ITEM

Application Reference	**DC/078432**
Location:	Land At Foden Lane Woodford Stockport
PROPOSAL:	Construction of two dwellings and associated works
Type Of Application:	Full Application
Registration Date:	16.11.2020
Expiry Date:	20210111
Case Officer:	Jane Chase
Applicant:	Mr Sulivan & Mr Mohammed & Ms Hasan
Agent:	Emery Planning Partnership Ltd

UPDATE

Members will recall considering this application at the meeting of the Area Committee on 4th February 2021. The application was deferred at that meeting to allow Officers to discuss and secure the submission of amended plans in relation to the single storey rear projection to Plot B.

Further to that meeting, amended plans have been submitted showing the indoor/outdoor kitchen area and associated chimney deleted. As such the single storey rear projection now proposed will measure 6.3m deep adjacent to the boundary with the rear gardens on Moor Lane vs 11m deep as previously proposed. The height of this flat roofed extension has also been reduced from 4.1m to 3.6m. The terrace that was originally proposed to the entire flat roof of the rear projection and which was enclosed by a screen rising a further 0.7m above the height of the extension (total height 4.8m) has been reduced in size such that it will now only occupy the central portion of the proposed projection. As such the roof terrace will now be positioned 8m to 8.8m from the rear garden boundary of houses on Moor Lane and will be enclosed by a 1m high glass balustrade rising 0.4m above the height of the parapet around the flat roof of this projection.

Together with the plans relating to plot A, the amended plans in relation to plot B are appended to this report with the elements previously proposed and now deleted hatched in orange.

The neighbours who commented on the application as originally submitted have been notified of the receipt of these amended plans. At the time of writing this report 7 letters have been received reiterating objections already made and reported below in the main report. The following new objections and comments have also been made:-

- The reduction in the depth of the rear projection is welcome however it would have been fairer on all the adjacent neighbours if it were removed entirely.

- I am extremely concerned about the water flooding that we have been experiencing since living here. Building this rear extension could potentially exasperate this problem and the issue we have had with rats as have our neighbours.

- The projection is out of keeping with the area and will dominate views from Moor Lane between the existing houses.

- The house plans look like the height of luxury living for one family at the expense of others.

- Woodford is a semi-rural village. The gardens have wildlife, what is the need for a rooftop terrace with artificial grass? This is a lifestyle choice more appropriate to inner city living. Having a 100 foot garden is that not luxury enough with out having to negatively impact others.

- The view from the roof top terrace will 100% compromise the privacy to my garden and all the windows in my house at the back: my kitchen, dining room, bedroom and bathroom. It will also take light out of my garden. As I previously mentioned I moved here for health reasons for my retirement and as such my forever house.

- The lack of privacy and the thought of it is already affecting my anxiety and mental health. As if the Corona Virus has not been stressful enough being in the critically vulnerable group.

- I cannot understand why the architect has chosen to build this inappropriate appendage facing properties when if he switched the properties around the 'gallery' would then be facing the tall trees on Foden Lane not houses.

- The value of my property will be reduced.

- Had we known of these plans we would not have bought our house.

Any further comments received in this respect will be reported to Members.

In response to the amended plans received, Members are advised that the significant reduction in the depth of the projection by 4.7m and height by 0.5m (or by 1.2m if the height of the screen originally proposed is also considered) has substantially reduced the visual prominence of this element. Noting that the single storey rear projection will be positioned over 24m from the original rear elevation of the houses on Moor Lane (over 12m in excess of that suggested as an appropriate distance in the Council's SPD), it is not considered that this element of the development will appear visually obtrusive, overbearing or unneighbourly when viewed from these adjacent properties or Moor Lane. Projections and extensions to the rear of properties in a variety of design are evident in the locality; that proposed is not out of keeping with that pattern of development.

In terms of privacy, the proposed roof terrace has been significantly reduced in size from circa 72m2 in area as originally proposed to 14.4m2. The terrace is now positioned 8m to 8.8m from the side boundary of the site with the rear garden boundary of houses on Moor Lane, 6.6m to 5.2m further away than previously proposed. The terrace is also over 29m from the windows in the rear elevation of houses on Moor Lane. Given these distances, the siting of the terrace 8m to 8.8m from the adjacent gardens and noting that the Council's SPD allows habitable room windows with no obscure glazing 6m from a boundary with a neighbour, it is not considered that the siting of the terrace will give rise to unacceptable overlooking of neighbouring properties.

For clarity, Members are advised that the applicant does not have to justify the inclusion of the roof terrace nor why each house has been assigned to a particular

plot. Rather, the issue for consideration is whether the proposal will cause harm to the degree that would justify the refusal of planning permission. For the reasons set out above and in the report below, it is not considered that this would be the case.

The plans indicate that the flat roof of the single storey rear projection either side of the terrace would comprise a natural sedum roof, not artificial grass as suggested by the objector. Such an approach is welcome and will support biodiversity. Details of the surface of the terrace are not stated on the plans however will be secured by condition.

The drainage of the site will be controlled by condition and will address issues with regard to flooding. The dwelling proposed will have no greater potential to attract vermin than any other house in the locality. Such nuisances can in any event be dealt with outside of the planning process.

The impact of a proposed development upon property values whether negative or positive is not material to the consideration of a planning application. Such objections should therefore be disregarded.

Having regard to the above, Members are advised that the proposal will not have an unacceptable impact on the amenities afforded by the occupiers of neighbouring properties and the recommendation of Officers that permission be approved as set out in the report below remains.

DELEGATION/COMMITTEE STATUS

Departure – Planning and Highways Committee. 4 or more objections. Called up by Cllr Bagnall

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of 2no. 5 bed detached houses each with vehicle access onto Foden Lane. Each house would comprise 3 floors of accommodation with that at second floor level being positioned within the roofspace. The houses proposed are of differing designs and comprise the following:

Plot A

This dwelling is positioned to the south west of the application site and in the main measures 15.7m wide and 14m deep. The dwelling is positioned over 21m from the front boundary to Foden Lane, 5.4m to 6.6m off the side boundary with Tall Trees, 9m from the side elevation of plot B at ground floor and 11m at first floor level.

To the front elevation 2 projecting bays are proposed each with a gable roof rising to above the main ridgeline of the hipped roof. Within each of these projecting bays is a smaller flat roofed bay rising though ground and first floor level with glazing above rising into the apex of the gable roof. Between these projecting gables is a flat roof entrance porch, the flat roof of which would form a small terrace accessed from a first floor ensuite.

To the rear are 2 further projecting bays each with a gable roof rising to above the main ridgeline. Within each of these projecting bays is a smaller flat roofed bay; one rises through ground and first floor level and the other is at ground floor level only with the flat roof forming a small terrace that is accessed from the first floor master bedroom.

Externally to the front elevation large areas of floor to ceiling glazing are proposed to the bays rising up into the gable roofs at second floor level. To the rear elevation glazing is slightly more constrained however opening doors at ground floor level provide access to the rear garden and at first floor level to the small terrace from the master bedroom and to a Juliet balcony at first floor level enclosed by a glazed screen to bedroom 3. To the rear elevation the accommodation at second floor level is served by smaller windows in the gable roofs.

This dwelling has an eaves level 5.3m high. The ridge level of the central flat roofed area is 8.6m high with the gable roofs to the projecting bays front and rear rising to 9.6m high. On the central flat roofed area is an access hatch and rooflight positioned towards the front of the house together with 12 photovoltaic panels arranged in 4 banks of 3 panels positioned towards the rear of the house. These panels would be positioned at an angle such that they rise to a point 0.5m above the ridgeline of this flat roofed area.

In terms of materials the main dwelling would be constructed from brick with double glazed metal frame windows and a tiled roof.

To the front of the house the garden would accommodate a 4.8m wide open driveway leading to a turning head and forecourt parking area. A means of enclosure to Foden Lane is indicated as are areas of soft landscaping around the forecourt parking however no details have been provided at this stage.

To the side of the house a small detached flat roofed structure is proposed accommodating a toilet. This would be positioned 5m behind the front elevation of the house and would measure 2.7m wide, 2.4m deep and 2.8m high being constructed from brickwork.

To the rear of the house a garden terrace is proposed across the rear elevation forming part of the pathway that extends down the side and across the front of the house. Beyond this the rear garden would be soft landscaped. Within the rear garden and on the boundary with plot B it is proposed to erect a detached building comprising a gazebo kitchen and dining area. This structure would measure 9m wide, 5m deep and 2.5m high being mainly constructed from wood louvres to the south and west garden elevations and facing brick and wood louvres to the north and east elevations facing the house and boundary with plot B. A vent is proposed to the flat roof to discharge cooking odours.

