

ITEM

Application Reference	DC/080313
Location:	The Garden House Lakes Road Marple Stockport SK6 7DH
PROPOSAL:	Change of use of land to a mixed use consisting of an urban farm and educational facility, together with retention of buildings and structures, parking area and the construction of the Garden House comprising visitor and educational facilities, together with a managers dwelling and new detached storage building (part retrospective)
Type Of Application:	Full Application
Registration Date:	11.08.2021
Expiry Date:	10.11.2021
Case Officer:	Mark Jordan
Applicant:	The Garden House (Marple)
Agent:	Emery Planning

DELEGATION/COMMITTEE STATUS

Planning & Highways Regulations Committee

DESCRIPTION OF DEVELOPMENT

Change of use of land to a mixed use consisting of an urban farm and educational facility, together with retention of buildings and structures, parking area and the construction of the Garden House comprising visitor and educational facilities, together with a managers dwelling and new detached storage building (part retrospective)

This application seeks part retrospective, full planning permission for the change of use of land to a mixed use, consisting of an urban farm and educational facility, together with retention of buildings and structures, parking area and the construction of the 'Garden House' comprising visitor and educational facilities, together with a managers dwelling and new detached storage building.

In detail, the current application comprises the following:-

- (1) retention of a hard surfaced car parking areas for approximately 80 vehicles and associated vehicular access alterations;
- (2) retention of animal housing, paddocks and storage buildings / containers;
- (3) retention of a covered picnic area;

- (4) retention of children's play equipment, sensory garden and horticulture zone;
- (5) retention of surfaced footpaths and fencing;
- (6) Construction of a detached building to be used as a craft workshop / storage;
- (7) Construction of the two storey 'Garden House' building. This will incorporate a refreshment bar, reception, toilets, meeting area, audio-visual theatre for use by visiting schools and warden manager's accommodation.

Full details of the works which are to be considered as part of the current application are shown on the drawings appended to this planning report now before Members.

Committee will be aware that a planning application for another scheme on this site was considered by the Council in 2018 (DC/068083). This was refused for a number of Greenbelt and highways / transportation related reasons. This application is currently the subject of a planning appeal.

The main differences between the current proposal and the previous scheme are that the applicant is no longer seeking to retain the children's nursery, which had been operating at the site for a number of years. A number of storage containers that previously existed on the car park have been / are to be removed, together with a number of tented structures. In addition the applicant is now proposing to reconstruct 'The Garden House' so as to provide permanent visitor amenities and educational facilities, as well as warden manager's accommodation. Once completed and operational the Garden House building would result in the removal of an existing toilet block and managers accommodation building.

The applicant advises that The Garden House facility will be open to the public from Tuesday to Sunday 10am to 4pm and will be closed to the public on Christmas Day, New Year's Day and Mondays (including Bank Holiday Mondays).

The broader vision for the future use of the site is primarily as an outdoor educational and interpretation facility, with an increased shift in focus to pre-booked groups. The applicant has also confirmed that the Garden House project has now achieved charitable status to support ongoing operations and to ensure a governance structure is in place.

The applicant has indicated that to deliver the reconstruction of the Garden House, securing Heritage Lottery Funding remains essential, however an application cannot be made for the funding until planning permission has been granted. In the interim period the project team have been actively engaging with the Heritage Lottery Fund to ensure that they are in a position to make a robust application for funding at the earliest possible opportunity.

The current submission is supported by a number of documents including the following:-

- (1) Arboricultural Impact Assessment and Woodland Management Plan;
- (2) Ecological Appraisal;
- (3) Flood Risk Assessment
- (4) Planning Statement;
- (5) Transport Statement
- (6) Heritage assessment;
- (7) Landscape Visual Assessment;
- (8) Contaminated Land reports;

(9) Drainage Strategy

SITE AND SURROUNDINGS

The site extends to approximately 6.4 hectares and is split into two distinct levels. The higher area forming the southern part of the site comprises an area of hardstanding, which provides the majority of the on-site parking, as well as a number of storage containers.

The site's lower level to the north comprises the majority of the buildings, structures, animal viewing, play areas and disabled parking provision associated with 'The Garden House'.

Vehicular access to the site is via Lakes Road, an un-adopted highway, located to the west of the application site.

The site is bounded to the west by a steep slope and Lakes Road, with a railway line beyond. Located to the east is the River Goyt and existing public footpaths, and the north and south of the site is bounded by areas of woodland.

The nearest residential properties exist along Faywood Drive and Lakes Road adjacent to the western site boundary and then further afield beyond a nearby railway line.

The applicant's ownership extends beyond the application site to the north, following the path of the River Goyt, towards Marple railway station and Brabyns Brow.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

The site is situated entirely within the Green Belt, the Goyt Valley Landscape Character Area, a Site of Biological Importance (SBI) - 'Woodland off Lakes Road' and a Tree Preservation Order (UDC of Marple No.2). Flood Zones 1, 2 and 3 cover the site. As such the following policies are applicable:-

Saved policies of the SUDP Review

LCR1.1: LANDSCAPE CHARACTER AREAS

LCR1.1a: THE URBAN FRINGE INCLUDING THE RIVER VALLEYS

NE1.2: SITES OF NATURE CONSERVATION IMPORTANCE

EP1.7: DEVELOPMENT AND FLOOD RISK

GBA1.1: EXTENT OF GREEN BELT

GBA1.2: CONTROL OF DEVELOPMENT IN GREEN BELT

LDF Core Strategy/Development Management policies

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

SD-1: Creating Sustainable Communities

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

SD-6: Adapting to the Impacts of Climate Change

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 21st July 2021 replaced the previous NPPF (originally issued 2018 & revised 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

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

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

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

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

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

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

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

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

Para.12 *“..... “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

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

Para.126 *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Para.137 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

Para.138 “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land”.

Para.145 “Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

Para.147 “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para.148 “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Para.149 “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Para 150 “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

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

Para.157 states “In determining planning applications, local planning authorities should expect new development to:

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

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

Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

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

RELEVANT PLANNING HISTORY

J25082 Change of use to public open space, including provision for public access (pedestrian) and a picnic site. Reclamation of Marple Tip area. Granted 06/04/82.

DC/057081 Erection of a temporary mobile home as a welfare and security building (Retrospective). Refused 08/06/17.

DC/059185 Reconstruction of 'Garden House' to form exhibition rooms, refreshment bar, kiosk, reception, audio-visual theatre, ranger/managers accommodation and office. Development within grounds of 'Garden House' comprising conservation of tunnels, provision of an access track, upgrading of car park, horticultural area and wild flower meadow, alternative technology area, first aid and activity cabin, yurt retreat, jetties and rope bridge over River Goyt. Refused 09/06/17.

DC/068083 Change of use of land to a mixed use consisting of an urban farm and educational facility, together with the retention of associated buildings, structures and parking areas (retrospective). Refused 10/10/18.

Members will be aware that a separate enforcement notice has been served in respect of un-authorized works and activities taking place at the site. The enforcement notice, as well the planning application refused under DC/068083, have both been appealed by the applicant and is due to be considered by the Planning Inspectorate, in the form of a Public Inquiry.

