to ensure that the development is not commenced until a license has been issued by Natural England or confirmation has been received from the licensing body that such a license is not required.

Buildings, trees and vegetation offer suitable nesting habitat for breeding birds, a protected species. No evidence of nesting birds was noted during the Ecological Surveys. However, a condition is recommended to ensure that no vegetation clearance or demolition works are carried out within the bird nesting season, unless an Ecologist has undertaken a check of vegetation/buildings for active birds nests 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.

Whilst the site is considered to offer suitable habitat for badger, hedgehog and amphibians, no signs or evidence of their presence, or of any other protected species, was observed as part of the submitted Ecological Surveys. Nevertheless, a condition is recommended to ensure that the development is implemented in accordance with the Reasonable Avoidance Measures (RAMS), as outlined within the submitted Preliminary Ecological Appraisal.

Himalayan Balsam was recorded on the site. As such, a condition is recommended to ensure that the development is implemented in accordance with the recommendations of the submitted Method Statement for the Control and Treatment of Himalayan Balsam, in order to control and prevent the spread of this invasive species.

Further conditions are recommended by the Nature Development Officer to ensure that biodiversity enhancements are incorporated within the development in accordance with the submitted Biodiversity Enhancements Plan and Landscape Masterplan; to ensure that any external lighting is sensitively designed in order to minimise impacts on wildlife; and to require the submission and approval of updated Ecological Assessments should the development have not commenced within two years of the original Surveys.

In summary, on the basis of the submitted information, in the absence of objections from the Nature Development Officer and subject to conditional control, it is considered that any potential harm resulting from the proposed development to protected species, biodiversity and the ecological interest of the site could be appropriately mitigated and compensated. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3.

Flood Risk and Drainage

The site is located within Flood Zone 1 and therefore has a low risk of fluvial flooding with less than 1 in 1,000 annual probability of flooding. Core Strategy DPD policy SIE3 states that, in respect of flood risk, all development will be expected to comply with the approach set out in national policy, with areas of hardstanding or other surfaces, should be of a permeable construction or drain to an alternative form of Sustainable Drainage Systems (SUDS). Core Strategy DPD policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of SUDS to manage the run-off water from the site through the incorporation of permeable surfaces and SUDS.

A Drainage Strategy has been submitted in support of the application and the detailed comments received to the application from the Council Drainage Engineer are contained within the Consultee Responses Section above. The Drainage Engineer is generally supportive of the Drainage Strategy submitted, subject to clarification regarding matters of detail, which is currently subject to

discussions between the applicant and Drainage Engineer at the time of report preparation. Members will be updated verbally in relation to these ongoing discussions, nevertheless it is noted that appropriate drainage for the proposed development could be secured by the imposition of a suitably worded planning condition. This would require the submission, approval, implementation, management and maintenance of a detailed surface water drainage system for the development, which should incorporate a Sustainable Urban Drainage System (SUDS), based on the hierarchy of drainage options identified by National Planning Practice Guidance and taking into account ground conditions. Subject to compliance with such a condition, it is considered that the proposed development could be drained in a sustainable and appropriate manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Land Contamination

No objections are raised to the proposal from the Council Environment Team, who notes that the site has not been identified as potentially contaminated. The applicant will however be advised of relevant procedures should contamination be discovered during development by way of informative.

On this basis, the proposed development is not considered to be at risk from land contamination, in accordance with Core Strategy DPD policy SIE-3.

Coal Mining Legacy

The application site falls within the defined Development High Risk Area therefore, within the application site and surrounding area, there are coal mining features and hazards that need to be considered. The site lies in an area where the Coal Authority's information indicates that historic unrecorded underground coal mining activity is likely to have taken place at shallow depth.

A Coal Mining Risk Assessment has been submitted in support of the application and the detailed comments received to the application from the Coal Authority are contained within the Consultee Responses section above.

The submitted Report acknowledges that the Ganister Coal Seam (also known as the Lower Foot Coal Seam) is likely to underlie the site at shallow depth, however the Report considers that this seam is unlikely to have been worked beneath the site and, as such, the Report concludes that the site is safe, stable and suitable for development, with no further site investigation works or remedial measures proposed.

On this basis and based on the information submitted, the Coal Authority raises no objections to the application. Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is a potential for mine gases to exist. The applicant will be advised of such potential gas risks to be present and appropriate measures to be implemented by way of informative. Further more detailed consideration of ground conditions and foundation design may also be required as part of any application under the Building Regulations, separate to the planning system.

Energy Efficiency

As the proposed development would not exceed 10 residential units, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Nevertheless, an Energy Statement has been submitted in support of the application, to confirm that energy efficiency measures would be incorporated within the fabric of the building, in order to comply with current Building Regulations. With regard to low and zero carbon technologies, the use of solar photovoltaics, solar thermal, air source heat pumps, ground source heat pumps and biomass heating are to be considered within the development, with the use of wind turbines, micro-hydro power and district heating discounted on the grounds of technical feasibility. On this basis, the submitted Energy Statement is compliant with the requirements of Core Strategy DPD policy SD-3.

Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As such, on the basis of the proposal for a replacement dwellinghouse with no net increase in residential units, there is no requirement for affordable housing provision within the development.

Whilst the requirements of saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG are noted, the proposed replacement dwelling would not result in any increased population capacity. As such, there is no requirement for a contribution for the provision and maintenance of formal recreation and children's play space and facilities within the Borough in this particular case.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

It is considered that the siting, scale, height, density and design of the proposed development could be accommodated on the site without causing undue harm to the character of the Ludworth Moor Landscape Character Area, the character of the street scene, the visual amenity of the area or the residential amenity of surrounding properties.

In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of accessibility, traffic generation, parking and highway safety; impact on trees; impact on protected species and ecology; flood risk and drainage; land contamination; coal mining legacy; and energy efficiency.

It is acknowledged that the proposal would comprise inappropriate development within the Green Belt by way of a disproportionate addition to the existing dwelling, contrary to saved UDP policies GBA1.2 and GBA1.5 and the NPPF. However, it is considered that a genuine fall-back position exists in terms of a larger volume of development that could be built at the site under Permitted Development Rights without the requirement for planning permission. Such 'Very Special Circumstances'

are considered to justify approval of the application in this particular case as a departure to the Development Plan.

In view of the above, in considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

Given the conflict with saved UDP policies GBA1.2 and GBA1.5 and the NPPF, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

RECOMMENDATION

Grant.

Should Marple Area Committee be minded to agree the recommendation to grant planning permission, the application should be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.