Plot B

This dwelling is positioned to the north east of the application site and measures 16.8m wide at ground level and 14.8m wide at first floor level. At ground floor level the house would have a single storey projection of varying depth across the rear elevation. As such at ground floor level the house would be 26.4m adjacent to the side boundary with properties on Moor Lane and 14.6m deep adjacent to plot A. At first floor level the house would measure 15.6m deep adjacent to the boundary with properties on Moor Lane and 14.7m deep adjacent to plot A.

The dwelling is positioned over 21m from the front boundary to Foden Lane, 1m to 5.6m off the side boundary with properties on Moor Lane, 9m from the side elevation of plot A at ground floor and 11m at first floor level.

To the front elevation 2 projecting bays are proposed each with a gable roof rising to above the main ridgeline of the hipped roof. Set within one is a flat roofed bay rising through ground and first floor level with floor to ceiling glazing. Within the other is

floor to ceiling glazing rising through first and second floor level into the gable roof above. Set between these projecting gables is a small dormer window at second floor level. To the front elevation is a flat roofed single storey element that extends around the side of the house adjacent to plot A. To the front elevation of this single storey element timber clad doors would give access to the double garage and main entrance.

To the rear are 2 further projecting bays each with floor to ceiling glazing through first and second floor level rising into a gable roof that extends above the main ridgeline. Across the rear elevation at ground floor level is a large flat roofed projection of varying depth (being deepest on the boundary with properties on Moor Lane and reducing towards the boundary with plot A). The flat roof of this would be punctuated with walk on rooflights to form a terrace accessed from bifold doors in the first floor master bedroom and lobby area. A 1.8m high privacy fence is proposed adjacent to the boundary with properties on Moor Lane. Within this projection are main reception rooms together with a semi enclosed external dining area which is open to the south and west elevations facing the garden and enclosed by a solid brick wall to the north elevation facing the boundary with properties on Moor Lane. Within this dining area is a fire area which is vented by a chimney rising above the flat roof.

This dwelling has an eaves level rising from 4.4m to 5.8m high. The ridge level of the central flat roofed area is 9.4m high with the gable roofs to the projecting bays front and rear rising to 9.7m and 10m high.
In terms of materials the main dwelling would be constructed from brick, with natural timber panelling to single storey elements. Windows will be framed in black (or anthracite) with stone colour cills/headers to create a contrast to the soft brick and natural timber palette. The roof will be clad in natural slate.

To the front of the house the garden would accommodate a 4.8m wide open driveway leading to a turning head and forecourt parking area. A means of enclosure to Foden Lane is indicated as are areas of soft landscaping around the forecourt parking however no details have been provided.

To the rear of the house a terrace is proposed across the rear elevation forming part of the pathway that extends down the side and across the front of the house. Beyond this the rear garden would be soft landscaped.

The dwelling comprising plot B together with the land within its curtilege will be fully wheelchair accessible in compliance with Part M(3) of the Building Regulations. In this respect the proposed dwelling has been designed not only to meet the current needs of the applicant (in terms of layout, circulation space and equipment) but also that which will be required in the future.

The application is supported by the following documents:-
Planning Statement
Design and Access Statement
Energy Statement
Arboricultural Impact Assessment and Method Statement
Ecological Assessment

SITE AND SURROUNDINGS

The application site is located on the north west side of Foden Lane to the south west of Moor Lane. The site is some 1.2 acres in size (0.43ha) and comprises a paddock with areas of scrub and various trees. The site accommodates 2 small

detached buildings adjacent to the boundary with properties on Moor Lane and is enclosed by a post and rail fence to Foden Lane, close board fencing to the properties on Moor Lane and trees/fencing elsewhere.

Foden Lane provides private access to 4 dwellings with further rear access to two properties which front Moor Lane. The route is single width and has restricted visibility at its juncture with Moor Lane. Foden Lane is a public footpath as defined on the Council's Definitive Rights of Way map, known as Footpath 9 Hazel Grove & Bramhall (HGB). Foden Lane connects with Moor Lane at its northerly end, the footpath status continuing beyond the end of the road and connecting with Footpath 8 HGB to the South.

To the north east of the site are 2 storey houses fronting Moor Lane which comprise a terrace of 6, 2 detached and a pair of semi detached houses. Several of these houses have garden buildings at the end of their gardens adjacent to the boundary with the application site as well as a detached garage associated with 149 Moor Lane.

Opposite the site on Foden Lane is a detached 2 storey house with a large side garden. Beyond that to the south is Tall Trees, a 2 storey flat roof contemporary dwelling adjacent to the southern side boundary of the application site with Foden Farm and Cornerstone House at the far end of Foden Lane. To the rear of the site are the rear gardens of houses on Moor Lane.
The appeal site is identified on the UDP Proposals Map as being within the Green Belt and a Landscape Character Area.

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
GBA1.1 Extent of Green Belt
GBA1.2 Control of Development in Green Belt
GBA1.5 Residential Development in Green Belt
GBA2.1 Protection of Agricultural Land
L1.1 Land for Active Recreation
L1.2 Children's Play

LDF Core Strategy/Development Management policies
SD-1 Creating Sustainable Communities
SD-3 Delivering the Energies Opportunities Plan
CS2 Housing Provision
CS4 Distribution of Housing

H-1 Design of Residential Development
H-2 Housing Phasing
CS8 Safeguarding & Improving the Environment
SIE-1 Quality Places
SIE-2 Provision of Recreation and Amenity Open Space in New Developments
SIE-3 Protecting, Safeguarding & Enhancing the Environment
CS9 Transport & Development
T-1 Transport & Development
T-2 Parking in Developments
T-3 Safety & Capacity on the Highway Network

Woodford Neighbourhood Plan
ENV2 Enhancing Public Rights of Way
ENV3: Protecting Woodford's Natural Features
ENV4 Supporting Biodiversity
DEV1 Limited Infilling
DEV4 Design of New Development

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.

Design of Residential Development
Open Space Provision and Commuted Sum Payments

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.91 *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which….promote social interaction……are safe and accessible…..enable and support healthy lifestyles."*

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.127 *"Planning policies and decisions should ensure that developments:*

a) *Will function well and add to the overall quality of the area…….*
b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
c) *Are sympathetic to local character and history……while not preventing or discouraging appropriate innovation or change (such as increased densities)*
d) *Establish or maintain a strong sense of place…….*
e) *Create places that are safe, inclusive and accessible and which promote health and well being with high standard of amenity for existing and future users.*

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. 131 *"In determining planning application great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings."*

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:*

Limited infilling in villages

Para.153 *“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.213 “*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

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

RELEVANT PLANNING HISTORY
Planning permission was refused by this Council in 2017 for the erection of 2no. 5 bedroom detached houses with 2no. parking bays for each house (DC064515 refers). The reasons for refusal were as follows:-

The application site lies within the Green Belt as defined by Saved policy GBA1.1 "Extent of Green Belt" of the Stockport Unitary Development Plan Review (UDP) and as identified on the Proposals Map of the UDP. The proposed residential development would not be for one of the purposes stated in Saved policies GBA1.2 "Control of Development in Green Belt" and GBA1.5 "Residential Development in Green Belt" of the UDP nor paragraph 89 of the National Planning Policy Framework and thereby constitutes inappropriate development which is, by definition, harmful to the Green Belt. In the absence of 'very special circumstances' sufficient to outweigh harm by reason of inappropriateness and any other harm, the proposal would reduce the openness of the Green Belt and be contrary to the provisions of Saved Policies GBA1.2 "Control of Development in Green Belt", GBA1.5 "Residential Development in Green Belt" of the UDP and advice contained in Section 9 of the National Planning Policy Framework.

The Local Planning Authority considers that the public right of way which serves this site is by virtue of its restricted width, lack of passing places and substandard alignment and lack of pedestrian visibility at its junction with Moor Lane, unsuitable for the intensification in use that would arise from the development. As such the proposal will be contrary to Policy T-3 "Safety and Capacity on the Highway Network", of the Core Strategy DPD March 2011.

An appeal was lodged against this refusal of planning permission. In allowing the appeal the Inspector concluded that:-

Green Belt
The appeal site is within the village of Woodford.

The appeal proposal would amount to infill development as the site is a small gap in an otherwise built up frontage. Whilst there is space about the neighbouring dwellings on Foden Lane, this reflects the spacious pattern of development in the area and does not negate the appeal proposal being described as infill development. Accordingly, the appeal proposal would not be inappropriate development in the Green Belt.

Highway Safety
Based on the evidence and observations made during the site visit, Foden Lane is lightly trafficked. There is no specific evidence to suggest that alterations could not be made so as to ensure the necessary visibility splays to Foden Lane are provided.