NEIGHBOUR'S VIEWS

The owner/occupiers of nearby properties have been notified by letter and the proposal has been advertised as a Departure to the Development Plan by both site and press notices, for which the expiry dates have passed.

Extensive representations have been received to date, details of which are summarised below;

12 against, which can be summarised as asserting the following:-

- 1) There is a risk that the application is judged on its popularity, when many of those supporting the use do not visit;
- 2) The site has and will continue to cause problems with regards to highways and traffic and is not sustainable based on the number of visitors;

- 3) The use of the site was started and development continued without the benefits of planning permission and that this is the 3rd application to have been submitted. The works constitute intentional unauthorised development in the Green Belt;
- 4) The use is inappropriate development within the Green Belt and fails to answer highway safety and traffic concerns and should be refused as per previous applications;
- 5) Some of the submitted documents are selective and mis-leading, i.e. they include structures that have previously been refused and make no mention of the operation of special events;
- 6) The proposed Garden House building should not be considered to be exceptional in Green Belt terms, with only small elements being for educational use. Such alternative facilities exist nearby at other sites;
- 7) The re-building of the Garden House is not sympathetic to its heritage;
- 8) Alternative less intrusive means exist to promote information about the connection with Samuel Oldknow;
- 9) No cost benefit statement or justification as to how the proposal will aid tourism or the local economy has been provided;
- 10) No evidence is provided that the Midland Hotel supports the application and footpath link;
- 11) The submitted Energy Statement is deficient;
- 12) Traffic has impacted on the peace and quiet of both local residents and the countryside;
- 13) Excessive traffic and on street parking resulting from the use creates dangers and difficulties for other users of Lakes Rd and surrounding roads;
- 14) Previous concerns raised by residents during earlier applications remain relevant;
- 15) The project continues to expand and increase its activities, such as including wild water swimming;
- 16) Objections include danger and damage from traffic, together with damage to flora and fauna and the adjacent woodland / conservation area;
- 17) Routes to the site for vehicles are unsuitable for the amount of visitors that come;
- 18) The site is in the Green Belt with a river frontage. The sort of use / development proposed should be restricted;
- 19) A large part of the site has high or medium risk of flooding;
- 20) There is no guarantee that Heritage Lottery funding will be secured;
- 21) The proposed opening hours means local residents will continue to experience loss of privacy and unacceptable disruption;
- 22) The large car park encourages more visitors, thereby causing greater traffic problems;
- 23) Problems caused by vehicles using Low Rea Rd, which is deemed unsuitable for such levels of traffic and which is exacerbated by sat navs directing vehicles to the site via Low Lea Road;
- 24) Querying the applicants approach to making a further planning application, whilst the appeal against the previous planning refusal is on-going.

1 neutral comment which can be summarised as outlining that:-

- 1) The plans show a largely open use of the site with some structures being removed and some replacements being proposed;
- 2) The tourism use is considered appropriate within the Green Belt and would strengthen the importance of a local heritage asset;
- 3) It is acknowledged that local residents are troubled by excess traffic and parking problems, however it is noted that the applicant has sought to address these problems;

- 4) If granted the Garden House building should be used for the purpose stated and not sold on;
- 5) The removal of other buildings once the Garden House has been completed should be controlled;
- 6) The proposed works along Lakes Rd and at the junction with Arkwright Rd should be completed within an appropriate period of time;
- 7) A Statement of Deliverability should be sought for the restoration of the Garden House in order to give credibility to the application.

61 in support which can be summarised as asserting the following:-

- 1) The facility is an asset to the local community, offering a safe environment for young families;
- 2) The site has been rejuvenated from its previous derelict state;
- 3) Not all traffic problems on local roads can be attributed to the Garden House;
- 4) The use includes education and social aspects, which supports schools;
- 5) The premises allow people to learn about nature / wildlife as well as Marples' local history;
- 6) The Garden House is a community asset that allows all users, including vulnerable young adults and people with complex needs, to learn about the environment and local history;
- 7) It offers a day out to low income families, due to being run on voluntary donations;
- 8) Elements such as the riverside walk encourage people to be outside more and exercise;
- 9) There are no comparable facilities in the local area;
- 10) It has helped with people's mental health;

CONSULTEE RESPONSES

Planning Policy Team (Green Belt): Since comments were given March 8th, 2018 on Green Belt matters, a revised scheme has been put forward which is for the reconstruction of the Garden House to allow for the rationalisation of the remaining structures on site.

The advice below contains an appraisal of the retrospective planning application which is for;

'A community facility providing a safe and inclusive space for outdoor activities, skills, training, learning and recreation through the sensitive restoration of a locally significant heritage asset'.

The site is washed over by the Greater Manchester Green Belt. The proposal is therefore subject to paragraphs 137, 138, 147, 148, 149 and 150 of the NPPF and is addressed at a local level by the UDP Review Policies 2006.

Paragraphs 149 and 150 of the NPPF list the forms of development 'not inappropriate' in the Green Belt, the former includes the construction of new buildings whilst paragraph 150 defines the "other forms of development" referred to as potentially not inappropriate. A "building" is defined in Section 336 of the Town and Country Planning Act, 1990 to include any structure or erection. The carpark and new access road therefore fall outside of the criteria under paragraph 149 and should be dealt with under paragraph 150. Part b) of paragraph 149 emphasises that appropriate facilities for outdoor sport, outdoor recreation could be deemed to be not inappropriate development in the Green Belt so 'as long as it preserves the

openness of the Green Belt and does not conflict with the purposes of including land within it'.

Previous comments state that the following built forms on the site fell within the defined list under the NPPF as to what development is considered appropriate in the Green Belt.

- 1) Outdoor play equipment consisting of a zip wire and climbing structure
- 2) Café
- 3) Animal housing and fencing
- 4) Polytunnel

It is considered that upon the rationalisation of the site and the removal of mentioned buildings, the majority of the built form on site is not inappropriate development in Green Belt, however the reconfiguration of the Garden House and the car park for 80 vehicles does not fall within the relevant exceptions within the NPPF and is therefore inappropriate development in the Green Belt.

Openness

The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

Openness can be considered as meaning an absence of built or otherwise urbanising development. The courts have also identified other matters in terms of assessing the impact on openness and have confirmed that the concept of "openness of the Green Belt" is not narrowly limited to the volumetric approach. The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case, such as visual impact.

The revised application allows for the rationalisation of the scheme including the removal of a number of structures.

When the Garden House and Store are reconstructed the majority of buildings will become redundant as the functions move to their intended location and structures removed. Structures to be removed include:-

- Managers accommodation
- Cabin and Disabled toilet
- Mobile toilet unit

Due to the topography of the surrounding landscape, the site benefits from a high level of visual containment, and what public views there are of the site are well screened and filtered. Therefore, any development within the application site, would have only a limited impact in terms of openness.

Purposes of the Green Belt

Paragraph 138 from the NPPF sets out the five purposes of the Green Belt as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A Green Belt Assessment was undertaken in 2016, the site falls with parcel 47 of the assessment and scored strongly against purposes b, c and d.

Paragraph 145 from the NPPF states that 'Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'.

