

<b>Application Reference</b>	<b>DC/075688</b>
<b>Location:</b>	Lower Cobden Edge Farm 15 Whetmorhurst Lane Mellor Stockport SK6 5NZ
<b>PROPOSAL:</b>	Demolition of existing agricultural building and erection of a detached two storey dwelling with single storey detached garage.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	15/01/2020
<b>Expiry Date:</b>	11/03/2020
<b>Case Officer:</b>	Mark Burgess
<b>Applicant:</b>	Mr And Mrs Waterfall
<b>Agent:</b>	Plan:8 Town Planning Ltd

### **DELEGATION/COMMITTEE STATUS**

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

### **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the erection of a two storey residential dwellinghouse and single storey detached garage to an area of residential curtilage/garden of an existing residential dwellinghouse at Lower Cobden Edge Farm, 15 Whetmorhurst Lane, Mellor. The proposal would include the demolition of an existing agricultural building to the North East of the existing residential dwellinghouse.

The proposed dwellinghouse would have a width of 12.0 metres, a length of 5.5 metres, an eaves height of 4.8 metres and a ridge height of 6.4 metres. The proposed dwellinghouse will be of traditional design with a pitched roof and the materials of external construction are specified stone for the external walls and slate for the roof covering. Internally, the proposed dwellinghouse would comprise a living room, kitchen/dining room, utility and WC at ground floor level and three bedrooms (one with en-suite) and a bathroom at first floor level.

The proposed detached garage would have a width of 5.9 metres, a length of 8.3 metres, an eaves height of 2.2 metres and a ridge height of 3.9 metres. The proposed detached garage would be of pitched roof design and constructed with stone external walls and a slate roof.

Vehicular access to the proposed dwellinghouse would be taken from an existing point from Whetmorhurst Lane to the North West, with improvements proposed to the access.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Volume Calculations.
- Energy Statement.
- Building Protected Species Survey Report.

The scheme has been amended since its original submission in order to address comments raised by the Council Highway Engineer.

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

## **SITE AND SURROUNDINGS**

The application site comprises an area of enclosed garden/curtilage to the South West of an existing two storey detached residential dwellinghouse at Number 15 Whetmorhurst Lane. Levels slope down from South East to North West and from South West to North East. Access to the site is taken from Whetmorhurst Lane to the North West.

To the North East of the site, beyond the existing dwellinghouse and outbuildings at Number 15 Whetmorhurst Lane, are further residential properties. The site is adjoined to the South East by open fields, with further open fields on the opposite side of Whetmorhurst Lane to the South West and North West. A residential property at Number 20 Whetmorhurst Lane is located on the opposite side of Whetmorhurst Lane to the West.

## **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 31<sup>st</sup> 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 17<sup>th</sup> March 2011.

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

### **Saved UPD 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 GREEN BELT

- GBA1.5 : RESIDENTIAL DEVELOPMENT IN GREEN BELT
- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAY
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

### Core Strategy DPD policies

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

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

### National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 219 states '*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due*

*weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.*

### National Planning Practice Guidance (NPPG)

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

### **RELEVANT PLANNING HISTORY**

- DC077182 : Construction of swimming pool and erection of building to enclose the swimming pool (Lawful Development Certificate) : Granted – 10/08/20.
- DC074413 : The erection of an outbuilding to an existing dwelling incorporating a double garage and a home office/garden room (Lawful Development Certificate) : Granted – 09/10/19.
- DC072601 : The proposal is for the confirmation of use of the land in excess of ten years. Over ten years ago the use of the land was changed from a field to a residential garden and throughout that time and for the last ten years the use as a garden has continued (Lawful Development Certificate) : Granted – 25/06/19.
- DC069319 : Notification for Prior Approval for a Proposed Change of Use of an Agricultural Building to a Dwelling House (Class C3) with elevational changes : Prior Approval Not Required – 03/07/18.
- DC056729 : Subdivision of domestic curtilage for 1 no. extra dwelling : Refused – 17/12/14 : Appeal Dismissed – 21/08/15.
- J.56719 : Agricultural Building : Granted – 11/02/93.
- J.55694 : Agricultural Building : Refused – 20/07/92.
- J.40973 : Tractor shed and fencing : Granted - 09/02/88.
- J.23840 : Hay storage and cattle shelter : Granted – 17/09/81.