Views of the highway and pavements to Foden Lane and Moor Lane are likely to be sufficient for drivers to judge whether it is safe to exit onto the highway. There is no specific evidence to indicate that there is a history of highway incidents occurring associated with existing occupants using the lane to access their properties.

Vehicular traffic associated with an additional two dwellings would not amount to a significant intensification of cars travelling along the lane when compared with the existing situation and the proposal would therefore be unlikely to result in significant harm to highway safety.

Members are advised that the time limit for implementation of this planning permission has been extended until 1st May 2021 by virtue of the Business and Planning Act 2020 (Part 3, Section 17). As such this permission remains extant and capable of implementation.

The site plan and street scene approved by DC064515 are appended to this report.

NEIGHBOUR'S VIEWS
The receipt of this application has been advertised by way of a site and press notice. The occupiers of 15 neighbouring properties have also been notified of the receipt of the application in writing.

8 letters have been received objecting to the application on the following grounds:-

- The grant of DC/064515 was incorrect because the site does not meet the minimum score of 34 required for housing according to the Strategic Housing Land Availability Assessment that forms part of the Stockport LDF Core Strategy; the site is in the Green Belt; the lack of any further housing having regard to the scale of the development currently occurring at the old British Aerospace site.

- The site floods regularly every time there is heavy rain. The proposed development will worsen this situation which could lead to flooding problems for adjoining properties.

- The application doubles the length of the footprint of the plot B dwelling which backs onto Moor Lane, and includes a walk on roof terrace which would overlook the

adjoining houses and gardens causing an invasion of privacy. If permission is approved then due to this overlooking, this larger property should be built on plot A.

- This terrace will form a significant part of the outside entertaining space at the rear of the property. The property will be home for up to 10 people and having a raised entertainment area of this will give a very intrusive view into neighbouring gardens and undoubtedly lead to noise and light pollution which being at 1st floor level will be impossible to screen out. This will be to the detriment of and will cause harm to the health and wellbeing of neighbours.

- Whilst it is reasonable that changes may be needed to accommodate wheelchair use this should be possible within the already agreed footprint and volume for the property. It was acknowledged in the Design and Access statement for the existing plans that the property would provide a "large space", it is now proposed to increased the footprint of this by over 55%.

- The large mass of the dwelling on plot B will significantly change the nature of the area and dominate the cottages on Moor Lane which are adjacent to the plot. The increase in the size and height of the houses fails to comply with para 17 of the NPPF which confirms that 'good architecture and sympathetic planning enhances the environment.' The application imposes incongruous building that jars with the surroundings. The increased roof height would tower over neighbouring properties, many of which are a hundred years old. Their character and context needs preserving rather than compromising or disregarding.

- There will be a loss of privacy, visual amenity, loss of light and the development will be particularly unneighbourly. The neighbouring gardens are all south facing and the sheer height of the proposal would result in a loss of light. The result, should planning permission be granted, would be a visually obtrusive development compared to the leafy open aspect that is currently enjoyed or could partially be enjoyed based on the plans passed in 2017/2018. The relationship that the new property would have with the existing properties given its scale and proximity to the borders can only be considered as particularly unneighbourly.

- The increase in height and size also contravenes Green Belt policy. Whilst the need for lift and wider access for a wheelchair is understood, this alone does not need increased height. The building is already substantial. Extra roof space for a gym is not a necessary adjustment when there are already room spaces on the first and second floor.

- Foden Lane is a single track road with restricted vision upon entering and exiting the junction with Moor Lane. There have several incidents at this junction including myself being hit by another car from the rear as I tried to turn into Foden Lane as access to our driveway is off Foden Lane. Moor Lane is now an extremely busy main road which has increased due to the opening of the new A555 airport route bypass and the building of a further 1000 new houses on the new Woodford Green Site. Unfortunately there have been several fatalities on this stretch of road , one as recent as last month. The access for site vehicles would be extremely limited and dangerous particularly with other local houses on Moor and Foden Lane having renovations completed. There are clearly no passing points until the proposed properties other than people's drives which are inaccessible.

- Foden Lane is also a heavily used public right of way used by local families and dog walkers. The increase in traffic will result in further accidents.

- Foden Lane is a single-track road off Moor Lane between two houses, there is openness to both sides for a couple of hundred metres. The filling in of the site with modern, office style glazing of these two houses, obstructing the open aspect and impacting on wildlife habitats is inappropriate in a green belt area.

CONSULTEE RESPONSES

Highway Engineer - The site has permission for the construction of two dwellings, allowed on appeal and still capable of implementation. This application is effectively for some alterations to the plot details and dwelling designs. I therefore see no reason or justification to express concern with the application.

Tree Officer – There are no legally protected trees within this site or affected by this development. The proposed development will potentially have a negative impact on several trees and shrubs located on site with the proposed works being at the front of the site within the vicinity of some trees but away from the majority of the wooded area at the rear of the site. The proposed works require minimal tree loss as well as there being the potential for impact from encroachment/potential damage from machinery working in close proximity of the retained trees within or adjacent the site. The sites front and rear boundary has a fair level of vegetation and trees and as such there cannot be any loss of trees on site as this will have a negative impact on amenity and biodiversity without the off-setting and enhancement of the tree cover in a landscaping plan in accordance with council policies.

The main concerns for this site is the loss of 9 individual trees and several in groups with only minimal compensatory and no site enhancement planting being offered. There is the potential for accidental tree damage during deliveries, storage and construction works. Construction traffic and material storage needs to be directed away from or not located within proximity to the retained trees.

The trees offer a high level of biodiversity/habitat benefit and as such they need retaining and replacing (if proposed for removal) as the permanent loss would be unacceptable.

Conditions should be imposed to secure protective fencing to the retained trees, no further tree loss beyond that proposed, replacement planting to compensate for that lost and general landscaping.

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

An ecological assessment has been carried out and submitted with the application (David Watts Associates, 2020 report reference BE-249-05). The survey involved and mapping the habitats present and assessing the potential for the site to support protected species (including bats, great crested newts, badgers and nesting birds). Survey work was carried out in August 2020 by a suitably experienced ecologist. The 2020 survey updates an ecological survey undertaken in January/March 2015 as part of application DC064515.

Habitats on site were found to comprise tall ruderal, mixed scrub and scattered trees.

Great crested newts and 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 Regulations 2017. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild

Fauna and Flora. Bats and great crested newts 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.

The trees on site were inspected from the ground and assessed as to their bat roost potential. Two trees (T14 and T15) were found to offer moderate bat roosting potential and one tree (T11) was identified as offering low potential to support a bat roost. None of these trees are scheduled for removal under the proposals. All other trees within the application site were assessed as having negligible potential to support roosting bats.

There are no ponds present within the application area, however four ponds are located within 250m of the site and these form part of a larger network of ponds in the wider area. One of the four ponds with 250m (Pond 3) has records of great crested newts (surveyed in 2007). The report states that two of the other ponds (Pond 1 and Pond 2) have records of confirmed great crested newt absence (from GMEU). Ponds 2, 3 and 4 were subject to a Habitat Suitability Index (HSI) assessment (access was not possible to Pond 1). Ponds 2 and 3 were found to have average potential to support great crested newts, and Pond 4 was assessed as having low suitability. The site offers suitable terrestrial habitat for great crested newts. The ecologist has used the Natural England Rapid Risk Assessment calculator to assess impacts associated with the application, and it was determined that an offence was highly unlikely, and a reasonable avoidance method statement should be used in respect of great crested newts.

Badgers are protected under The Protection of Badgers Act, 1992 which makes it an offence to kill, injure or disturb a badger or obstruct access to a badger sett. No badger setts or evidence of badgers was found on the site.

The vegetation on the site offers suitable habitat for nesting birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded during the survey.

Recommendations:
The proposed works have been assessed as being of low risk of impacting great crested newts but precautionary Reasonable Avoidance Measures should be followed during works. Such measures are outlined in Appendix 3 of the Ecology Assessment report. In addition to these measures however it is also advised that any materials are stored on raised pallets or in skips so as not to create great crested newt refuge areas and that a scaffold board (or similar) is placed in any excavations left uncovered overnight to provide a ramp to allow any newts a means of escape. These additional measures should be incorporated within the Great Crested Newt Method Statement and submitted to the LPA for review. This can be secured via condition.

An informative should be attached to any planning permission granted to state that the granting of planning permission does not negate the need to abide by the

legislation in place to protect biodiversity. If at any time great crested newts, or other protected species – or evidence of – are found on the site, work should cease immediately and Natural England/a suitably experienced ecologist be contacted.