The application proposes the keeping and display of animals for educational purposes and the use of the site as a community facility and visitor attraction, it is therefore in compliance with the general ethos of Green Belt policy and as limited harm to the overall purpose of the Green Belt in this regard.

Very special circumstances

Paragraph 147 from the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Whilst neither local nor national policy specify what demonstrating a case for 'very special circumstances' should entail there is considerable case law which suggests that adhering to the following approach is likely to be suitable:

1. Identify (with evidence) an essential objective that the proposal is intended to meet;
2. Demonstrate that that essential objective could not reasonably be met in a less harmful way (i.e. consideration of other sites outside of the Green Belt or alternative sites within the Green Belt but where less harm would be caused or which would amount to a form of development excepted by NPPF paragraph 149)
3. Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal (this should include demonstrating that the essential objective could not be achieved less harmfully by an alternative scheme at the same site).

Very Special Circumstances have been put forward and mainly relate to the scheme being an educational resource, an inclusive facility for all of the community, improving the condition of the land and providing heritage benefits. These are detailed further below.

Community and educational benefits

The Garden House is a registered Charity, run by the applicant, a board of trustees, committee members and a team of community volunteers. Visitors do not have to pay an entrance fee to access the site, so ensuring that the facilities are accessible to all in the local community. Any donations on entry go towards the upkeep of the site. The lack of an entry fee ensures that the site is inclusive and open to all members of the community.

The Garden House is partnered with a number of charitable organisations working to support young people and the wider community. In addition, groups offering support to young people with complex needs, specialist educational needs and learning

difficulties regularly visit the site to make use of the facilities available. Such groups include:

- The Norwood Trust Ltd, Marple
- Penarth Group, Stockport
- Bury Independent Living Development
- The Seashell Trust

The Garden House has hosted a number of school field trip groups, with many local schools having visited the site. In addition to providing field trip opportunities to schools in the local and wider area, a number of youth groups and organisations providing extracurricular activities regularly visit the Garden House. The Vision Statement and Business Plan provided in support of the application provide full details of the various charities and organisations use the Garden House facilities on a regular basis and organisations the Garden House partner with to provide volunteering opportunities and support for vulnerable members of the community in accessing outdoor educational and recreational facilities.

Stewardship of the site

The improved condition of the site has involved the removal of a substantial amount of fly-tipped material over an extended period of time. The catalyst for this was the use of the site. In particular the applicant has made significant improvements to the woodland footpath which runs through the site. The footpath is utilised not only by visitors to the site but also by the local community and walking groups.

The vision document indicates that the charity intends to focus on the development of relationships with other organisations within the wider community to deliver increased numbers of pre-booked group visits to the site. This would give the Garden House greater control in terms numbers of visitors / vehicles to site. As set out in the vision document it is intended that over 50% of all visitors to site will be via pre-booked groups by 2022.

Heritage

The applicant is seeking permission for the reconstruction of the Garden House. Not only will the building itself facilitate the removal of a number of structures on site and provide indoor space for educational purposes, but the reconstruction of the Garden House would provide an interpretation space, communicating the site history and the significance of the Garden House.

Conclusion

The starting point is that substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm arising from the proposal. VSC will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is inappropriate development in the Green Belt and would cause some harm to the Green Belt although at the lower end of the spectrum owing to the educational and recreational benefits of the scheme and the site's visual containment.

It is considered that case put forward does amount to VSC and outweighs the harm to the Green Belt. The scheme is delivering a clear objective of securing wider community benefits and visual improvements to the site and is reliant on being this location to deliver the overall objective. As discussed, the scheme has been revised in order to be less harmful to the Green Belt. In order to deliver the benefits above and keep harm to a minimum, the scheme is reliant on some external factors. The

benefits set out above do rely on funding from the Heritage Lottery fund and there are time scales set out for the removal of some the buildings on site. In the event that planning permission is approved, it is suggested that there are carefully worded conditions to ensure the planning approval for the overall operation of the site is linked with the reconstruction of the Garden House and the mentioned buildings are removed within the said timescales. It is for these reasons that the applicant is considered to be compliant with the NPPF in terms of Green Belt policy.

Policy GBA 1.2 'Control of Development in the Green Belt' lists a number of exceptions to development allowed in the Green Belt and echoes the NPPF in allowing facilities for outdoor recreation but does not allow for the other development listed above as not appropriate in the Green Belt. Policy GBA 1.2 does not allow for very special circumstances, therefore the proposal is not compliant with this policy, however the National Planning Policy Framework (NPPF) offers a more up-to-date position and is a material consideration of significant weight.

Planning Policy Team (Energy & Sustainability): The submitted energy statement addresses all of the policy requirements in terms of providing specific evidence for technical feasibility of low / zero carbon technologies, as well as information on costs to support financial viability considerations.

Current policy does not require renewable / low carbon energy to be installed on development, but please note for the record that any options identified within the energy statement can be checked with an appropriate installer for more detailed installation assessment if they are of interest.

It should also be noted that the running costs of the property would be reduced such that the cost of installing feasible technologies could be offset in an appropriate uplift in sale value which could be marketed to potential buyers. This would ensure that this property contributes to the GM Zero Carbon target for 2038 and prevent the need for further costly retrofit of the property in the near future to achieve net zero – another positive marketing factor for the development.

The requirement for low carbon buildings is reflected in Stockport Council's declaration of a climate emergency and adoption of the Climate Action Now Strategy.

Highways Engineer: (Original comments) - This application seeks permission for the change of use of land at Lakes Road, Marple, to mixed use, consisting of an urban farm and educational facility, together with the retention of buildings, structures and a parking area and the construction of the "Garden House" (which will provide visitor and educational facilities and include manager's living accommodation) and new detached storage building (part retrospective). The facility, known as "The Garden House" has been operating for a number of years (since 2016) and the application essentially seeks to retain the facility, as well as construct new buildings to provide visitor and educational facilities, storage and manager's accommodation. In addition, a number of existing structures / facilities at the site would be removed, including a children's nursery, storage containers, toilets and an administration building. In summary, the facility, will comprise of:

1. The 'Garden House' building which will incorporate a refreshment bar, reception, toilets, meeting area, audio-visual theatre and manager's living accommodation.
2. The 'Garden House Store' which will be used for craft workshops
3. Children's play equipment
4. Animal pens, stables and paddocks

5. A covered picnic area
6. A sensory garden and “horticulture zone”
7. 2 storage containers and covered link store.
8. Footpaths
9. A car park (for around 80 cars)

The Highways and Transport Statement submitted in support of the application outlines that the facility will be open 7 days per week, between 10am and 4pm. It also outlines that it typically attracts families with young children from the local area (South Manchester, Cheshire and the High Peak), with many being repeat visitors and various schools and community groups also visit (mainly on weekdays).

A planning application for a similar scheme was considered by the Council in 2018 (DC/068083) but was refused on a number of grounds, including highways / transportation grounds. That application is currently the subject of a planning appeal. The main differences between the current scheme and the previous scheme are that the applicant is no longer seeking to retain the children’s nursery which has been operating at the site for a number of years and the applicant is now proposing to reconstruct ‘The Garden House’ so as to provide more permanent visitor accommodation, as well as manager’s accommodation.