### **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.

One letter of objection has been received to the application. The main causes for concern raised are summarised below :-

- The proposal does not comply with Council Planning Policy along with the NPPF.

- The application would appear to be attempting to trade off permitted development rights granted for the conversion of an agricultural building to a dwellinghouse and a home office and garage.
- No objections to the redevelopment of a redundant agricultural building into a dwelling. However trading this privilege and in turn eating away at Green Belt is not acceptable and may set a precedent for further inappropriate development in the Green Belt.
- Whilst permitted development has been gained for an outbuilding, constraints are in place for such development, limiting footprint and height. The current proposal is for a two storey dwelling with garage which exceeds the limits of permitted development.
- A previous application for a dwelling on this site was refused and the current application does not address any of the issues.
- Other applications in the area have been refused which are not dissimilar to the proposal, highlighting pedestrian safety concerns amongst others.
- The proposed development is inappropriate, detrimental to the Green Belt and fails to meet the criteria outlined in Council Planning Policy and the NPPF. Trading off two permitted development schemes fails to address shortfalls in meeting planning policy.

## **CONSULTEE RESPONSES**

### Highway Engineer

#### **Comments of 31/01/20**

This application seeks permission for the construction of a detached two storey dwelling and garage on land adjacent to 15 Whetmorhurst Lane, Mellor. Although the proposed dwelling would have a level of parking that accords with the adopted parking standards and should meet demand and the proposal should not result in a material increase in vehicle movements on the local highway network, the dwelling would be located in a location that could not be regarded as being accessible. This is on the basis that the site is not situated within reasonable distance of a bus route/s, railway station, shops, services, schools or places of employment and due to the nature of the local highway network in the vicinity of the site, which doesn't benefit from footways or a full system of street lighting. As such, having regard to local and national policies which outline that residential development should be located in accessible locations (other than in specific circumstances), I would normally recommend that the application be refused on the grounds of accessibility.

I note, however, that approval has been granted (under application DC/069319) for the change of use of an agricultural building to the rear of No. 15 to a dwelling under the Prior Approval procedure and that the applicant is proposing to construct the dwelling which is the subject of this application in lieu of converting that agricultural building and would, instead, demolish that building. If that was the case, there would be no net gain in dwellings on the site and, as such, I would conclude that a recommendation of refusal on the grounds of accessibility may be hard to justify. If the applicant's argument was accepted, I would recommend that any approval granted included a condition which required the agricultural building that would have been converted to a dwelling to be demolished.

With respect to access, the submitted plans indicate that the dwelling would be accessed via the site's existing access. This access, however, is sub-standard, benefitting from a sub-standard of visibility, being unsurfaced, at a fairly steep gradient and meeting the highway at a fairly acute angle (making turning to / from the east difficult). This access, however, appears not to have been historic (the land was historically accesses via a field gate located to the east of the current access and appears to have been constructed in the last few years. I am not aware that any consent has been granted for this access, either by the Local Planning Authority, nor the Highway Authority, and, if an application was made to the Highway Authority for such an access, such a request would have been refused.

Notwithstanding that, I would conclude that such an access is not suitable for accessing a dwelling, as its use would be unsafe and impractical, and the proposal would result in an intensification of use of a sub-standard access. As such, I would be unable to support the application in its present form. If, however, the applicant was able to submit proposals to amend the site's access arrangements so that the site would benefit from an access that would benefit from an acceptable level of visibility, enabled vehicles to turn into and out of the access in both directions and was suitably surfaced and graded, I may be able to support the scheme. I therefore recommend that the application is deferred and the applicant is advised to review the site's access arrangements. Any plan showing revised access arrangements should show the level of visibility that would be afforded in each direction, the gradient of the driveway and the location of any gates.

Finally, with respect to cycle parking, I note that the proposed garage would be of sufficient size to accommodate cycles as well as cars. As such, the scheme would comply with Policy T-1 'Transport and Development').

- Recommendation : Defer

#### **Further comments of 27/07/2020, following submission of amended plans**

I write with reference to drawing RG226/PL104 Rev B which has been submitted with the aim of addressing the issues raised in my comments of the 31<sup>st</sup> January 2020. Submission of the drawing follows discussions with the applicant's agent in respect to the design of the access and access drive. Examination of the revised drawing concludes that, subject to the visibility splays shown on the revised drawing being set out in an acceptable manner (details of which would need to be agreed), the access should benefit from an acceptable level of visibility. In addition, the access drive should be of a layout and gradient that should enable cars and vans to access the property in a safe and practical manner. As such, I can confirm that the revised plan addresses the issues previously raised and, as such, I raise no objection to this application, subject to conditions.

