

ITEM

Application Reference	DC/079221
Location:	18 Ley Lane Marple Bridge Stockport SK6 5DD
PROPOSAL:	Demolition of existing dwellinghouse and outbuildings and erection of 1 no. replacement detached dwellinghouse, outbuildings and associated landscaping.
Type Of Application:	Full Application
Registration Date:	14/01/2021
Expiry Date:	11/03/2021
Case Officer:	Mark Burgess
Applicant:	Mr Traynor
Agent:	Eden Planning

DELEGATION/COMMITTEE STATUS

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

Application also called up by Councillor Senior.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of an existing detached residential dwellinghouse and outbuilding/stable block at Number 18 Ley Lane, Marple Bridge and the erection of 1 no replacement detached dwellinghouse, outbuildings and associated landscaping.

The proposed main dwellinghouse would be located centrally within the site, in a similar position to the existing dwelling to be demolished. The proposed main dwellinghouse would have a maximum width of 24.2 metres, a maximum length of 24.6 metres and a maximum height of 8.6 metres. Where viewed from Ley Lane to the front, the proposed main dwellinghouse would be of two storey scale and gable roof design, with a gable fronted element. The proposed dwellinghouse would be relatively traditional in appearance to the front elevation, predominantly of stone construction with a slate roof, whilst incorporating more contemporary features, including a timber clad dormer, timber louvres and part timber clad walls. To the rear elevation, the proposed main dwellinghouse would be of more contemporary design, incorporating a two storey flat roofed timber clad outrigger.

To the rear of the proposed main dwellinghouse, an outbuilding/leisure suite is proposed, with a width of 20.4 metres and a length of 9.3 metres. Due to the topography of the site, the proposed outbuilding would be partly subterranean and built into the sloping levels of the site, with a green roof. A pitched roofed detached outbuilding/garage block, with a width of 5.3 metres, a length of 20.0 metres and a

maximum height of 4.0 metres is proposed adjacent to the North Western site boundary.

The site would continue to be served from the existing vehicular access off Ley Lane, with hardstanding provided to the North West of the proposed dwellinghouse, adjacent to the proposed outbuilding/garage block. The scheme would include a comprehensive re-landscaping of the site, to include formal and informal planting, stepped terraces using the natural levels of the site, a courtyard garden and new planting to the South, between the proposed dwellinghouse and Ley Lane.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Design Statement, including Transport Note, Landscaping Scheme, Surface Water Drainage Scheme and Energy Statement.
- Arboricultural Impact Assessment.
- Arboricultural Method Statement.
- Ecology Report.

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

SITE AND SURROUNDINGS

The 0.675 hectare application site is located in an elevated position on the North Eastern side of Ley Lane in Marple Bridge and comprises an existing two storey detached dwellinghouse, with associated parking, amenity space and stable block. Access to the site is taken from an existing sloping driveway off Ley Lane. A paddock area within the ownership of the applicant, which falls outside the application site edged red, is located to the South East.

The site is adjoined to the North Western and South Eastern sides by residential properties at Numbers 16 and 20 Ley Lane respectively, with further residential properties sited on the opposite side of Ley Lane to the front (South West). To the rear (North East) of the site, beyond an access/public right of way, are open fields.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

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

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

Saved UDP policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- EP1.7 : DEVELOPMENT AND FLOOD RISK
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN THE GREEN BELT
- GBA1.5 : RESIDENTIAL DEVELOPMENT IN GREEN BELT
- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAN
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-3 : DELIVERING THE ENERGY OPPORTUNITIES PLAN : NEW DEVELOPMENT
- SD-6 : ADAPTING TO THE IMPACTS OF CLIMATE CHANGE
- CS2 : HOUSING PROVISION
- CS3 : MIX OF HOUSING
- CS4 : DISTRIBUTION OF HOUSING
- H-1 : DESIGN OF RESIDENTIAL DEVELOPMENT
- H-2 : HOUSING PHASING
- H-3 : AFFORDABLE HOUSING
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- CS10 : AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

Supplementary Planning Guidance and Documents

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

- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD
- PROVISION OF AFFORDABLE HOUSING SPG
- SUSTAINABLE DESIGN AND CONSTRUCTION SPD

- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published on 27th March 2012 and subsequently revised and published on 19th February 2019 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

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

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

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

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

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

- a) *An economic objective*
- b) *A social objective*
- c) *An environmental objective*

Paragraph 11 states '*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

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

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

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

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

Paragraph 12 states '*.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but*

only if material considerations in a particular case indicate that the plan should not be followed’.