The following condition should be attached to any planning consent [BS42020: D.3.2.1]: No vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation clearance/works commence and provided confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Ecological conditions can change over time. In the event that works have not commenced within two years of the August 2020 survey then update survey work will be required. This can be secured via condition.

Replacement planting is required to mitigate for proposed tree loss. All retained trees should be adequately protected from any adverse impact of the proposed development, in line with British Standards, and following consultation with the Council Arboriculture Officer.

The three trees identified as offering bat roost potential (T11, T14 and T15) are not scheduled for removal/any tree works. Should proposals change however, and any works on these trees be anticipated, further survey of these trees by a suitably experienced ecologist would be required in advance of works. An informative can be used as part of any planning consent so that the applicant is aware of the potential requirement for further survey.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF).The inclusion of an ecological buffer on the site is a welcome one. Further details of the species composition for this area, along with the proposed tree and shrub and hedgerow species, should be included within a detailed landscape plan for the scheme and submitted to the LPA for approval. The landscape design should comprise a mix of locally native species to maximise benefits to biodiversity. Details of post construction management (initial aftercare and long-term management) should also be provided.

It is also advised that the recommendations in section 5.2 of the ecology report (relating to provision of 2 bat roosting and 2 bird nesting facilities) are attached by condition to any planning permission granted. This will help ensure the proposed development is in accordance with local and national planning policy to conserve and enhance biodiversity.

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

United Utilities - 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.

Woodford Neighbourhood Forum - We note that the application comprises the construction of two dwellings on the site. Minor changes to Plot A are proposed, which do not deviate significantly from the planning permission. This response relates to Plot B, where significant changes from the planning permission are proposed, such that we believe that it should be assessed as a new application.

Contrary to the Design and Access Statement, Woodford is not “an extension of the suburban settlements of Bramhall”. The Stockport UDP recognises the Woodford Landscape Character Area as having distinct characteristics. The site lies in Green Belt within the Woodford Neighbourhood Area and is covered by the policies in the Woodford Neighbourhood Plan.

The Design and Access Statement refers to the “suburban grain of the area”. This is misleading. This part of Woodford retains a semi-rural character with fields belonging to working farms and small holdings immediately behind the ribbon development on Moor Lane.

Foden Lane is a single-track, no-through road, 3.5 m in width and 140 m in length leading off Moor Lane, with a cluster of three dwellings at the end and a single dwelling almost opposite the proposed site. Foden Lane leads to footpath 8HGB, providing access to countryside. The lane is not built up so, although it is narrow, it has an open aspect.

The proposed dwelling is out of character and scale in this site, being much larger in height and mass than other neighbouring dwellings. The footprint is increased by 50% over the approved dwelling. It represents over-development in this location.

The proposal will result in loss of residential amenity for residents in neighbouring dwellings, with regard to disturbance, noise, loss of privacy and overshadowing. In particular, the proposed dwelling is very tall, with three storeys and to the south of the terraced houses on Moor Lane, which back on to the proposal, so it will reduce light in these properties.

The planning permission for a dwelling in this location on Foden Lane was obtained as a result of an appeal, but significant additions and changes to the planning permission are proposed, due to the personal circumstance of the prospective occupier. All new homes must now be designed to give full accessibility, or at least enable the home to be adapted over time, so the increase in size on this basis cannot readily be justified and certainly not in the order of 50%. It seems an inappropriate style of dwelling for a disabled resident needing wheelchair access. People with the degree of disability that requires wheelchair use should be on one level and on the ground floor for both medical need and safety reasons. We note that the third storey includes a gym and physio room and two large bedrooms each with space for 2 persons to sleep and an ensuite bathroom. We also note that the

personal circumstances of an applicant or client are not a material consideration in planning decisions.

Fire risks need to be assessed. The current design does not meet fire safety regulations and would need to be changed before it could be built.

The Design and Access Statement does not reference the WNP. We believe the WNP policies DEV1, DEV4, ENV3 and ENV4 are relevant to this application.

DEV1 ‘Limited Infilling’ – The proposal does not comply because it does not respect local character. It is out of character and scale in this site, being much larger in height and mass than other dwellings that are visible in the street scene.

DEV4 ‘Design of New Development’ - The proposed dwelling does not respect and respond to the rural character of the location. It is out of character and scale in this site, being much larger in height and mass than other neighbouring dwellings, which are visible in the street scene. Large dwellings at the end of Foden Lane are some distance away and screened from view by trees.

The proposals for energy efficiency and use of some forms of renewable energy are welcomed.

ENV3 ‘Protecting Woodford’s Natural Features’ - The proposal to ensure the maintenance and retention of existing mature trees is welcomed, as are additional trees to be planted to provide screening of the new home.

ENV4 ‘Supporting Biodiversity’ – In any new development we encourage the planting of native species of trees, shrubs and flowering plants to support the native ecology and pollinator species and to enhance carbon capture and water absorption. This will be important in this location, which is very near to woodland (5W5) and to countryside with native hedgerows (5H1- 5H9) that act as corridors for wildlife. See pages 52 - 65 in the Woodford Landscape and Environment Survey Report and the Natural Features Map.

Surface Water Management - The WNP includes advice from the Environment Agency. Surface flooding can occur in this part of Woodford and was experienced by properties at the top of Foden Lane in 2019. Adequate surface drainage will be important because spells of high intensity rainfall can be expected.

The following policies of the Stockport Unitary Development Plan 2006 and Stockport Core Strategy 2011 are relevant to this application.

LCR1.1 ‘Landscape Character Areas’ - The size and scale of development proposed exceeds the planning permission granted on appeal and is contrary to policy LCR1.1 on a number of counts. The policy recognises Woodford as one of the locally designated landscape areas in Stockport and emphases the significance of areas of open agricultural land within Woodford.

GBA1.1, GBA1.2 and GBA1.5 Green Belt - The development is in conflict with these policies, no mitigation possible because permission was granted at appeal.

H-1 ‘Design of Residential Development’ - As the proposed housing development seeks a substantial increase in the scale and height, there would be a detrimental impact by the proposals on the adjoining properties and the open landscape character of the Green Belt at this point.

SIE-1 ‘Quality Places’ - As the proposed housing development seeks a substantial increase in the scale and height, there would be a detrimental impact by the proposals on the adjoining properties and the open landscape character of the Green Belt at this point.

The following paragraphs of the NPPF are relevant to this application.

11 - The proposal lies within Green Belt, therefore the tilted balance as set out in para 11 of the NPPF seems relevant to this application. As a new revised application for a larger amount of development, the decision making has to consider the current proposals on their own merits. This application does not comply with clause (d)(i) of paragraph 11 of NPPF.

143 – This seeks to prevent harm to the Green Belt. The site of the proposal is currently open with trees and woodland visible from the lane, the dwelling opposite the site on Foden Lane and dwellings to the north of the site on Moor Lane. The proposal is large in height and mass. It represents a change from the planning permission granted. Therefore, the impact on the openness of the Green Belt needs to be assessed as a new application. There are no special circumstance other than personal preferences for the choice of location by the applicants, which would outweigh any harm due to impairment of the openness of the Green Belt.

145 - The local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions include 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.

The proposed development fails to meet the first criterion in that it would have a greater impact on the openness of the Green Belt than the approved planning permission which for the purposes of planning assessment could have comprised the existing development if built.

In summary, we believe this application represents a significant departure from the planning permission that was granted at appeal. As such, it should be assessed as a new application.

It is out of scale and character in this location being larger in mass, footprint and height than other dwellings visible in the street scene on Foden Lane and from the back of Moor Lane. The changes proposed to make it a suitable choice for a disabled occupant do not represent exceptional circumstances to justify the harm it would cause to the Green Belt by impairing the openness in this location. The design does not meet building regulations in terms of fire safety and poses questions over medical and fire safety for a disabled resident.

ANALYSIS

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 (that includes those specifically relating to the protection of the Green Belt) provides a clear reason for refusing planning permission 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 are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless:

- the application of policies in the Framework that protect areas or assets of particular importance (including the Green Belt) provides a clear reason for refusing the proposed development or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

This assessment is set out below.

Housing Delivery

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District/Large Local Centres; and other accessible locations). Policy H-2 confirms that when there is less than a 5 year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly assessed to ensure that the score reflects the ability to ‘top up’ supply to a 5 year position. However, the scale of shortfall is such that in order to genuinely reflect the current position in that regard the score has been reduced to zero. The reduction of this score to zero means that for the purposes of housing delivery, all sites within the Borough will be considered as being accessible. Whilst the provision of 2 additional dwellings will make a negligible impact on the current undersupply of housing, collectively applications of this nature can assist.