- 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.

No work shall take place in respect to the amendment of the site's existing access until full details of the works to amend / improve the access, as indicated on drawing RG226/PL104 Rev B 'Proposed Access', have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- 1) Details of how 2.4m by 25.0m vehicular visibility splays will be provided to either side of the access, including details of how existing site boundaries will be amended / set back to allow the visibility splays to be formed.
- 2) Details of proposals to provide 1m by 1m pedestrian visibility splays at either side of the access
- 3) Details of how the verge crossing and access drive (up to the approved gates) will be formed, including details of surfacing specification and kerbing.

The approved development shall not be occupied until the access has been constructed in accordance with the approved details and is available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow to a height in excess of 1000mm within the vehicular visibility splays.

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

Any gates, barrier, or similar form of obstruction, to be erected across the vehicular access that will serve the site shall be set back 5.5 metres from carriageway / kerb line and shall be constructed to only open into the site. No bollard, chain or other means of obstruction shall be placed / erected between any gates / barrier and the highway at any time.

Reason: In order to ensure that vehicles can pull off the highway before reaching the any gates / barrier and that any gates / barrier do 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.

The approved development shall not be occupied until the access drive, car parking and turning facilities have been provided in accordance with the approved drawings, hard surfaced (in tarmac, block paving or other non-loose material), drained (to a soakaway / SuDS system) and are available for use. The access drive, car parking and turning facilities shall thereafter be kept clear and remain available for parking and turning of vehicles.

Reason: To ensure that adequate parking and turning facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance



with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

A charging point for the charging of electric vehicles shall be provided for the approved dwelling. Prior to its provision, 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, as indicated on the approved plans, has been provided in accordance with the approved plans and is available for the use of the parking of cars and cycles. It shall then be retained and shall remain available for that use at all times thereafter.

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

#### *Informatives*

In addition to planning permission, consent will also be required from the Highway Authority (Stockport Council) for the approved / required vehicle dropped crossing and/or closure of any redundant vehicle dropped crossing. Applications for consent can be made on-line at the Council's web-site ([www.stockport.gov.uk](http://www.stockport.gov.uk)) or via the Council's contact centre. Consent must be obtained prior to the commencement of any works.

A condition of this planning consent requires the submission of a Construction Method Statement. In order to ensure that the statement includes all the required information the applicant / developer is advised to use the Council's template Construction Method Statement. This can be obtained from the 'Highways and Transport Advice' section within the planning pages of the Council's web-site ([www.stockport.gov.uk](http://www.stockport.gov.uk)).

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

## Arboricultural Officer

### *Site Context*

The proposed development site is located within the grounds of the agricultural property site predominantly on the old hard standing and soft landscaped areas. The plot is comprised largely of former hard standing and informal gardens.

### *Conservation Area Designations*

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

### *Legally Protected Trees*

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

### *Recommendations*

The construction site footprint predominantly sits within the hard standing/existing building footprint and informal grounds of the site and the proposed new developments will potentially not impact on the trees on or off site. A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees.

There is only one concern over the proposed scheme, which is the potential for negative impact on trees at the front of the site from the construction works and landscaping works, which has the potential for negative impact on low valued amenity trees. In addition it's not clear if any construction traffic, material storage or encroachment would come close to the retained trees and potential impact on them to facilitate the scheme.

The lack of any landscaping will need to be addressed through conditions to allow consideration for new trees on and the local provenance and improved amenity and interest, with this in mind the following species should be considered; *Quercus robur* (Common Oaks) or *Ilex aquifolium* varieties (Variegated Holly) if any opportunity allows for the increase tree cover for the residential site.

In principle the design will potentially not have a negative impact on the trees of any merit on site and within neighbouring properties, therefore it could be accepted in its current format with some additional information supplied.

This information needs to show the current tree root zone of the neighbouring tree and how they will demolish and construct the new structure in proximity to the neighbouring tree, improved landscaping design which also considers the impact of the landscaping works on the protected trees as well as taking care with the proposed siting of the trees and the species of the trees to offer some diversity in the species and improved biodiversity the trees offer increasing wildlife benefits to an ever increasing urban area.