Paragraph 38 states ‘Local Planning Authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible’.

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

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

National Planning Practice Guidance (NPPG)

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

RELEVANT PLANNING HISTORY

- DC078443 : Proposed single-storey rear extension, (i) The projection of the proposed extension beyond the rear wall of the original house is 8.0m, (ii) The maximum height of the proposed extension is 4.0m, (iii) The height of the eaves of the proposed extension is 2.1m : Prior Approval Not Required – 18/11/20.
- DC018560 : Existing certificate of lawfulness for the composite use of land at 18 Ley Lane, Marple Bridge, Stockport SK6 5DD as land ancillary to the normal enjoyment of the dwellinghouse at 18 Ley Lane and a use for the storage and distribution of goods (within the meaning of Class B8 of the Town and Country Planning (Use Classes) Order 1987) by the applicant in connection with his business : Granted – 31/05/05.
- J.73209 : Rebuilding of existing garage and stable block : Granted – 18/08/99.
- J.59505 : Extension to provided games room and guest room : Refused – 05/05/94.
- J.15723 : Residential development - 4 dwellings : Refused – 24/05/79.

NEIGHBOUR'S VIEWS

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

Letters of objection from 2 properties have been received to the application. The main causes for concern raised are summarised below :-

- The paddock area is agricultural land and is designated as such on the deeds. There is a requirement for a Cattle-proof barrier on the deeds. Concerns that the application effectively makes the paddock area a garden. Risk of backdoor change from agricultural paddock to garden.
- Garden creep is a clever way to play the long game with planning. Future development on a garden is easier than on agricultural land. What assurances can the Planning Department give that the land will not have its designation changed from agriculture to garden? Neighbours get the feeling that the owner is trying to convert a paddock into a garden, which has very different planning laws associated with it.
- Neighbours purchased their properties knowing that they were surrounded by fields. For this to be transferred into a garden would raise a number of issues regarding the lands use.
- The change of use from pasture land to wildflower meadow and planting of an orchard is not in keeping with its current use. The current use of the paddock is grazing land and not for any other purpose.
- The previous owner maintained the land at the correct time. The current owner has allowed the grass to become too long to cut. This has led to annihilation of the existing soil due to heavy machinery use compacting the soil. This has the potential of affecting the ecology of the soil and the growth of grass. This could lead to flooding of neighbouring properties if the land is not correctly maintained.
- The proposal to plant a Yew 'Taxus Baccata' barrier is not a suitable planting on agricultural or Green Belt land and is not a native paddock hedge. The ingestion of this species is fatal to Equines and foliage. There are sheep and horses on the adjoining fields which could be poisoned by this.
- The creation of a wildflower meadow requires specialist knowledge. The ability of the owner to do so is questionable, as there has been a lack of understanding of how to maintain a paddock. The ability to maintain a wildflower meadow is questioned.
- Recent works at the site were undertaken seven days per week, from 07:00 until late evening. Residents were woken up early by movement of heavy plant and machinery and earth moving, making properties shake. Lots of trees and hedges were removed, fires burnt for extended periods and there were extensive earthworks.
- Whilst there would inevitably be disruption and noise nuisance during development, the Demolition and Construction Act 1974 should be adhered to and enforced.

CONSULTEE RESPONSES

Highway Engineer

I raise no objection to this application, noting that:

- 1) The proposal will replace an existing dwelling, constructed on a similar footprint. Ancillary accommodation will be located well within the site, away from the highway.
- 2) The proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site
- 3) An adequate level of car parking will be provided (having regard to the adopted parking standards and expected demand) within the existing driveway which will be amended slightly (in the vicinity of the dwelling)
- 4) No changes are proposed to the site's access arrangements
- 5) Cycle parking will be provided (within the garage block)
- 6) An EV charging point is proposed to be provided,

There will be a need to agree matters of detail, although this can be dealt with by condition.