The application site is therefore within an accessible location for the purpose of housing delivery and the proposal accords with policies CS2, CS4 and H-2 of the Core Strategy.

Agricultural Land

Policy GBA2.1 states that development which involves the permanent loss of the best and most versatile agricultural land will not be permitted unless it can be

demonstrated that the loss of the agricultural value of the land is outweighed by other factors. The supporting text advises that Grade 1, 2 or 3a land will be regarded as the best and most versatile and grades 3b, 4 and 5 as lower quality.

In determining DC064515, an Agricultural Land Classification Report confirmed that the land comprising the application site is grade 3a and therefore, the best and most versatile land. Policy GBA2.1 allows for the loss of this land to be approved where it is outweighed by other factors. In this respect it was noted that the area of land classed as grade 3a is only 0.3 hectares in size. It is bounded on all sides by non-agricultural land and therefore is detached from any larger swathes of agricultural land. Given these factors, the contribution of the site to agriculture is considered to be limited. On this basis, the loss of the agricultural land was accepted. There has been no material change in circumstance since that decision which would change this position and on this basis, the conflict with GBA2.1 can be justified.

Green Belt

Saved UDP Review policy GBA1.2 confirms that within the Green Belt there is a presumption against the construction of new buildings unless it is for one of several purposes including agriculture and forestry, essential facilities for outdoor sport and recreation, limited extension, alteration or replacement of existing dwellings, and limited infilling or redevelopment of Major Existing Developed Sites.

Saved UDP Review policy GBA1.5 confirms that within the Green Belt proposals relating to new residential development will be restricted to dwellings essential for the purposes of agriculture, the reuse of buildings and the development of major existing developed sites.

The proposed development fails to fall within any of the excepted forms of development set out in policies GBA1.2 or GBA1.5.

The NPPF and WNP offer the most up to date policy position in relation to development in the Green Belt and as such, greater weight is afforded to the relevant policies in these Plans.

Para 145 of the NPPF confirms that “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include amongst others, limited infilling in villages (145e), and limited infilling or the complete or partial redevelopment of previously developed land whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development (145g).

It is clear that the redevelopment of this site would have a greater impact on the openness of the Green Belt than that existing and as such, the proposal fails to comply with para 145g. The application is therefore assessed below against the provision of para 145e (limited infilling in villages).

Policy DEV1 of the WNP confirms that:

‘Limited infilling in the Neighbourhood Area, comprising the development of a relatively small gap between existing dwellings for one or two dwellings, will not be inappropriate development in the Green Belt, subject to such development respecting local character. Limited infilling should comprise the completion of an otherwise continuous and largely interrupted built frontage of several dwellings

visible within the streetscene where the scale of development is compatible in character to that of adjoining properties. Limited infilling should be built along similar building lines as adjoining properties.'

For the purposes of assessing this application against para 145e of the NPPF and policy DEV1 of the WNP, it has been accepted through the consideration of the appeal proposal (DC064515), and remains accepted that the application site is located within a village. That being the case, the main issue for consideration is whether the proposal amounts to limited infilling.

There is no definition within the NPPF as to what limited infilling comprises, however, policy DEV1 describes it as a relatively small gap between existing dwellings for one or two dwellings. This policy also confirms that limited infilling should comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the streetscene where the scale of development is compatible in character to that of adjoining properties. This is consistent with the approach taken by Inspectors in assessing appeal proposals and indeed it is noted that in allow DC064515 the Inspector concluded as follows:

'There is no specific definition of the term 'infill' in the Framework in the context of the paragraph 89 exception. Although in practice it is normally taken to mean a small gap situated within an otherwise built up frontage. The appeal site is an open area of grassland that is overgrown with weeds. The plans submitted with the appeal show that the site would be sufficient in size to accommodate up to two dwellings along the lines of those that are proposed. The rear of dwellings along Moor Lane line one side of the site and are clearly visible across the site when observed from Foden Lane. On Foden Lane itself, there is a dwelling immediately adjacent to the appeal site, Tall Trees. This dwelling is clearly visible across the site when seen from public viewpoints along the lane. There is also a dwelling opposite the appeal site and other dwellings situated further along Foden Lane past Tall Trees. Other built development is therefore clearly visible either side of the appeal site.

For these reasons, I consider that the appeal proposal would amount to infill development as the site is a small gap in an otherwise built up frontage. Whilst there is space about the neighbouring dwellings on Foden Lane, this reflects the spacious pattern of development in the area and does not negate the appeal proposal being described as infill development.'

Since that appeal decision there has been a material change in policy afforded by the revision of the NPPF in February 2019 and the adoption of the WNP in September 2019.

Para 89 of the NPPF referred to in relation to DC064515 is now replaced by para 145 of the NPPF. The revision of the NPPF in 2019 does not however change the assessment of this application beyond that made in 2015 in that both versions of the NPPF confirm that limited infilling in villages is appropriate in the Green Belt.

Policy DEV1 of the WNP introduces a new aspect to decision making in the Green Belt in confirming that limited infilling in the Green Belt will not be inappropriate; this policy reiterates the position as set out in the NPPF. This policy is of further assistance in the determination of applications in the Green Belt in that it provides clarification as to what limited infilling might comprise. In

this respect policy DEV1 confirms that limited infilling will comprise the development of a relatively small gap between existing dwellings for one or two dwellings and the completion of an otherwise continuous and largely interrupted built frontage of several dwellings visible within the streetscene where the scale of development is compatible in character to that of adjoining properties.

Applying the assessment set out in and established through the appeal decision, Members are advised accordingly:

The application site and its relationship with neighbouring properties generally has not changed since DC064515 was allowed on appeal. The Inspector concluded that the site is positioned within the village of Woodford and is an infill site. The comments made by the Inspector in allowing that application remain relevant to the consideration of this current application. Applying also the provisions of policy DEV1 of the WNP it is noted the site comprises a small gap between existing dwellings and will complete an otherwise continuous and largely interrupted built frontage of several dwellings visible within the streetscene. Noting that the siting of Tall Tree to one side of the site is further back than the side of 149 Moor Lane to the other, the proposed development would not be built along similar building lines as adjoining properties. Being positioned forward of Tall Trees and behind the side of 149 Moor Lane, its staggered position relative to both neighbouring properties will however respect the building line. For these reasons it remains the case that the site represents an infill site in a village. The main issue for consideration is whether the proposal amounts to limited infilling on account of the scale of development now sought.

Submitted with the application and appended to this report are plans and elevations that show the outline of that allowed on appeal superimposed on that proposed.

Plot A - This dwelling will be positioned 0.6m to 1.9m further back from Foden Lane than approved but will be the same depth. As such it will project 0.6m to 1.9m further to the rear than that approved. The house will be narrower by 0.6m and sited 0.4m further from the boundary with Tall Trees than that approved.

To eaves the proposed house will generally be the same as that approved. The main ridge will be 0.2m lower than approved but the projecting gables will be 0.8m to 0.9m higher than that approved.

Plot A will be generally be sited in the same position relative to the boundary with plot B with it being only 0.6m closer to the front corner and in the same position to the rear corner.

In summary, plot A is generally similar to that approved in terms of its size, siting and design. It is positioned slightly further away from Foden Lane and Tall Trees and is of the same eaves and ridge height as that approved with only the projecting gables rising slightly higher. The house remains of a similar form to that approved comprising a detached dwelling with a hipped roof, projecting gables and accommodation in the roofspace.

Plot B - With the exception of the flat roofed bay to the front of plot B which projects 1m, this house would be positioned no further forwards than that approved and in part would be 1m further back. At ground floor level this house would be between 0.6m and 13.6m deeper than approved. At first floor level it would be 0.6m deeper than approved. At ground floor level this dwelling would

be 0.7m wider than that approved but at first floor level it would be 1.2m narrower.

To eaves the proposed house would be 1m lower than that approved on one side, the same on the other. The main roof would be 0.6m higher than approved with the projecting gables 0.8m to 1m higher than approved.

Plot B at ground floor level would be positioned 0.6m to 1.6m closer to the boundary with plot A but at first floor level it would be 0.6m to 1m further away than that approved. In relation to properties on Moor Lane, plot B would be no closer at the front corner of the house however much of the 2 storey element would be up to 1m further away.

In summary plot B is generally similar to that approved in relation to its size and siting to Foden Lane and in part is further away from properties on Moor Lane. The roof of the proposed house would be slightly higher than that approved however from Foden Lane, would be of a similar form comprising a detached dwelling with a hipped roof, projecting gables and accommodation in the roofspace. The main revision to this plot is the large single storey extension proposed to the rear.