The following conditions would be relevant to any planning application relating to the site if it was minded to approve against the arboriculture comments :-

#### *Condition Tree 1*

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

#### *Condition Tree 2*

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

#### *Condition Tree 3*

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

#### Nature Development Officer

#### *Site Context*

The site is located at 15 Whetmorhurst Lane in Mellor. The application is for demolition of existing agricultural building and erection of a detached two storey dwelling with single storey detached garage.

#### *Nature Conservation Designations*

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

#### *Legally Protected Species*

Many buildings have the potential to support roosting bats and nesting birds. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended) and some species receive additional protection through Schedule 1 of the Act.

The barn proposed for demolition is considered likely to offer limited potential to support roosting bats on account of its construction: prefabricated metal roof and poor thermal properties. It may however support nesting birds.

From review of mapping data there appears to be a pond located approximately 150m to the east with a further pond located approx. 300m to the southeast. Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN). GCN receive the same level of legal protection as bats (outlined above). No records for GCN exist at the ponds but this is not necessarily confirmation of GCN absence and may just be a reflection of a gap in the baseline data. Although GCN can travel up to 500m from a pond, research shows that they are typically found within 100m of a pond (within 50m is termed 'core habitat'). The footprint of the proposed new dwelling comprises short grassland and this is unlikely to provide refuge habitat for GCN and is considered to offer limited value to other protected species

Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. Given the above, I would not consider it reasonable to request an ecology survey (for bats or GCN) as part of the current application as the risk to these protected species is considered to be low. As a precautionary measure, Reasonable Avoidance Measures (RAMS) for GCN should followed during construction works to further minimise this risk.

#### *Local Planning Policies*

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

#### *Recommendations*

In this instance I would not consider it reasonable to require a bat survey as part of the current application as the risk to roosting bats is considered to be very low. Bats can sometimes roost in seemingly unlikely places however, and so I would recommend that an informative is attached to any planning permission granted so that the applicant is aware of the potential for buildings to support roosting bats. It should also include information stating that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats, or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted.

Demolition works and any required vegetation clearance should be timed to avoid the bird nesting season where possible. Where such works are required to take place between 1st March and 31st August inclusive, a competent ecologist (or otherwise suitably experienced person) should undertake a careful, detailed check of vegetation/buildings for active birds' nests immediately (no more than 48 hours)

before vegetation clearance/demolition works commence and provide confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

It is recommended that reasonable avoidance measures (RAMs) are implemented during works to minimise the risk of impacting amphibians and also to prevent terrestrial habitats on site from becoming more suitable for amphibians during works (such as through the creation of rubble/spoil piles). Suitable measures include: storing any materials on raised pallets or in skips; a ramp (such as scaffold board) to be placed in any excavations left uncovered overnight to prevent wildlife from becoming trapped; and in the event that great crested newts are discovered on site, all works must stop and a suitably experienced ecologist be contacted for advice. These RAMs should be conditioned as part of any planning consent granted.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). A suitable measure includes the provision of bat and/or bird boxes on or integrated within the new dwelling and on mature retained trees on site. An integrated bat and/or bird box(es) is preferred within the house (see for example Habibat boxes) details of the proposed type, number and location of boxes to be provided on site should be submitted to the LPA for review. It is advised that this is secured via a pre-construction condition since it is difficult to retrofit integrated bat roost/bird nesting features.

In addition, any proposed landscaping should comprise wildlife-friendly (preferably locally native) species to maximise benefits to biodiversity. Supplementary native tree planting around the site boundary would be welcomed for example. Landscaping can be secured via an appropriate condition as required.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>).

### Public Rights of Way Officer

Although this was formally a Public Footpath, it has gained higher rights as an adopted road. I would recommend you consult Highways in this case.

### United Utilities

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

- *Drainage*

Our records show that there are no known public sewers in the vicinity of the proposed development.

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

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

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

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

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

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/builders-developers.aspx>

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

- *Water supply*

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk).

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

- *United Utilities' property, assets and infrastructure*

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

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

Water assets – [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

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

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

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

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

## **ANALYSIS**

### **Policy Principle – Green Belt**

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

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 137 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.

Paragraph 147 of the NPPF states that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.

Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances, none of which include the erection of dwellinghouses.

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 and saved UDP policy GBA1.5 states that proposals relating to existing residential uses in the Green Belt may be permitted in certain specified cases, none of which include the erection of dwellinghouses.