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

No development shall take place until a method statement detailing how the development will be constructed (including any demolition and site clearance) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, parking arrangements and mud prevention measures. Development of the site shall not proceed except in accordance with the approved method statement.

Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD. The details are required prior to the commencement of any development as details of how the development is to be constructed need to be approved prior to the commencement of construction activities.

The approved development shall not be occupied until the driveway / parking area as indicated on drawing 0628-P3A-ST-XX-DR-A-05003 Rev P02, has been provided in accordance with the details on the approved drawings, hard surfaced (in resin bound surfacing), drained (to a soakaway / SuDS system) and is available for use. The driveway / parking area shall thereafter be kept clear and remain available for parking and turning of vehicles for the development.

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

A charging point for the charging of electric vehicles shall be provided within the site for the approved dwelling. Prior to its provision, full details of the charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved dwelling shall not be occupied until the charging point has been provided in accordance with the approved details and is available for use. The charging point

shall thereafter be retained (unless it is replaced with an upgraded charging point in which case that should be retained).

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

The approved dwelling shall not be occupied until the garage block has been provided in accordance with the approved drawings and is available for use for the parking of cars and cycles. The garage block shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The electric gates to be erected at the site's existing access on Ley Lane shall be set back from carriageway / kerb line a minimum of 5.5m and shall be constructed to only open into the site. No bollard, chain or other means of obstruction shall be placed / erected between the gates and the highway at any time.

Reason: In order to ensure that vehicles can pull off the highway before reaching the gate/s and that the gate/s do/does not impinge on the adjacent footway when open or impair visibility at the access in terms of in terms of Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Arboricultural Officer

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

There is no legally protected tree within this site or affected by this development.

The proposed development will potentially have a negative impact on trees located on site with the proposed new dwelling construction as well as having an impact from encroachment/potential damage from machinery working in close proximity of the trees within 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 a landscaping plan enhancing the site.

The proposed development would potentially have a negative impact on the existing trees, however the trees located on the residential grounds are either poor specimen trees or located far enough away from the construction site.

The main concern for this site is the proposed construction traffic and material storage in proximity to the trees on the neighbouring sites which will have a negative impact on the trees root systems, therefore an exclusion zone through protective fencing will be required for the protection of the trees to the local area including

those on the neighbouring verges of the site as the trees are an integral part of the tree scape for the residential estate and therefore cannot be lost.

The trees offer a high level of biodiversity/habitat benefit and as such they need retaining as the loss would be unacceptable as this would be further increasing urban sprawl of Marple Bridge area.

In principle the scheme will have a negative impact on the trees in the area, but due to the low amenity levels of these trees it is acceptable as long as the landscaping plan is detailed up with species, size of stock, locations and increased numbers. This will be required to be conditioned along with the requirement for the submission of protective fencing plan and an advisory restricting all access to the neighbouring sites trees. This can be conditioned and submitted later then this will resolve any tree related issues.

The following conditions are required if the scheme is approved :-

Condition Tree 1

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

Condition Tree 2

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

Condition Tree 3

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

Nature Development Officer

Site Context

The site is located on Ley Lane in Marple Bridge. The application is for demolition of the existing dwelling house and outbuildings and erection of 1 no. replacement detached dwelling house, outbuildings and associated landscaping.

Nature Conservation Designations

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

Legally Protected Species

An ecological assessment survey has been carried out and submitted with the application. The survey was carried out in September 2020 by a suitably experienced ecologist (Whistling Beetle Ecological Consultants Ltd, 2020). Habitats on site were assessed and the potential for protected species to be present and impacted by the proposals was assessed. Habitats on site comprise amenity grassland, tall ruderal, bare ground and hard standing/buildings with trees and hedgerows.

Many buildings and trees have the potential to support roosting bats. All species of bats, and their roosts, are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS). Under the Regulations it is an offence to :-

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

The ecology survey involved an internal and external inspection survey of the buildings on site (house and workshop). The report states that no significant opportunities for bat access and occupation were recorded. The buildings were found to be in good condition with tiles and lead flashing intact and tight fitting and no gaps under the eaves. A small gap was noted within the wooden fascia board of the house but following close inspection the gap was found to not lead to a potential bat roost feature. No potential roosting features for bats were recorded within any of the trees on site to be impacted. No signs of bats were recorded.