Various documents and drawings have been submitted in support of this application, including a Highways and Transport Statement (H&TS). After reviewing these documents and drawings, I would make the following comments:

Highway Impact

The site is accessed from Arkwright Road (B6102) via Faywood Drive and Lakes Road. Faywood Drive is a residential access road and Lakes Road is an unadopted road which is classified as a “Quiet Lane” (UDP Policy TD2.2). Lakes Road serves a small number of residential properties, farms, agricultural land, the Mellor Mill Archaeological site and the Roman Lakes Leisure. It also leads to a network of public rights of way (footpaths and bridleways), including the Midshires Way, and is therefore well used by walkers, cyclists and horse riders.

Whilst Faywood Drive has a footway on at least one side for much of its length, some street lighting, is surfaced in bituminous material and is wide enough to allow cars to pass for much of its length, its width and geometry is slightly sub-standard, properly formed uncontrolled crossings are not provided at each junction along it and it does not have street lighting at its southern end. It’s junction with Arkwright Road is also sub-standard, with tight radii and sub-standard visibility (notably to the south / left when exiting). Whilst Lakes Road is metalled between Faywood Drive and the site access, the quality of surfacing is mixed, with large pot holes in places. This results in the need for drivers to deviate from their usual line when negotiating the road. There are no footways, road gullies or street lighting and there is an unprotected drop on the eastern side of parts of the road.

When the previous application was considered, the suitability of Lakes Road and Faywood Drive as a means of accessing the site was questioned, due to their sub-standard nature and concern was raised as to whether the traffic surveys that were originally carried out provided an accurate indication of the traffic generated by the Garden House site. Additional survey work was therefore carried out. Details of the results of these surveys (carried out in 2017 and 2018 is included in the H&TS. The H&TS outlines that more recent surveys have not been carried out due to COVID-19 (resulting in the facility not operating in the usual manner).

In summary, the H&TS outlines that:

- 1) The Garden House can generate 30-60 two-way vehicle movements per hour on busy days (e.g. at weekends / bank holidays in good weather)
- 2) Total daily vehicle movements on busy days can be 240-270.
- 3) Peak periods are late morning and early afternoon.
- 4) Weekday and out of season vehicle movements are much lower, with the car park normally only reaching a quarter to a third full.
- 5) Pedestrian movements average 127 per day (accessing the site via Lakes Road), although this will include people walking through the site
- 6) Cycle movements average 37 per day.
- 7) Background traffic levels on Lakes Road are in the order of 60-120 vehicles per day

As outlined in my comments on the previous application, the survey data is not as comprehensive as would have been desired and does not necessarily provide an indication of the maximum number of vehicles that could be generated (e.g. on summer bank holiday weekend or a weekend when an event is being held). As such, I would conclude that it only provides a general indication of the traffic generation of the Garden House. I do, however, consider it provides a sufficient level of information to allow the application to be assessed.

In respect to this, it is noted that the April survey recorded a total of 84 vehicles travelling along Lakes Road between 0930 and 1445 and therefore (noting that during these hours 146 vehicles travelled to / from the Garden House), during these hours the survey shows that the Garden House increased the number of vehicles using Lakes Road from 84 to 230, a 273% increase. In addition, the surveys show that, on an hourly basis, an average of 25.6 vehicles were recorded travelling to / from the Garden House and 12.5 vehicles were recorded travelling to / from other sites Lakes Road, indicating a significant increase in vehicle movements if the scheme is reviewed in this way. Although the surveys do not provide full details of the number of pedestrians and cyclists accessing the site and using Lakes Road, from my own observations, reasonable numbers of pedestrians (including parents / carers with children and / or buggies) and cyclists, as well as some horse riders, use Lakes Road for recreational purpose and to access other sites.

I would therefore conclude that the traffic surveys show that the Garden House has resulted in a significant increase in vehicle movements on Lakes Roads (as well as Faywood Drive) and observations carried out have indicate that this does have an impact on the safe operation of the road, with drivers being observed travelling very close to pedestrians, having to reverse back to passing areas and stopping at the junction of Faywood Drive with Arkwright Road to allow another vehicle to pass. Sections of poorly surfaced carriageway also result in different drivers taking a range of lines, often on the opposite side of the road heading directly to pedestrians, cyclists, horse riders or other vehicles, and sometimes on a different line to the car that they are following. Drivers have also been observed to swerve and quickly change direction so as to take into account pot holes and other issues with the road surface. In addition, the sections of better surfaced carriageway result in some vehicles travelling at speeds not suitable for, what is affectively, a shared surface road, and, as sections of the road do not allow for two-way vehicle movements and areas where passing is possible are not signed, drivers are often required to reverse if they meet an oncoming vehicle. Due to the lack of a footway or delineated pedestrian route and, it is assumed, concerns by pedestrians over vehicle speeds and the proximity that vehicles pass, pedestrians are often observed stepping off the road and onto the top of the embankment to the site of the road, sometimes in locations where there is a steep drop. Consequently, even though data is not

available to outline what the level of vehicle and other movements will be on busiest days the facility will operate (e.g. when an event is on or a warm and sunny summer weekend), I nevertheless consider that the proposal will result in such an increase in vehicle movements on Lakes Road, Faywood Drive and at the junction of Faywood Drive with Arkwright Road and that such a level of vehicle movements will compromise the safe operation of these roads and would justify a recommendation of refusal unless a suitable mitigation package can be developed.

With respect to Lakes Road, the applicant has submitted a scheme (outlined on drawing 2314-01-SK302) to carry out various improvements to Lakes Road, which will comprise of:

- 1) Installation of "Quiet Lane" signage
- 2) Filling in pot holes / carrying out edge treatment in various locations
- 3) Providing signage to delineate passing places
- 4) Providing "Give Way to Oncoming vehicles" signs
- 5) Constructing a post and rail fence to the east side of the road where the existing wall is missing or in disrepair

Consideration of the improvement scheme concludes that whilst the works go some way to improving Lakes Road, the scheme does not fully take into account what is on the ground (it should be noted that the scheme is not based on a topographic survey), some of the measures need further development or to be revised and some additional measures need to be provided. This is on the basis that:

- 1) The areas outlined for surfacing improvements do not show the exact areas that that require filling in / patching or all the areas that need attention. In addition, full details of these improvements would need to be agreed and sections where there are numerous pot holes and depressions need to be fully patched.
- 2) "Give way to Oncoming vehicles" signs are proposed but these are not paired with "Traffic has priority over oncoming vehicles" signs. Additional signage would also need to be provided at the northern end of the road.
- 3) Passing place signage would need to be located in a different position to the "Give Way..." signage and the location of other signage needs to be reviewed.
- 4) It is considered that a slightly more prominent gateway feature should be provided at the northern end of the road (e.g. signs on both sides of the road and a rumble strip) and "Quiet Lane" repeater signs provided.
- 5) It is considered that the sections of single-lane working need to be more clearly identified (e.g. using carriageway markings) and it would be beneficial to delineate a pedestrian route along parts of the road.