In view of the above, the proposal would clearly represent inappropriate development in the Green Belt. 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 :-

- The area of land to which the application site relates benefits from a lawful use as a residential garden, granted as part of Lawful Development Certificate application DC072601.
- The total volume of the proposed dwellinghouse and proposed detached garage for which planning permission is sought as part of the current application would be 587 metres.
- The volume of the garage/home office, granted as part of Lawful Development Certificate application DC074413, would be 251 cubic metres.
- The volume of the swimming pool building, granted as part of Lawful Development Certificate application DC077182, would be 840 cubic metres.
- The volume of the agricultural building, granted Prior Approval for the change of use to a dwellinghouse as part of Prior Approval application DC069319 and which would be demolished as part of the current proposal, is 416 metres.
- The total volume of development that could be undertaken at the site under 'Permitted Development Rights', without the requirement for planning permission and the conversion under 'Prior Approval', as described above, would be 1507 Cubic Metres. This would exceed the volume of the proposed dwellinghouse and detached garage (587 cubic metres) for which planning permission is sought as part of the current application, by 920 cubic metres. The total volume of new buildings that could be undertaken at the site under 'Permitted Development Rights', without the requirement for planning permission (1091 cubic metres), would exceed the volume of the proposed dwellinghouse and garage (587 cubic metres) for which planning permission is sought as part of the current application, by 504 cubic metres.

In view of the above, it is clear that the extent and volume of the development that could be undertaken at the site under 'Permitted Development Rights' without the requirement for planning permission would greatly exceed the volume of development sought as part of the current planning application for the proposed dwellinghouse and detached garage. In addition, the footprint of the development that could be undertaken at the site under 'Permitted Development' Rights without the requirement for planning permission would exceed that sought as part of the current planning application for the proposed dwellinghouse and detached garage, resulting in a potential additional impact on the openness of the Green Belt. As such, 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 from the proposed development, by reason of inappropriateness. 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 dwelling within the Green Belt as a departure from the Development Plan in this particular case.

### Policy Principle – Residential

Core Strategy DPD policy CS4 directs new housing towards three spatial priority areas (The Town Centre, District and Large Local Centres and, finally, other accessible locations), with Green Belt sites being last sequentially in terms of acceptable Urban Greenfield and Green Belt sites. Core Strategy DPD policy H-2 states that the delivery and supply of new housing will be monitored and managed to ensure that provision is in line with the local trajectory, the local previously developed land target is being applied and a continuous 5 year deliverable supply of housing is maintained and notes that the local previously developed land target is 90%.

The NPPF puts additional emphasis upon the government's objective to significantly boost the supply of housing, rather than simply having land allocated for housing development. Stockport is currently in a position of housing under-supply, with 2.6 years of supply against the minimum requirement of 5 years + 20%, as set out in paragraph 74 of the NPPF. In situations of housing under-supply, Core Strategy DPD policy CS4 allows Core Strategy DPD policy H-2 to come into effect, bringing housing developments on sites which meet the Councils reduced accessibility criteria. Having regard to the continued position of housing under-supply within the Borough, the current minimum accessibility score is set at 'zero'.

In view of the above factors, the principle of residential development at the site is considered acceptable at the current time of housing under-supply within the Borough. On this basis, the proposal is considered to comply with Core Strategy DPD policies CS2, CS4 and H-2.

### Design, Siting and Impact on Visual Amenity

The application site is located on the South Eastern side of Whetmorhurst Lane, comprising predominantly two storey residential dwellinghouses of varied design. As such, the principle of two storey development at the site is considered acceptable.

No concerns are raised to the general design of the proposed development, of traditional form, with a pitched roof. Matters of details in relation to materials of external construction, means of enclosure hard and soft landscaping and bin storage, would be secured by way of suitably worded planning conditions.

Adequate private amenity space, in the form of a 378 square metres rear garden, would be provided to serve the proposed development, in accordance with the requirements of the Design of Residential Development SPD.