A precautionary bat dusk emergence survey was undertaken on 17 September 2020. No bats were observed to emerge from the buildings. Pipistrelle and noctule bat activity was recorded in the vicinity. The activity survey was carried out late in the survey season, however, owing to the lack of potential roosting features within the buildings this is not considered to have affected the overall assessment and that an appropriate level of survey effort has been carried out to inform determination of the application.

Buildings and vegetation also offer suitable nesting habitat for breeding birds. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended).

No evidence of or significant potential for any other protected species was identified during the survey.

Local Planning Policies

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

Recommendations

No evidence of roosting bats was recorded and it is considered that the buildings and trees on site are unlikely to support roosting bats. Bats can be highly cryptic in their roosting behaviour however and can sometimes roost in seemingly unlikely places and regularly switch roost sites. It is recommended an informative should therefore be attached to any planning consent granted as a precautionary measure so that the applicant is aware of the potential for roosting bats to be present. It should also 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 during works, evidence of roosting bats (or any other protected species) is discovered on site, works must cease and a suitably experienced ecologist contacted for advice.

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2020 survey then update survey work will be required to ensure the baseline conditions and ecological assessment remains current. This can be secured via condition.

The following condition would be relevant to any future planning application relating to the site: No vegetation clearance/demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before (no more than 48 hours before) vegetation clearance/demolition works commence to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

No evidence of other protected species was observed on site but Reasonable Avoidance Measures are outlined in sections 5.0.5-5.0.8 of the ecology report to protect wildlife. These should be implemented in full and can be secured by condition.

Replacement planting will be required for proposed tree loss. The submitted landscape master plan shows the provision of tree planting and new hedgerow planting which are welcomed – these should comprise locally native species. The proposed wildflower area is also a welcome inclusion – future management of these wildlife areas should be provided to the LPA [e.g. for the meadow area; a late summer cut and removal of arisings to prevent over-domination by coarse grasses]. These measures will help achieve net gains for biodiversity which are expected as part of developments in accordance with national and local planning policy. A detailed landscaping plan should be submitted for review by the LPA and this can be conditioned.

The ecology report also outlines the provision of a bat box within the new building – details of the proposed number, type and location should be submitted to the

LPA for review (this can be shown on the landscape plan).

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>).

Environment Team (Land Contamination)

The proposed development site has not been identified as potentially contamination and given the nature of the development (demolition and replacement of dwelling), I would recommend that the developer should keep a watching brief for any unexpected contamination and if this is found or suspected, they must report it to the LPA immediately. As such I would recommend the CON2 Informative :-

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

ANALYSIS

Policy Principle – Green Belt

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

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 133 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Paragraph 145 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 145 d) of the NPPF '*the replacement or a building, provided the new building is in the same use and not materially larger than the one it replaces*'.

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

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

In assessment of the proposal against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 145 of the NPPF, information submitted in support of the application confirms that existing dwellinghouse and stable block on the site has a volume of 907 cubic metres and a footprint of 237 square metres. The proposed replacement dwellinghouse, including outbuildings, would have a volume of 2737.5 cubic metres and a footprint of 614 square metres. This would represent a 201% increase on the volume of the original dwellinghouse structures and a 159% increase on the footprint of the original dwellinghouse structures.

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

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

- Although the application site is located within the Green Belt, the existing property benefits from 'Permitted Development Rights', under the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Development which could be undertaken at the site under 'Permitted Development Rights' without the requirement for planning permission include a single storey rear extension (for which Prior Approval was granted on the 18th November 2020 – Reference : DC078443); a single storey side extension; an outbuilding to the North Western side curtilage; an outbuilding to the North Eastern rear curtilage; and an outbuilding to the South Eastern side curtilage.
- The development that could be undertaken at the site under 'Permitted Development Rights' without the requirement for planning permission as described above would have a volume of 2860 cubic metres and a footprint of 806 square metres. This would be greater than both the volume and footprint of the proposed development for which planning permission is sought as part of the current application.