I would therefore conclude that the scheme requires some further development, although the requirement to develop and implement a suitable scheme could be dealt with by condition. Subject to such a scheme being implemented and measures put in place to maximise the number of visitors travelling by alternative modes of transport and parking elsewhere, I would conclude that the impact of the development on Lakes Road would be sufficiently mitigated and the development would not impact the safety of users of the road to a level which would justify a recommendation of refusal.

With respect to Faywood Drive and it's with Arkwright Road, the H&TS includes a review of this road and junction and attempts to argue that, although the road and junction do not meet current design standards, the junction operates in a manner that does not materially affect highway safety. In particular it notes that:

- 1) Vehicle swept-path tracking diagrams show that the junction can accommodate 2-way vehicle movements
- 2) Although visibility is below the minimum standard for a 30mph road, this is not regarded as an 'unacceptable' safety risk, as vehicles can 'edge out' from the stop line until they can see oncoming cars, protected by parked cars.
- 3) There are no recorded accidents at the junction.

Notwithstanding that, it has reviewed options to improve the junction. In respect to this, it outlines that:

- 1) Enlarging the junction radii would result in "significant construction costs" and would likely require costly service diversions / protection work.
- 2) Additional signage and lining improvements could be introduced although it questions whether such measures are required, noting the current accident record at the junction. It does note that they could support other measures
- 3) The need for extending parking restrictions on Faywood Drive has been reviewed but it is considered that the traffic generated by the development would not warrant this, noting that it is estimated to generate one vehicle per minute and that if this was an issue the Highway Authority could address the issue itself.

It does, however, outline that if the Council considers that some works are required to improve the junction and mitigate the impact of the development, the applicant would be prepared to consider a "cost-effective" highway improvement scheme, which would comprise of:

- 1) Localised white line build-out of the Faywood Drive give-way line with Arkwright Road to improve visibility (noting that similar solutions that have been adopted elsewhere)
- 2) Provision of additional 'Slow' carriageway markings on Arkwright Road on the approach

The works, it outlines, would allow a splay of 2.4m by 43m to be provided in both directions (subject to there being no parked cars) and would improve the practical turning radii. It also notes that existing parking restrictions on Arkwright Road could be extended to ensure parked cars are kept out of visibility splays. It does, however, argue that this is a pre-existing situation and therefore the applicant does not consider this is necessary and questions whether the cost of this would be regarded as 'cost-effective', having regard to the guidance in the NPPF.

After reviewing this proposed scheme and the review of the junction contained in the H&TS, I would make the following comments:

- 1) Although it is acknowledged that vehicle swept-path tracking diagrams show that the junction can theoretically accommodate 2-way vehicle movements, clearance between vehicles and vehicles and kerb lines would be in the region of 200mm, which, in practice, is insufficient. Examining how vehicles negotiate the junction on site concludes that drivers wait for a vehicle to turn into or out of the junction before performing the opposing manoeuvre.
- 2) It is noted that the applicant acknowledges that visibility at the junction is significantly below standard (over half the required level for a 30mph road). Whilst it is accepted that the practice of 'edging out' has the potential of reducing the likelihood of collision, the H&TS assumes that cars are always parked on Arkwright Road to "protect" vehicles which are edging out, which is not always the case. In addition, whilst the research in MfS2 which is referred to in the H&TS is noted, neither MfS2 nor other local or national guidance outline that this demonstrates that junctions should not benefit from an appropriate level of visibility.

3) Although it is acknowledged that there are no recorded accidents at the junction, it cannot be implied from this that this means that no accidents will occur if the development was to take place, noting the significant increase in vehicle movements that will result from the development. It should also be noted that such an argument was considered at a recent appeal (APP/C4235/W/18/3208318). In the decision the inspector noted that “the absence of accidents in the past does not justify development where a safe and suitable access cannot be achieved”.

4) The H&TS argues that there is no need to extend parking restrictions on Faywood Drive as the traffic generated by the development (1 vehicle per minute) would not result in congestion. This, however, assumes that all vehicles arrive or depart at even periods during the hour, which is not the case. Observations carried out on busy days have recorded vehicles traveling in convoys, notably close to opening and closing times, resulting in congestion and the need for vehicles to reverse or stop on Faywood Drive or at the junction of Faywood Drive and Arkwright Road.

5) The H&TS argues that if the Highway Authority considers there are issues with on-street parking, it could have previously, or it could in future, provide additional parking restrictions. Historically, parking has only taken place on Arkwright Road and previous restrictions would have been implemented to address historic issues. Where on-street parking has implications in respect to new development, it is appropriate and reasonable for a developer to fund any new restrictions required to mitigate the impact of, or allow safe access to, a development.

6) The H&TS makes reference to the NPPF outlining the impacts of a development should be “cost effectively mitigated” and that the cost of a scheme involving radius improvements at the junction would be significant and excessive. No financial value has been tabled and it is not clear what the applicant would regard as appropriate. Whilst it is accepted that the mitigation required for different types of development will vary and a small development could not support the cost of a large highway scheme, it could be argued that a visitor attraction of the scale of The Garden House, which can have a few hundred visitors a day, should be able to support a reasonable mitigation package.

7) Whilst the applicant’s willingness to consider a ‘cost affective’ improvement scheme is welcomed, it is not considered that the proposed scheme fully mitigates the impact and addresses the safety issues raised, nor accords with design standards. It is also considered that the scheme has not been fully assessed. This is on the basis that:

- Whilst the use of localised white-line build-outs is occasionally used, this is normally used as a temporary solution, in conjunction with marked-out parking bays, to deal with an existing issue, when other options are not possible and not to mitigate the impact of a development.

- Whilst the scheme slightly improves turning into and out of Faywood Drive, the junction would still prove very tight to use

- The H&TS has not assessed how the scheme would affect west-north and north-west turning movements or ability for HGVs and buses to travel in a north-south or south-north direction (TS11b only shows an MPV performing such a manoeuvre)

- The scheme does not address conflict on Faywood Road (although parking restrictions could be extended on one side of Faywood Road to address this issue)

- A level of visibility that accorded with the speed limit would require an extension to the existing parking restrictions (although drawing TS12 does provide an indication on how this could be addressed to the south of the junction).

- The scheme has not been subjected to a Road Safety Audit (Council guidance outlines that a Stage 1 RSA should be submitted in support of planning applications that propose a change to the existing highway layout).

In conclusion, whilst I acknowledge the applicant's points in respect to how the junction operates at present and the accident record of the junction, taking into account the significant intensification of use of the junction that has resulted from the development and observations on how the junction operates in practice, I consider that a suitable mitigation package is required. Whilst the applicant's willingness to consider an improvement scheme is welcomed, it is not considered that the scheme that has been tabled fully mitigates the impact, accords with design standards nor has it been properly assessed, as required.

It is considered, however, that it may be possible for a scheme that would be reasonably cost-effective and proportionate to the scale and nature of the development and would sufficiently mitigate the impact of the development to be developed. I would therefore recommend that the applicant enters into discussions with the Council with the aim of developing an acceptable scheme. As part of this work, additional vehicle swept-path diagrams will need to be produced, as well as a Stage 1 Road Safety Audit and Designer's Response so as to allow the scheme to be independently reviewed from a safety perspective. If a scheme can be agreed, implementation of the physical works could be secured by condition. A Section 106 Agreement, however, would be required in respect to payment of a financial contribution to fund amendments to the existing parking restrictions / traffic regulation order.