Whilst development on Moor Lane is characterised by detached, semi-detached and terraced houses in plots of modest size, that on Foden Lane comprises detached houses in plots of a more generous spacious nature. When viewed from Foden Lane, it is considered that the proposed development will have little or no impact on the Green Belt beyond than that allowed on appeal. The slightly wider gap to the boundary with Tall Trees and in between the dwellings above ground level will marginally increase views through the site from Foden Lane.

Noting that the siting of Tall Trees to one side of the site is further back than the side of 149 Moor Lane to the other, the proposed development would not be built along similar building lines as adjoining properties. Being positioned forward of Tall Trees and behind the side of 149 Moor Lane, its staggered position relative to both neighbouring properties will however respect the building line.

Whilst the projecting gables to plot A are slightly higher than approved as is the roof to plot B, this increase in height is not significant. The plans submitted with this application show that the site would be sufficient in size to accommodate up to two dwellings along the lines of those that are proposed and of a size and scale which reflects that on Foden Lane.

The main change proposed by this application is the provision of the single storey projection to plot B. Given the screening afforded by the 1.8m high fence to the side boundary of 149 Moor Lane with Foden Lane together with the detached garage in the rear garden of that house and general landscaping, there are no public views of the site across the rear gardens of houses on Moor Lane. As such, the single storey rear projection will not be evident from Foden Lane being screened by the main dwelling of which it forms part.

For the reasons set out above, it is considered that the development comprises 'limited infilling within a village' and is therefore 'appropriate' having regard to para 145e of the NPPF and policy DEV1 of the WNP. Appropriate development does not cause harm to the openness of the Green Belt and therefore, such objections cannot be sustained.

Impact on the Landscape Character Area/General Character of the Area

Saved UDP Review policy LCR1.1 confirms that development in the countryside will be strictly controlled, and will not be permitted unless it protects or enhances the quality and character of the rural areas. Development should improve the appearance of the countryside, notably by removing unsightly existing development. Where it is acceptable in principle, development should be sensitively sited, designed and constructed of materials appropriate to the landscape character area in which it is located; and be accommodated without adverse effect on the landscape quality of the particular character area.

Core Strategy policy H1 confirms that the design of new development should be to a high standard, respond to the townscape and landscape character of the local area, reinforcing or creating local identity in terms of layout, scale and appearance. Policy CS8 welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. This position is supported by policy SIE-1 which advises that specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings). Policy SIE3 seeks to protect the natural environment. Proposals affecting trees and other vegetation which makes a positive contribution should be retained unless there is justification for its loss to enable the development to take place.

The NPPF sets out the Government's most up to date position on planning policy and confirms that the Government attaches great importance to the design of the built environment. Planning decisions should ensure that developments function well and add to the quality of the area, establish a strong sense of place, optimise the potential of a site to accommodate development, respond to local character and history, reflecting the identity of local surroundings and materials whilst not preventing or discouraging innovative design and are visually attractive as a result of good architecture and appropriate landscaping. Planning decisions should not attempt to impose architectural styles and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.

DEV4 of the WNP confirms that all new development in the area should achieve a high standard of design. Proposals should demonstrate how they respect and respond to the areas rural character. Where appropriate the retention and enhancement of landscape will be supported.

ENV3 of the WNP confirms that the protection and/or enhancement of Woodford's natural features will be supported.

The application site falls within the Woodford Landscape Character Area as defined by the UDP Proposals Map. The character appraisal in the UDP confirms that the roads through the area are characterised by varying degrees of ribbon development making up the settlement of Woodford. Infill development has occurred over the years and it is likely that only a few opportunities for such development remain. The northern part of the area has been affected by the construction of the Manchester Airport Eastern Link Road and will be further affected by the construction of the Poynton Bypass.

The character of the locality is divided between that on Moor Lane and that on Foden Lane. As described above, Moor Lane accommodates detached, semi-detached and terraced houses in plots of modest size, development on Foden Lane is limited to 4 dwellings, all being detached and in plots of a more generous spacious nature. The strip elevation submitted with the application shows that the houses would be sited such that there is generous spacing between each other as well as the neighbouring properties to either side. Whilst both dwellings would be higher than the adjacent house on this side of Foden Lane and those on Moor Lane, this would only be by 1m to the ridgeline. Given the siting between that existing and proposed, it is not considered that this marginal increase in height will result in a development that is harmful to the character of the area.

The inclusion of photovoltaic panels to the roof of plot A are noted. These will be positioned towards the rear of this dwelling and noting their limited height, it is not anticipated that they would be apparent from Foden Lane. When viewed from the neighbouring gardens to the rear of this plot, they would be at such a distance as not to be visually obtrusive in the landscape.

The layout of the forecourt to each dwelling is considered acceptable in terms of the ratio of hard to soft landscaping. Full details of landscaping and materials of hard surfacing can be secured by condition. A condition can also be imposed to secure details of the means of enclosure to Foden Lane and all other boundaries of the site.

The NPPG advises that ‘decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however important to seek to promote or reinforce local distinctiveness.’ It is noted that there are a variety of architectural styles in the locality ranging from 19th century cottages to 20th and 21st century contemporary dwellings. The design approach adopted by this application continues and reflects that varied approach and is not considered to be out of keeping with the character of the locality.

Submitted with the application is an Arboricultural Impact Assessment which identifies the trees and hedges on the site along with those marked for removal. The survey identified a total of 16 trees and four groups of trees on the site. These included two Category A trees of high quality, six Category B trees of moderate quality, eight Category C trees of low quality, and four Category C groups of low quality. The proposed development will necessitate the removal of nine trees and two groups of trees. These include two Category B trees, seven Category C trees and two Category C groups. None of the trees on the site are legally protected and could be removed without the consent of the Local Authority.

This report has been considered by the Council’s Tree Officer who advises that subject to conditions the development is acceptable. Replacement tree planting to compensate for that lost will be secured by condition as will general landscaping and protection of retained trees during construction works.

For the above reasons and noting that DC064515 was not refused on grounds of harm to the character of the area, the proposed development is considered compliant with UDP Review policy LCR1.1, Core Strategy policies H1, CS8, SIE1, SIE3 and WNP policies ENV3 and DEV4 together with advice contained within the NPPF.

Impact on Residential Amenity

Core Strategy policy H1 confirms that good standards of amenity and privacy should be provided for the occupants of new and existing housing. This is reinforced by policy SIE1 which confirms that satisfactory levels of amenity and privacy should be maintained for future and existing residents. The NPPF confirms that development should create places that promote health and well-being, with a high standard of amenity for existing and future users.

The layout of the development and its impact on the residential amenities of the neighbouring occupiers has been considered in the context of advice contained within the Council's Supplementary Design Guidelines 'Design of Residential Development'. Given that the application proposes accommodation in the roof space served by dormers and gable end windows, the development has been assessed on the basis of being 3 storeys high.

Members are advised that when considering the impact of development upon neighbouring properties, measurements are taken to the nearest of point of the original dwelling. In this respect the SPD advises that windows added to a property through extensions are not protected to the same degree as those in the original dwelling. It is also important to acknowledge that most development will have some impact on a neighbouring occupier, the important consideration of this and any application is to establish whether that impact will be acceptable or unacceptable having regard to the policy position and advice contained within the SPG. This assessment and advice is set out below.

The house to plot A is positioned forward of Tall Trees, 5m to the boundary and nearly 17m away from the dwelling at its closest point. A condition can be imposed to ensure that side facing windows at first floor level are obscurely glazed to protect the privacy of existing and future occupiers. Views from ground floor windows would generally be obscured by boundary treatments so it is not considered necessary to require them to be obscurely glazed. The proposed first floor balcony is 16m from the boundary with Tall Trees and at 90 degrees to this boundary. Given this distance it is not considered that there will be an unacceptable impact upon the privacy afforded from this neighbouring house.

Being to the north of Tall Trees, the house to plot A will not impact on the daylight and sunlight afforded to this neighbouring property. Mature tree planting to the front of Tall Trees will also assist in screening the proposed dwelling on this plot from this neighbouring house. Given the siting of the dwelling to plot A off the boundary with Tall Trees and its position 17m away from the closest point of this neighbouring dwelling, it is not considered that this house will appear visually obtrusive or overbearing when viewed from Tall Trees.

The house to plot A does not directly face 1 Foden Lane being over 54m from its closest point and over 28m from the garden boundary of this house. This significantly exceeds the 9m required between habitable room windows and the site boundary and the 24m between habitable room windows on the public side of dwellings. The house to plot A will therefore not have an unacceptable impact on the amenities afforded by the occupiers of 1 Foden Lane.