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

Policy Principle – Residential

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

Developer Contributions

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

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

Design and Siting

No concerns are raised to the demolition of the existing dwellinghouse and associated outbuildings at the site, which are not considered to comprise buildings of any architectural or visual merit worthy of retention.

The Ley Lane street scene within which the application site relates is mixed, comprising detached residential properties of varying age, design, scale and size. As such, no concerns are raised to the general design of the proposed replacement dwellinghouse, comprising a development of two storey scale and relatively traditional form with contemporary elements and features. Whilst the application site is located at a higher level than Ley Lane, the proposed development would be well set back into the site to reduce its visual prominence. The large size of the plot and the central siting of the proposed replacement dwellinghouse within it would retain the spacious character of the area. Suitably worded planning conditions would be imposed to secure appropriate matters of details, in relation to materials of external construction, hard and soft landscaping, boundary treatment and bin storage.

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

In view of the above, it is considered that the siting, scale, size, height and design of the proposed development could be accommodated on the site without causing harm to the character of the street scene, the visual amenity of the area or the

character of the Marple Bridge Landscape Character Area within which the site is located. As such, the proposal is considered to comply with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The proposed replacement dwellinghouse would be sited centrally within a large residential plot and is adjoined to the rear (North East) by open fields. The proposed replacement dwellinghouse would be sited 22.0 metres from the South Eastern site boundary with the neighbouring residential property at Number 20 Ley Lane and 15.0 metres from the North Western site boundary with the neighbouring residential property at Number 16 Ley Lane. Separation of 38.0 metres would be retained to the residential properties on the opposite side of Ley Lane to the front (South West).

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

Highways Considerations

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

In raising no objections to the proposal, the Highway Engineer notes that the proposal would replace an existing dwelling, constructed on a similar footprint with ancillary accommodation located within the site away from the highway; the proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network; an adequate level of car parking would be provided, having regard to adopted parking standards and expected demand; no changes are proposed to the sites access arrangements; and cycle parking and electric vehicle (EV) charging facilities would be provided.

Conditions are recommended by the Highway Engineer to agree matters of detail in relation to construction management; driveway/parking provision; to secure appropriate EV charging and cycle parking facilities; and to ensure that the proposed electric gates are appropriately set back from the highway.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from a traffic generation, access, parking and highway safety perspective, in accordance with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Impact on Trees

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

The Arboricultural Officer acknowledges that existing trees on the site are not afforded protection by way of either Tree Preservation Order or Conservation Area

status. As such, consideration must be had of the fact that existing trees on the site could effectively be worked to or removed within the requirement for consent.

The Arboricultural Officer notes the proposed tree removal, however the trees proposed for removal are considered to be poor specimens. In order to mitigate and off-set the proposed tree loss, a condition is recommended to require replacement planting/landscaping to enhance the site from a visual and biodiversity perspective. Further conditions are recommended to ensure that no existing retained tree is worked to and to require the provision of protective fencing to retained trees during construction.

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

Impact on Protected Species and Ecology

The detailed comments received to the proposal from the Council Nature Development Officer are contained within the Consultee Responses section above.

It is acknowledged that the site has no nature conservation designations, legal or otherwise. Nevertheless, buildings, trees and vegetation have the potential to support roosting bats and nesting birds, both of which are protected species.

The Ecological Survey submitted in support of the application confirms that no significant opportunities for bat access and occupation were recorded within the building, the roof was not considered to be a potential bat roosting feature, no potential bat roosting features were recorded within any trees on site and no signs or evidence of bats were recorded. As such, the Nature Development Officer considers that the buildings and trees on site are unlikely to support roosting bats. Nonetheless, the applicant will be advised of the potential for roosting bats to be present, the requirement to abide by legislation to protect biodiversity and procedures to follow should protected species be discovered by way of informative.

No evidence of or significant potential for any other protected species was identified during the survey. A condition is however recommended to ensure that no vegetation clearance or demolition works are undertaken during the bird nesting season, unless a check for active birds nests is undertaken to ensure that no birds will be harmed and/or appropriate mitigation measures are in place.