Access

The original site access was very tight, making two-way vehicle movements impractical, and the level of visibility that was afforded was sub-standard. In 2018 the applicant widened the access and amended the boundary treatment to the north of the access with the aim of addressing these issues. In addition, cones and signs were provided to direct vehicles into and out of the site. These works and the cones are shown on Figure TS3 contained in the H&TS. This also includes vehicle swept-path tracking which shows that cars can turn into and out of the access. These works and cones undoubtedly improved the access although the swept-path vehicle tracking outlines that the width of the road to the north of the access is such that, in practice, it is hard for vehicles to pass. Observing drivers on site concludes that this is the case, with drivers exiting the site generally waiting at the site access for a vehicle to turn into the site before exiting the site. Whilst this is not ideal, I would conclude that providing appropriate signage is provided to inform drivers of which vehicle has priority, that it would not be such a safety or operational issue so as to justify a recommendation of refusal on these grounds. It is noted, however, that as the surface in the vicinity of the access is loose, vehicle tracks / depressions have developed. As such, I would conclude that in the event that the application was approved, it would be appropriate to require the access to be surfaced in an appropriate bound surfacing treatment. I would also recommend that give-way carriageway markings are provided and the cones are supplemented with carriageway markings to the centre of the access. These measures could be secured by condition.

The access, however, would not be suitable for use by large service vehicles, such as refuse vehicles. The H&TS, however, outlines servicing, including refuse collection, is carried out using small / medium goods vehicles (up to 7.5t) and vehicle swept-path tracking diagrams are included in the H&TS which show that such vehicles would be able to turn into and out of the site, albeit if the cones that are normally placed in the centre of the access are removed. Although, ideally, developments should be capable of being serviced by a range of vehicles and arrangements would need to be made to move the cones, if the applicant is willing for the method of servicing to be controlled (by means of a servicing method

statement), I would not object to an access which was not suitable for use by large service vehicles.

Parking

A plan is included in the H&TS (Figure EMP2) which outlines that the main car park has a capacity for approx. 77 cars. This, however, assumes the 3 storage containers are to be retained but I note that drawing 32 Rev C shows them being removed, which may allow a few additional spaces to be provided, if required. In addition, drawing 32 Rev C shows parking for disabled persons adjacent to the Garden House for approx. 2 cars. Although the majority of the spaces are not currently delineated (signs have previously been installed to try and delineate some of the spaces), the applicant has outlined that at busy times the car park is and can be marshalled so as to ensure that this capacity can be achieved.

With respect to whether the car parking facilities will be able to meet demand, a parking demand survey carried out in November 2017 during the weekend of a Christmas event at the site recorded a maximum of 27 cars parked at the site on Saturday 25th and 33 cars on Sunday 26th. A similar survey carried out by the applicant on Saturday 21st April 2018 (a non-event day) recorded a maximum of 43 cars parked in the car park and a survey carried out on Monday 5th May 2018 (a bank holiday weekend) determined maximum demand at 37 cars. As such, these surveys indicate that the site's car parking facilities should be able to meet demand. When the previous application was under consideration, I also carried out a number of surveys and these recorded a parking demand of between 35-55 cars and that although drivers were not parking as efficiently as possible (close enough together so as to allow full capacity to be reached), capacity was not reached. It should be noted that events were not taking place when these surveys were carried out. I am aware, however, that there have been occasions in the past (on days when advertised events have taken place at the site) when parking demand has exceeded supply, resulting in parking over spilling onto Lakes Road, Faywood Drive and Beachwood Drive

I would therefore conclude that on non-event days, the car park should be able to meet demand, without overspill parking taking place. Based on what has occurred when large events have taken place at the site, however, there may be times when parking demand could reach (and potentially exceed) supply. As such, it is considered that there is a need for parking demand to be monitored and arrangements put in place and formalised to ensure that car parking is managed on days when larger numbers of visitors are expected. The need to do this has been acknowledged by the applicant who is proposing to operate a Parking Management Plan. A copy of this has been submitted in support of the application. This outlines the following measures:

- 1) Using marshals to manage the site access and maximise car park capacity on "event days" or when higher demand is expected (e.g. on bank holidays).
- 2) Providing on-site car park capacity information at the junction of Faywood Road / Arkwright Road and Oldknow Road
- 3) Monitoring traffic conditions on Lakes Road and Faywood Drive to discourage parking on these roads and refusing entry to anyone who does.
- 4) Promoting the use of off-site car parks and sustainable travel

Consideration of this concludes that whilst implementation of a plan along the lines proposed should ensure that car parking at the site can be effectively managed, it is considered that the plan needs some further development and various aspects of the plan would need to be agreed with the Highway Authority. For example, the

arrangements for coach parking and signage (which will need to comply with DfT specifications) will need to be agreed with the Highway Authority and the review arrangements need to include a mechanism to require the plan to be reviewed if issues are also raised by the Council. The requirement to develop and implement a suitable plan could, however, be secured by condition in the event that the application was to be approved.

With respect to parking for disabled badge holders, as outlined above, drawing 32 Rev C shows parking for disabled persons adjacent to the Garden House and this area appears to be able to accommodate 2 cars. This number may not be sufficient to meet demand (guidance normally recommends 6% of spaces are suitable for disabled badge holders) and therefore I consider additional disabled parking spaces need to be provided. Sufficient room should be available for such parking in the vicinity of the Garden House building and therefore this matter could be dealt with by condition.

Since the previous application was considered, the use of electric vehicles has increased, the NPPF outlines that EV charging facilities should be provided in developments and the Council has published guidance on the provision of EV charging for new developments. As such, it is considered that EV charging points need to be provided within the development. The requirement to do so can, again, be secured by condition.

Finally, in accordance with Policy T-1, cycle parking must be provided within the development. Although this is not shown on the submitted drawings, the Travel Plan notes that 6 covered cycle spaces will be provided. A review of the traffic surveys that were carried out in 2017 and 2018, however, indicates that up to 15 cycles were at the site at peak time and, as such, I do not consider that cycle parking for 6 cycles would be sufficient, especially when the Travel Plan is aiming to maximise travel by sustainable modes. As such, I consider that cycle parking for at least 15 cycles should be provided, with additional spaces provided, if required (monitored by the travel plan). I also consider a rack should also be provided for the parking of children's scooters, noting the nature and location of the proposed facility. The requirement to provide suitable parking facilities for both cycles and children's scooters can be secured by condition.