The rear elevation of plot A is positioned 48m from the gardens of houses on Moor Lane which run across the rear boundary of the site which is significantly in excess of the 9m required between habitable room windows and the site boundary in relation to 3 storey dwellings. As such, it is not considered that an

unacceptable loss of privacy will occur. Given this siting and distance, it is also considered that the house at plot A will not be visually obtrusive or overbearing when viewed the house or garden of 1 Foden Lane nor will it result in a loss of light.

Given that the dwelling to plot A is similar in size, siting and design to that allowed on appeal and noting that DC064515 was not refused on grounds of harm to residential amenity, it is not considered that such a refusal could be sustained in relation to the proposals presented by this current application.

The house to plot B is sited obliquely to 1 Foden Lane so does not directly face this house. In any event, the proposed front elevation of this house is over 39m from the front elevation of 1 Foden Lane and over 28m from the garden boundary of this neighbouring house. This significantly exceeds the 9m required between habitable room windows and the site boundary and the 24m between habitable room windows on the public side of dwellings. As such, it is not considered that an unacceptable loss of privacy will occur. Given this siting and distance, it is also considered that the house at plot B will not be visually obtrusive or overbearing when viewed the house or garden of 1 Foden Lane nor will it result in a loss of light.

The rear elevation of the house to plot B at ground floor level is positioned 35m from the gardens of houses on Moor Lane which run across the rear boundary of the site, over 46m at first floor level. This is significantly in excess of the 9m required between habitable room windows and the site boundary in relation to 3 storey dwellings and therefore will not result in a loss of privacy. Given this distance, the proposed dwelling will not appear visually obtrusive or overbearing when viewed from these adjacent gardens.

The main house to plot B is positioned over 24m from the original rear elevation of the houses on Moor Lane which significantly exceeds the distance of 15m suggested as being appropriate for 3 storey dwellings in the SPG. A condition can be imposed to ensure that any side facing first floor windows to this house are obscurely glazed in order to protect the privacy of existing and future occupiers. Views from ground floor windows would generally be obscured by boundary treatments so it is not considered necessary to require them to be obscurely glazed.

The proposed first floor terrace over the single storey rear extension is positioned 1.4m to 3.6m from the rear garden boundary of houses on Moor Lane. Whilst the side facing windows on this extension will be within 6m of the boundary, contrary to the SPD, boundary treatments will generally obscured any views from this room. Notwithstanding that, noting their proximity to the boundary a condition should be imposed to ensure that they are obscurely glazed so as to protect privacy and ensure no overlooking.

The side boundary of this terrace will be formed by a privacy screen rising 1.8m in height from the floor level. The plans are not sufficiently detailed to show what form this screen will take or what screening it will afford however the proposed elevations suggest that this will comprise some form timber screening. Subject to the imposition of a condition, the submission and approval of appropriate details can be secured to ensure that there is not a loss of privacy or overlooking arising from the use of this terrace.

This extension will project 11m beyond the main dwelling rising to a height of 4m. The privacy screen rising from the terrace which is set below the height of the extension will rise a further 0.7m. A chimney positioned to the end of the extension rises 5.3m high in total. The rear gardens of the neighbouring houses on Moor Lane are 21m to 22m deep and their boundary with the application site comprises timber fencing; structures such as gazebos and sheds appear to be positioned adjacent to the boundary with the application site however do not extend across the full width of this boundary. Given the siting of this extension over 21m from the original rear elevation of these houses, this aspect of the development accords with and exceeds the Council's SPD which for single storey development requires a separation of 12m from the rear of the houses on Moor Lane and the side of the proposed extension. Having regard to this, it is not considered that this extension will cause an unacceptable impact in relation to visual intrusion or being overbearing when viewed from the neighbouring houses or gardens.

Whilst there may be some shadow cast over the rear gardens of these houses by the proposed dwelling on plot A for part of the day, as would be the case with that allowed on appeal, this would not result in an unacceptable loss of light. It is accepted that the dwelling proposed on this plot is larger than that allowed on appeal however it is considered that the small increase in height and rearward projection at first floor level together with the single storey projection proposed, will not cause unacceptable harm beyond that already approved.

Objections regarding noise and light pollution are noted. In this respect it is accepted that the site being currently undeveloped provides neighbouring occupiers with some relief from the impacts of residential occupation. The proposed development would however not generate noise or light pollution in excess of accepted domestic levels and as such, these objections could not be sustained.

The Council's design guidelines suggest the provision of 100 sq metres of amenity space for a detached dwelling; that proposed to the rear of each dwelling equates to over 1000 sq metres. As such it is concluded that more than sufficient amenity space would be provided to serve the occupants of the proposed development.

Having regard to the above, it is considered that the proposed development will not give rise to an unacceptable impact on residential amenity and therefore accords with policies H1 and SIE1 of the Core Strategy DPD together with advice contained within the NPPF and Council's SPD for residential development.

Parking and Highway Safety

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduces the need to travel by car. This position is followed through in policy T1. Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

It is important to note that application DC064515 was not refused on grounds of accessibility nor did the Inspector raise this as an issue before allowing the appeal. The development proposed by this application raises no new issues in relation to accessibility beyond those considered in relation to DC064515. On this

basis whilst the limited public transport links to the site may result in the development being accessed predominantly by car, it remains accessible by cycling and walking and is not unacceptable having regard to policies CS9 and T1 of the Core Strategy.

Each dwelling will be provided with off street parking for 2 cars in compliance with the Council's standards. Cycle parking and electric vehicle charging points can be secured by condition.

In terms of highway safety, it is noted that the Inspector in allowing DC064515 concluded that Foden Lane is lightly trafficked and that there was no evidence to suggest that alterations could not be made so as to ensure the necessary visibility splays to Foden Lane are provided. He considered that views of the highway and pavements to Foden Lane and Moor Lane are likely to be sufficient for drivers to judge whether it is safe to exit onto the highway. Vehicular traffic associated with an additional two dwellings would not amount to a significant intensification of cars travelling along the lane when compared with the existing situation and the proposal would therefore be unlikely to result in significant harm to highway safety.

The proposals which are the subject of this current application will have the same impact as the appeal proposals in terms of traffic generation and highway safety. The reference by an objector to an accident when turning into Foden Lane is noted as is the comment that traffic on Moor Lane has increased since the opening of the A6MARR and occupation of the residential development at Woodford Aerodrome. The level of additional traffic generated by the occupation of this development would still however be negligible compared to that existing and as such would not cause serious harm to highway safety.

Noting the comments of the Inspector, who did not uphold the Council's previous reason for refusal and the fact that the appeal scheme is still capable of implementation, Members are advised that the proposed development will not give rise to conditions prejudicial to highway safety and that a refusal based on highway grounds could not be sustained on appeal.

Noting also that the NPPF advises at para 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, the proposal is considered compliant with policies CS9, T, T2 and T3 of the Core Strategy DPD.

<u>Other Matters</u>
Since the determination of DC064515 and further to the revision of the NPPG Local Planning Authorities are again able to secure tariff style contributions on applications seeking minor development. In this respect, policies L1.1, L1.2 and SIE2 seek to ensure that applications for residential development contribute towards children's play and formal recreation noting that there is a shortfall of such facilities within the Borough. For a small scale development such as that proposed, compliance is expected by way of a commuted sum payment calculated in accordance with the formula set out in the accompanying SPD. Compliance with this policy position will be secured by way of a S106 agreement in the event that planning permission is approved.

It is accepted that the development approved by DC064515 was not required to make a contribution as set out above, however, at the time that application was

determined, the NPPG was drafted such that tariff style payments could not be secured. The change in this guidance is a material consideration in the determination of this current application. Planning law requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Policies L1.1, L1.2 and SIE2 require the development to make a contribution to children's play and formal recreation and as such the development should comply with this policy position. Whilst there is an extant permission on this site, that permission does not extend to the implementation of the development sought by this application and as such compliance with policies L1.1, L1.2 and SIE2 and the securing of the contribution by way of a S106 is justified.

Policy SD3 requires development to demonstrate how it will assist in reducing carbon emissions through its construction and occupation through the submission and approval of an energy statement. The statement submitted with this application advises that the following energy efficiency measures will be implemented to reduce the overall energy consumption and CO emissions of the development before renewable or low carbon technologies are installed: Appliances and equipment, building control systems, design detailing, fabric insulation, heating systems, lighting, windows and doors. The most suitable low carbon or renewable technology system that has been chosen to achieve the energy savings are solar photovoltaics. Other systems such as solar hot water heaters, ground and air source heat pumps, wind turbines, biomass boilers and combined heat and power, hydroelectricity and district heating have all been concluded to be unviable. The statement submitted with this application accords with the requirements of policy SD3.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1. Having regard therefore to the size of the site and scale of the proposed development there is no requirement for the application to be accompanied by a Flood Risk Assessment. Objections regarding the localised flooding of the site are however noted. Members are advised that policy SD6 requires all development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change and development is required to incorporate sustainable drainage systems so as to manage run off water from the site. Given the small scale of the proposed development, compliance with this policy is not required to be demonstrated at this stage, however, in the event that planning permission is approved a condition would require the submission and approval of a SUDS compliant drainage scheme for the site. This scheme will address the localised flooding that currently occurs. On this basis the proposed development is considered compliant with policy SD6 of the Core Strategy.