In view of the above, it is considered that the proposal could be accommodated on the site without causing undue harm to the visual amenity of the area or the wider Mellor Moor Landscape Character Area within which the site is located. As such, the proposal complies 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 application site is adjoined to the South East by open fields and to the North West and South West by Whetmorhurst Lane, with open fields beyond. The proposed development would be sited at an angle to and over 21.0 metres from the

residential property at Number 20 Whetmorhurst Lane to the West, in accordance with adopted minimum separation/privacy standards, as defined by the Design of Residential Development SPD. The proposed development would be sited 13.5 metres from the side elevation of the existing residential property at Number 15 Whetmorhurst Lane to the North East of the site, which is in the ownership of the application. On this basis, it is considered that the proposal could be accommodated on the site without causing harm to the amenity of surrounding residential properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy, in accordance with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

### Highways Considerations

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

The Highway Engineer considers that the proposed dwellinghouse would have a level of parking that accords with adopted parking standards and should meet demand and the proposal should not result in a material increase in vehicle movements on the local highway network. As such, the proposal is considered acceptable from a parking and traffic generation perspective.

The Highway Engineer notes that the site is situated in a location that could not be regarded as being acceptable. This is on the basis that the site is not situated within reasonable distance of a bus route/s, railway station, shops, services, schools or places of employment and due to the nature of the local highway network in the vicinity of the site, which does not benefit from footways or a full system of street lighting. As such, it would normally be recommended that the application be refused on the grounds of accessibility.

Notwithstanding the above accessibility concerns, the Highway Engineer notes that Prior Approval has been granted for the change of use of an agricultural building to the rear of Number 15 Whetmorhurst Lane to a dwelling, under application DC069319, and it is proposed to construct the dwellinghouse subject of the current application in lieu of converting the agricultural building which would be demolished. As this is the case, as there would be no net increase in dwellings at the site, the Highway Engineer concludes that a refusal on the grounds of accessibility would be difficult to justify. This would be subject to the imposition of a condition to require the agricultural building to be converted to a dwelling to be demolished.

In order to address the Highway Engineer concerns regarding the proposed access to the site, the scheme has been amended at the request of the Highway Engineer. In its amended form, the Highway Engineer considers that, subject to the visibility splays shown on the amended plans being set out in an acceptable manner, the access should benefit from an acceptable level of visibility. In addition, on the basis of the amended plan, the access drive should be of a layout and gradient that should enable cars and vans to access the property in a safe and practical manner. As such, the Highway Engineer considers that the amended plan has addressed the issues raised and no objections are raised to the proposal, subject to conditions in relation to matters of detail.

Further conditions are recommended by the Highway Engineer to require the submission, approval and implementation of a Construction and Demolition Method Statement; to ensure that any gates/barriers/obstruction across the access are set back 5.5 metres from the carriageway/kerb line and only open into the site; and to

require the provision appropriate Electric Vehicle charging and cycle parking facilities.

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

### Impact on Trees

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

The Arboricultural Officer notes that existing trees on the site are not afforded protection by way of either Tree Preservation Order or Conservation Area status. As such, existing trees on the site could effectively be removed or worked to without the requirement for consent.

Whilst it is acknowledged that no Tree Survey has been submitted in support of the application, the Arboricultural Officer considers that the proposed development would potentially not have a negative impact on trees within the site. In order to address concerns raised by the Arboricultural Officer in relation to potential impacts on trees during construction, conditions are recommended to ensure that any existing retained tree is not worked to and to require the provision of protective fencing to existing retained trees during construction. A further condition is recommended to require the provision of additional landscaping/planting, to increase the amenity levels of the site.

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

### Impact on Protected Species and Ecology

A Building Protected Species Survey Report has been submitted in support of the application. The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

The Nature Development Officer notes that the site has no nature conservation designations, legal or otherwise.

Due to the construction of the agricultural building proposed for demolition, it is considered that this building is likely to offer limited potential to support roosting bats and, as such, the submission of a Bat Survey is not required as part of the application. However, the applicant will be advised of the potential for the building to support roosting bats, the legislation in place to protect biodiversity and procedures to follow should bats or other protected species be discovered by way of informative.

The agricultural building proposed for demolition has the potential to support nesting birds. As such, a condition is recommended to ensure that no works are undertaken within the bird nesting season, unless detailed checks are undertaken and appropriate measures put in place to protect nesting bird interest on the site.