Accessibility

The entrance to the site is situated approx. 300m from the edge of Marple, approx. 800m from Marple District Centre, approx. 500m from the nearest bus stops (served by 3 bus services on weekdays, 2 on Saturdays and 1 on Sundays) and 900m from Marple Railway Station (slightly longer if walking via Lakes Road). It is also within a reasonable cycle distance of Marple and Marple Bridge, as well as other settlements such as Compstall. As outlined above, Lakes Road, which provides the main access to the site does not have any pedestrian facilities, is unlit and poorly surfaced, with an unprotected drop to its eastern side along parts of the road, which compromises and, possibly, prevents access to the site for pedestrians, cyclists, users of mobility aids and some prams, buggies and pushchairs, as well as compromising safety. The site can also be presently accessed via a 'permissive path' which runs between the site and Brabyns Brow to the north of the site and provides a more direct route to Marple Bridge, as well as the railway station. Since the Garden House facility has been based at the site, this path has been improved, with the southern path of the path now up to a reasonable standard for a 'rural style' footpath. The northern section of the path, however, has not been improved and is not suitable for users of mobility aids, some people with disabilities and many prams, buggies and pushchairs. It is also unlit, making it unsuitable for use outside daylight hours and

there are sections where there is a drop to one side of the path. Whilst the southern (improved) section of path is within land under the applicant's control, the northern section (unimproved section) is not. Notwithstanding this, the H&TS outlines that significant number of people use the path to access the facility, notably during the summer months.

As outlined above, as part of the scheme, the applicant has submitted proposals to improve Lakes Road, including filling in potholes and edge treatment, erecting a new boundary fence and signing it as a Quiet Lane. A scheme, along these lines, I would conclude, should address the key safety issues in respect to the use of this road by pedestrians and go some way to improving access to the site, albeit during daylight hours, for those wearing suitable footwear and those using more 'robust' mobility aids or prams / buggies.

With respect to access from the north, the H&TS outlines that the riverside path significantly improves the accessibility of the site, enabling those walking from the north to avoid a "circuitous and steep gradient route" and improving accessibility by public transport. As such, it outlines that the applicant is keen to establish a formal agreement with the owners of land on which the northern section of the path runs through (the owners of the Midland PH) to secure its continued use. It outlines, however, that the landowners do not wish for the route to become a formal public right of way and, as such, the applicant is proposing to:

- 1) Enter into an agreement with the owner of the land for the path to be operated as a permissive route, available for use by the public between dawn and dusk (with staff access outside that time), with access controlled by the landowner and the Garden House
- 2) Fund / undertake improvements to the path (to a similar level as the sections that have already been improved)
- 3) Erect directional signage at either end of the path (as well as signage which confirms when it can be used)
- 4) Fund and install a lockable gate at the northern end of the path

Subject to such an agreement being entered into and the works being carried out (plus the erection of a rail / fence in places where there is a drop adjacent to the path), I would conclude that this would provide a reasonably suitable access for a tourist attraction such as The Garden House, noting that it would allow the site to be accessed during the hours that it would be open by those wearing suitable footwear and those using more 'robust' mobility aids or prams / buggies.

In addition to these physical improvements, the H&TS also outlines that visitors are encouraged to travel by sustainable modes of transport, noting that details of bus and train connections are contained on the facility's website and promotions have previously been run to encourage visitors to travel by public transport (e.g. offering a free cup of tea for those who show they have travelled by bus or train). A Travel Plan has been submitted in support of the application to formalise and add to the current initiatives. The plan would include:

- 1) Promotion of the Riverside Path and other paths
- 2) Improved information on the website and Facebook on sustainable travel options
- 3) Information on sustainable travel on site (a noticeboard) and in literature
- 4) Provision of cycle parking
- 5) Regular travel surveys to identify additional travel initiatives
- 6) Encourage public transport use through the "free hot drink on presentation of a valid public transport ticket" initiative

- 7) Promote the use of off-site car parking
- 8) Encourage car sharing

Consideration of the Plan concludes that it includes a number of useful measures to promote sustainable travel and, if fully implemented, may help to reduce the number of people travelling to the site by private car. It is considered, however, that some further development of the plan is required (e.g. it is considered that information on group / party travel and access for the disabled / users of mobility aids should be included, as well as EV charging, visitor surveys should be more detailed and parking surveys are carried out). The development and implementation of a suitable Travel Plan could be secured by condition in the event that the application was to be approved.

After assessing the site, the local transport network and the submitted information, I would conclude that although the site could not be regarded as being highly accessible and access routes to the site are currently sub-standard, subject to the access routes being improved as is proposed, there is potential for a reasonable number of visitors to travel by sustainable modes of transport (notably if sustainable modes of transport are promoted through a site Travel Plan). Whilst the access routes would only be suitable for use during daylight hours, by those wearing suitable footwear and those using more 'robust' mobility aids or prams / buggies, I would conclude that they would be appropriate for accessing a rural type tourist / visitor attraction, such as The Garden House. As such, subject to the access routes being improved along the lines outlined, an agreement being put in place along the lines outlined to ensure the Riverside Path is retained, travel plan measures being implemented and cycle parking being provided, I would conclude the site would be adequately accessible by sustainable modes of transport and, as such, would accord with local and national policies on accessibility. The securement of these works and initiatives could be secured by condition / S106 obligation. Regarding the improvements and use of the Riverside Path, I would recommend that Legal are consulted to provide advice on whether this can be secured by condition or would require the applicant to enter into a Section 106 Agreement, noting the involvement of a third party.

Conclusion

This application seeks permission for the retention of 'The Garden House' leisure / educational facility, together with the reconstruction of the former Garden House which will house visitor and educational facilities and manager's living accommodation. Consideration of the proposal concludes that, subject to the access routes to the site being improved and retained for use as is proposed and travel plan measures being implemented, there is potential for a reasonable number of visitors to travel by sustainable modes of transport to the site. As such, I would consider the proposed development would comply with local and national policies on accessibility. With respect to parking, whilst I am aware that historically there have been occasions when the site's existing car park has not met demand, providing a suitable Parking Management Plan is implemented, as well as Travel Plan measures to encourage sustainable travel, I would conclude that the car parking facilities should meet demand in the future. The requirement to implement such plans and provide suitable disabled and cycle parking and EV charging facilities can be dealt with by condition. I would also consider the site's existing access acceptable, subject to some further improvements being carried out. This, again, can be dealt with by condition.

With respect to the impact of the development on the wider highway, survey data contained in the Highways and Transport Statement outlines that the Garden House

has resulted in a significant increase in vehicle movements on Lakes Road, Faywood Drive and at the junction of Faywood Drive with Arkwright Road and I consider that such a level of vehicle movements has and will compromise the safe operation of these roads and would justify a recommendation of refusal unless a suitable mitigation package can be developed. In respect to Lakes Road, the applicant has submitted a scheme to carry out various improvements to the road including surfacing improvements, signage and the erection of a new boundary fence. Whilst it is considered that that the scheme requires some further development, it is considered that a scheme along these lines would sufficiently mitigate the impact of the development on this road and ensure that the development would not impact the safety of users of the road to a level which would justify a recommendation of refusal.

With respect to Faywood Drive and its junction with Arkwright Road, whilst the applicant has attempted to argue in the H&TS that the development has not and will not affect the operation of this road and junction, a "cost-effective" highway improvement scheme has been tabled. Whilst the applicant's willingness to consider implementing an improvement scheme is welcomed, it is not considered that the scheme that has been tabled fully mitigates the impact, accords with design standards nor has it been properly assessed, as required. It may, however, be possible for a scheme to be developed that is acceptable and therefore I would recommend that the Council enters into discussions with the applicant with the aim of developing an acceptable scheme. As part of this work, additional vehicle swept-path diagrams will need to be produced, as well as a Stage 1 Road Safety Audit and Designer's Response. If such a scheme cannot be agreed, however, I feel that I would have no option other than to recommend that the application is refused.