Policies NE1.2 Sites of Nature Conservation Importance of the UDP Review and SIE-3 Protecting, Safeguarding and Enhancing the Environment of the Core Strategy along with policy ENV4 of the WNP and para's 170 and 175 of the NPPF seek to ensure that proposed development does not adversely affect protected species and secures enhancements for biodiversity.

Submitted with the application is a protected species survey which has been considered by the Council's ecologist. This report advises that the habitats on the site are considered to be of low ecological value, and their removal, where necessary, can compensated by further planting. Three trees on the site have potential for roosting bats however these are not recommended for removal. There are four ponds within 250 m of the site. Two of these have confirmed

presence of great crested newts; one has confirmed absence; and one has not been previously surveyed for presence/absence but was determined to have low potential for great crested newts. Due to size and distance of the proposals from those ponds with confirmed presence, it is not anticipated that great crested newts will be impacted by development works. As a precautionary measure, it is recommended that works proceed subject to a method statement. Trees and scrub were identified as having potential for nesting birds and vegetation removal will either avoid the bird nesting season (1st March – 31st August), or commence within this period only if it has been verified that nesting birds are not present. The report recommends that the ecological value of the site is enhanced through the incorporation of bat and bird boxes into the development proposals.

The Council's ecologist confirms that subject to the imposition of conditions, the proposed development will not have an unacceptable impact on ecology. On this basis the proposal is compliant with policy NE1.2 of the UDP Review, SIE-3 of the Core Strategy, ENV4 of the WNP and para's 170 and 175 of the NPPF.

It is noted that the application advises the dwelling to plot B has been designed to accommodate the specific needs of one of the applicants who is disabled. This being the case the dwelling to plot B will be compliant with Part M(3) of the Building Regulations and will be fully wheelchair accessible, incorporate an internal lift, larger rooms, circulation areas and access points. This will not only ensure that this applicant can move freely around the home but also that the home can accommodate the essential equipment that is currently required by him to support his needs as well as that going forward into later life.

In response to objections, Members are advised that the application of planning policies do not require all new homes to provide disabled access nor that they be constructed such that they could be adapted to provide that access in the future. Whilst the provision of such accommodation is encouraged there is no policy requirement that all accommodation is of this nature. Policies in the Development Plan however seek to secure development that is inclusive. In that respect, the dwelling at plot B has been designed in consultation with, and to meet the specific needs of one of the applicants who is disabled. The provision of a lift access will create an inclusive home which the applicant will be able to enjoy in its entirety, in a safe and convenient manner along with other family members.

Members are advised that whilst this information informs the consideration of this application in terms of understanding the need for the development, the personal circumstances of the applicant cannot be used to justify the development as the development will remain long after the needs of an applicant have ceased to exist. That aside, the provision of a dwelling that is designed specifically to meet the needs of a disabled person is welcomed and encouraged. Notwithstanding the personal circumstances of the applicant however and for the reasons set out in the report above, the proposed development is considered compliant with the Development Plan.

The compliance of the development with fire safety regulations is not material to the consideration of this application. In the event that permission is approved and amendments are required to the development to comply with these regulations then a decision will be taken as to the need for a new planning permission.

<u>Conclusions</u>
Planning permission DC064515, which was allowed on appeal in 2017, remains extant and capable of implementation by virtue of the Business and Planning Act

2020 (Part 3, Section 17). This is a material consideration which carries significant weight in the determination of this current application.

The application site is within an accessible location for the purpose of housing delivery. Whilst the provision of 2 additional dwellings will make a negligible impact on the current undersupply of housing, collectively applications of this nature can assist. The proposal accords with policies CS2, CS4 and H-2 of the Core Strategy.

The loss of the agricultural land on this site contrary to policy GBA2.1 can be justified.

The development comprises 'limited infilling within a village' and is therefore 'appropriate' having regard to para 145e of the NPPF and policy DEV1 of the WNP. The development will not cause harm to the openness of the Green Belt.

The proposed development will cause no harm to the Landscape Character Area or general character of the area and thus complies with saved policy LCR1.1 of the UDP Review together with policies CS8 and SIE1 of the CS DPD and DEV4 of the WNP.

The development is considered to be of a size, siting and design that will be in keeping with the character of the locality and will not harm the amenities of the existing neighbouring occupiers. The proposal is therefore compliant with policies H1, CS8, SIE1 and SIE3 of the Core Strategy DPD together with advice contained within Chapter 12 of the NPPF.

The proposed development will not give rise to conditions prejudicial to highway safety and therefore complies with Core Strategy policies CS9, T1, T2 and T3 together with advice contained within the NPPF.

Subject to the imposition of conditions the proposed development will cause no harm to ecology. In this respect the proposal is compliant with saved UDP Review policy NE1.2 together with policy SIE3 of the CS DPD, ENV4 of the WNP and advice contained in the NPPF.

Matters relating to drainage can be secured by condition thus ensuring compliance with CS policy SD6.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF, Members are advised that planning permission should be approved as the application of policies in the Framework that protect areas of importance (the Green Belt) do not provide clear reason for refusing planning permission. As such the application is recommended for approval subject to the conditions referenced in this report together with others considered reasonable and necessary and subject to a S106 agreement to secure compliance with policies L1.1 and L1.2 of the UDP Review and SIE2 of the Core Strategy.

RECOMMENDATION GRANT SUBJECT TO S106 AND CONDITIONS

BRAMHALL AND CHEADLE HULME AREA COMMITTEE 4TH FEBRUARY 2021

The Planning Officer introduced the application.

Cllr Bagnall asked if permitted development rights would be removed if the application were approved and was advised that they would.

Cllr Holt asked about the level of tree removal of the site noting the flooding that takes place in the area. Members were advised that none of the trees are legally protected so can be removed at anytime without the consent of the local authority. That aside if approved there would be a condition requiring landscaping and replacement tree planting.

A resident spoke against the application raising issues with regard to highway safety. Single lane track with 6 houses accessing the lane, visibility is very poor despite double yellow lines. Building work will increase traffic. Have duty to consider the safety of pedestrians. Moor Lane is getting busier as a result of the A555 and redevelopment of the aerodrome site. Houses are not in keeping with the surrounding area. Applications have been refused for small house extensions elsewhere. There will be increased risk of flooding.

The agent spoke in favour of the application; her client has purchased plot B. The previous permission remains extant and this scheme seeks changes to that permission. The dwelling on plot B will provide accessable accommodation for life for her client who is disabled following a car accident. Homes for the disabled is a material consideration and the agent quoted from government guidance on this issue. The principle of 2 houses has been approved in this location. The conclusions of the Officer are supported and Members are asked to agree the recommendation.

Cllr Bagnall asked why the single storey extension is so big, high and deep. Members were advised that the open plan living provides accommodation for life for her client. Given the difficulties in socialising out or going on holiday he spends much time at home. The layout will support this. The terrace would provide a safe refuge in the need of emergency escape.

Cllr Bagnall drew attention to the advice of Officers that the personal needs of the applicant should not be a material consideration. The agent advised that the provision of an accessible home is a material consideration although the needs of her client is not. The development will provide an accessible home in perpetuity.

Cllr Bagnall asked if there had been any consultation with residents and was advised no but they had liaised with the Planning Officer.

The Planning Officer that she confirmed with the comments made by the agent in relation to her comments regarding the weight to be attached to her clients needs and the provision of an accessible home.

In commenting on the application Cllr Bagnall noted the extant permission. There are number of beneficial elements to the proposal and there is a great empathy with the applicant and his desire for a forever home. Concerns with regard to highway safety are noted however there is an extant consent. His concern is the single storey rear extension, it is very deep and high and will have an impact on the residents of Moor Lane. That aside he voiced his reluctance to refuse the

application just because of the extension which will be visually obtrusive and overbearing. As such he proposed that the application be deferred to see if the application can be amended to address concerns about the height, depth, visual intrusion, fence on the top and overbearing nature.

Cllr Hurleston seconded that proposal.

Cllr McGahan asked the agent if the applicant would be amenable to the application being deferred and was advised that he would be.

The recommendation to defer the application to next meeting of the Area Committee was agreed.