Ponds located in proximity of the site have the potential to support Great Crested Newts. No records for Great Crested Newts exist at the ponds and the footprint of the proposed dwellinghouse, comprising short grassland, is unlikely to provide refuge habitat for Great Crested Newts and is considered to offer limited value to other protected species. As such, the submission of a Great Crested Newts Survey is not required as part of the application, as the risk to this protected species is considered to be low. However, as a precautionary measure, Reasonable Avoidance Measures (RAMS) should be followed during works, to minimise the risk of impacting amphibians and also to prevent terrestrial habitats on site from becoming more suitable for amphibians during works. Such RAMS would include storing any materials on raised pallets or in skips; a ramp (such as scaffold board) to be placed in any excavations left uncovered overnight to prevent wildlife from becoming trapped; and in the event that Great Crested Newts are discovered on site, all works must stop and a suitably experienced ecologist be contacted for advice. Such RAMS would be secured by way of suitably worded planning condition.

Further conditions are recommended by the Nature Development Officer to require biodiversity enhancements within the development, including the provision of bat and/or bird boxes; to ensure that any landscaping comprises wildlife friendly, locally native species; and to ensure that any proposed external lighting is sensitively designed so as to minimise impacts on wildlife associated with light disturbance.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, it is considered that the proposed development would not unduly impact on protected species, biodiversity or the ecological interest of the site. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3.

### Flood Risk and Drainage

The application site is located within Flood Zone 1, which is deemed to have the lowest risk of flooding. Core Strategy DPD policy SIE-3 states that all development will be expected to comply with the approach set out in national policy, with areas of hard-standing 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 Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS.

As recognised by United Utilities, appropriate drainage for the proposed development could be secured by the imposition of a suitably worded planning condition to require the submission, approval and subsequent implementation of a sustainable surface water drainage system, including management and maintenance of such at all times thereafter, 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 an appropriate and sustainable 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.

### Energy Efficiency

As the proposed development would not exceed 10 residential units, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Nevertheless, an Energy Statement has been submitted in support of the application, to confirm that energy efficiency measures would be incorporated within the fabric of the building, in order to comply with current Building Regulations. With regard to low and zero carbon technologies, the use of solar tiles and ground source heat pumps are proposed to be incorporated within the proposed development. As such, the submitted Energy Statement is compliant with the requirements of Core Strategy DPD policy SD-3.

### Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As such, on the basis of the proposal for 1 no. dwellinghouse, there is no requirement for affordable housing provision within the development.

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development (1 no. 3 bedroomed/4 person dwelling = 4), this would require a commuted sum payment of £5,984, which would be secured by way of a Section 106 Agreement.

### **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 Mellor Moor Landscape Character Area, the character of the street scene, the visual amenity of the area or the amenity of surrounding residential properties.

In its amended form, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from a traffic generation, parking, accessibility and highway safety perspective.

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

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

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

In view of the above, in considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objection raised, the application is recommended for approval.

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

## **RECOMMENDATION**

Grant.

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

Should the Planning and Highways Regulation Committee agree the recommendation and resolve to grant planning permission, the decision should be deferred and delegated to the Head of Planning, pending the applicant entering into a Section 106 Agreement to secure the relevant contribution towards open space.

## **MARPLE AREA COMMITTEE (15<sup>TH</sup> SEPTEMBER 2021)**

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

Members sought clarification from the Planning Officer on a number of matters, including previous Lawful Development Certificate applications at the site; the fall-back position should the current application not be approved; whether or not Very Special Circumstances exist; whether or not, should the application be granted, the Lawful Development Certificate schemes cease to exist; the volume of the proposed development in comparison to the Lawful Development Certificate schemes; the potential for the fall-back position to be implemented at a later date; the timing when any removal of permitted development rights condition would come into force; pedestrian and accessibility safety concerns; whether or not the proposal would comprise a separate, independent dwelling; and in relation to the issue of proposed sustainable drainage, all of which were explained by the Planning Officer.

There were no requests to speak either in support of objection to the application.

Members debated the application. Whilst it was considered positive to see sustainability of design, concerns were raised to the principle of a proposed new dwelling to replace ancillary development as approved by the Lawful Development Certificate, which was felt to be permitted development by stealth. Issues were raised regarding drainage, the impact on the proposal on a lane that was poorly lit and with drainage issues and the location was not considered to be the most appropriate for a new dwelling. Concerns were raised that the 'Very Special Circumstances' argument was being submitted on a frequent basis. Accessibility,

traffic generation and the road access were considered to be difficult, which required consideration.

Following the debate, it was proposed and seconded that the application be recommended for approval. A vote was taken (3 for, 1 against, 2 abstentions) and it was therefore resolved to refer the application to the Planning and Highways Regulation Committee with a recommendation to grant.