Additional conditions are recommended by the Nature Development Officer to require the submission of an update Ecology Survey should the works not have commenced within 2 years of the original Survey; to require the provision of Reasonable Avoidance Measures during development to protect wildlife; to require the provision of replacement planting; to require the provision of biodiversity enhancements; and to ensure that any external lighting is sensitively designed to minimise impacts on wildlife.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site, in accordance with Core Strategy DPD policies CS8 and SIE-3.

Flood Risk and Drainage

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

Appropriate drainage of the development could be secured by conditional control. This would require the submission, approval, implementation, management and maintenance of a detailed surface water drainage system for the development, which should incorporate a Sustainable Urban Drainage System (SUDS), based on the hierarchy of drainage options identified by National Planning Practice Guidance and taking into account ground conditions. Subject to compliance with such a condition, it is considered that the proposed development could be drained in a sustainable and appropriate manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Land Contamination

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

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

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

Energy Efficiency

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

Other Issues

Neighbour objections raised to the application with regard to the use of the paddock area to the South East of the site and potential future development within this land are noted. However, Members are advised that this area of land is located outside the application sited edged red on the submitted location/site plans and does not

form part of the application site. Any future change of use of this land to form part of the residential curtilage/garden of the existing property at Number 18 Ley Lane or any development within this land would require planning permission.

Whilst it is the applicants intention to provide additional planting within the paddock land to form a wildflower meadow, Members are advised that planting does not comprise development and therefore does not require planning permission. The applicant is aware of the concerns raised by neighbours in terms of some of the planting species proposed and their potential impact on livestock and the applicant now proposes to provide more appropriate species that are not potentially dangerous to livestock.

SUMMARY

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

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

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

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

In view of the above, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and relevant SPG's and SPD's. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant.

Should Marple Area Committee be minded to agree the recommendation to grant planning permission, the application should be referred to the Planning and

Highways Regulation Committee for determination as a Departure from the Development Plan.

MARPLE AREA COMMITTEE (10/03/2021)

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

Members sought clarification as to when it would be the case that a proposal so large would be recommended for refusal. The Planning Officer confirmed that any such inappropriate development, where Very Special Circumstances did not exist, would generally be refused under delegated powers. The Planning Officer considered that Very Special Circumstances had been demonstrated in this particular case, hence the application being referred to Committee as a departure. Members sought clarification with regard to drainage, in view of the proposed increased hard landscaping and existing drainage problems in the area. The Planning Officer confirmed that an appropriate sustainable drainage scheme would be secured by way of a suitably worded planning condition. Members sought clarification as to the designation of the adjacent pasture land. The Planning Officer confirmed that the paddock area to the South East of the site was not within the application sited edged red and effectively did not form part of the application. The Planning Officer confirmed that, whilst planting could be undertaken within this land without planning permission, any material change of use of the land to a garden or operational development would require planning permission.

There were no requests to speak in objection to the application.

The Agent spoke in support of the application. The Officer recommendation for approval was supported. The proposed replacement dwelling was considered to be bespoke and well considered, using the natural levels of the site. Pre-application discussions had been undertaken to ensure that the scheme had a robust case for Very Special Circumstances. The applicant had taken into consideration the comments of neighbours regarding the proposed landscaping, confirming that the area to the South East was outside the application site and curtilage and in relation to hours of construction. It was confirmed that the proposed hardstanding would be permeable. It was hoped that Members could support the Officer recommendation for approval.

Members sought clarification from the Agent in relation to proposed landscaping. The Agent confirmed that a Landscape Architect had been employed to provide a detailed landscaping scheme for the site and adjacent paddock, which included the provision of amended hedging as requested by a neighbour which would be capable of being conditioned. Members sought clarification from the Agent in relation to access to the site from the road to the rear. The Agent confirmed that vehicular access would be retained as existing from the front of the site and not the rear.

Members debated the proposal. Members raised ongoing concerns regarding the size and volume of the proposed development, substantially in excess of the saved UDP and NPPF requirements. Whilst no objections were raised to the proposal, it was considered that legislation and policies needed to be changed with respect to this.

Following the debate, all Members agreed to refer the application to the Planning and Highways Regulation Committee with a recommendation to grant.