Update comments

Members are advised that following the initial consultee response from the Council's Highway Engineer, further detailed discussions have taken place between Officers and the applicants representatives. This has resulted in the recent receipt of additional information seeking to address the concerns of the Council's Highway Engineer, including revised details of a package of highway improvement works.

The latest information has currently been reviewed by the Council's Highway Engineer and the following updated response has been provided:-

J000014-SK201 Rev C

J000014-SK203 Rev –

J000014-SK204 Rev –

J000014-ATR201 Rev B

J000014-ATR202 Rev B

J000014-ATR203 Rev B

J000014-ATR204 Rev B

J000014-ATR205 Rev B

J000014-ATR206 Rev B

Stage 1 Road Safety Audit: Designer's Response Report (J000027-01-RSADR01)
Faywood Drive Junction Marple Proposed Improvement Works Stage 1 Road Safety Audit

Following discussions with the applicant and their consultants in respect to the current geometry of the junction, the level of visibility afforded at the junction and the need to adequately mitigate the impact of the development, the developer's consultant has drawn up a scheme which is outlined on the submitted drawings and has submitted it, alongside vehicle swept-path tracking diagrams, a Stage 1 Road

Safety Audit and Designer's Response, for review. This is based on a draft scheme recommended by this department. In summary, the scheme comprises of the following:

- 1) The formation of 0.5m kerbed build-outs, with associated tapers, on either side of the junction so as to improve the level of visibility afforded at each side of the Faywood Drive (when exiting onto Arkwright Road) and to slightly improve the ability for vehicles to pass each other at the entrance to Faywood Drive
- 2) Additional parking restrictions on Arkwright Road so as to ensure parked cars do not impair visibility
- 3) Additional parking restrictions on Faywood Road so as to ensure cars are not parked on the approach to the junction in locations which would prevent vehicles to pass

The vehicle swept-path tracking diagrams that have been submitted demonstrate that the build-outs will not affect the ability for a range of vehicles, including buses and HGVs, to turn at the junction and the Stage 1 Road Safety Audit which has been carried out on the scheme has only identified a single issue, this being that the taper is insufficient, resulting in a kink in the kerb line and the potential for kerb strikes. In respect to this issue, this issue has been reviewed by the designer who has outlined that whilst the taper complies with design standards and should be clearly seen, the scheme has been revised slightly so as to extend the taper with the aim of addressing this issue.

After reviewing the scheme and associated documents, I would conclude the scheme will result in the level of visibility being afforded at the junction that will be in line with vehicle speeds and should reduce the potential of conflicts on Faywood Drive, whilst not adversely affecting the operation of the junction. Whilst it will not bring the junction fully up to current design standards (notably as junction radii will be tight), I would conclude that the scheme will provide a sufficient level of mitigation, having regard to the scale and nature of the development. With respect to the issue raised in the Road Safety Audit, whilst I note that the applicant has extended the taper, I would conclude that it may be more appropriate to for the taper to be "blended" into the existing kerb line with a slight curve so as to avoid a sudden change in direction. This matter, however, could be dealt with at detailed design stage / by condition.

I would therefore conclude that the scheme will cost effectively mitigate the impact of the development to an acceptable degree (as defined by the NPPF) and, as a result, the scheme would not have an unacceptable impact on highway safety, nor a severe impact on the highway network. As such, I can confirm that implementation of such a scheme would address the remaining issue relating to this development from a highways and transport perspective. The requirement to implement the scheme can be dealt with by condition, although, funding of the parking restrictions / traffic regulation order will require the applicant to enter into a Section 106 Agreement in respect to payment of a financial contribution of £7500 (subject to RPI indexation) to the Highway Authority.

I therefore raise no objection to this application, subject to conditions and the applicant entering into a Section 106 Agreement in respect to payment of a financial contribution of £7500 (subject to RPI indexation) to fund additional parking restrictions / a traffic regulation order on Faywood Drive and Arkwright Road. As previously advised, the requirement to complete, retain and allow the use of the Riverside Path is also likely to need to be secured by means of a suitable clause in a Section 106 Agreement, although I will leave it for Legal to confirm if this is indeed the case. Finally, with respect to conditions, I will provide detailed wording on

recommended conditions in due course. Further discussions, however, will need to take place in respect to this (notably in respect to “triggers”), noting that the facility is currently in operation and different periods of time are likely to be required to allow required measures, works and infrastructure to be implemented / provided.

Recommendation: No objection, subject to conditions and the applicant entering into a Section 106 Agreement in respect to:

- 1) The payment of a financial contribution of £7500 (subject to RPI indexation) to fund additional parking restrictions / a traffic regulation order on Faywood Drive and Arkwright Road
- 2) The completion, retention and use of the Riverside Path (unless Legal confirm this can be dealt with by condition).

Arboricultural Officer: The proposed development site is located within the grounds of the former residential property and informal gardens of the site predominantly on the existing woodland and grassland. The plot is comprised largely of informal gardens/woodlands and grassland.

Legislative and Policy Framework

Conservation Area Designations

There is no Conservation area protection within this site or affected by this development.

Legally Protected Trees

The Lakes Road 1983 & UDC of Marple No.2 Tree Preservation Orders.

Stockport's Core Strategy DPD

CS – 8 Biodiversity and Nature Conservation

SIE-1 Development Management

SIE-3 Protecting, Safeguarding and enhancing the Environment 3.345/3.346/3.347

Stockport's Unitary Development Plan (Retained Policy)

NE1.1 SITES OF SPECIAL NATURE CONSERVATION IMPORTANCE

NE1.2 SITES OF NATURE CONSERVATION IMPORTANCE

NE3.1 PROTECTION AND ENHANCEMENT OF GREEN CHAINS

Recommendations:

The proposed development of the site predominantly sits within the existing woodland areas, existing footprints and grassland areas and the proposed new development will have an impact on trees and hedges on site. A full tree survey has 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 and it is acknowledged that this is a true representation of the conditions on site.

The proposed development will have impacted on the specimen trees/shrubs on site and further damage will possibly have occur from construction traffic entering site, for this reason a detailed method statement for all activities within impact distance of the trees and woodland would have been required along with a detailed landscaping

scheme showing the site at the end of the proposed works, but these can be conditioned.

The application states no trees will be removed or impacted on during the construction of the new developments, but looking at the plans and the protected woodlands in close proximity of the proposed works it can't but have an indirect impact and so this needs to be considered in the method statement for prevention/access restrictions and the remedial actions to improve the site following the works have been completed so not to have a negative impact on the site from an arboriculture aspect.

The development would have needed to supply protective fencing and advisory notices to prevent any damage, accidental spillage or compaction on the trees and their root systems.

In principle the design will not have a negative impact on the trees on site and within neighbouring properties if all the aspects of the arboriculture impact assessments recommendations are adhered to, as detailed below;

Mitigation for the impact of the development can be provided in the form of the following:

The erection of protective fencing in advance of the commencement of the development to safeguard the root systems and stems of retained trees. Compensation and enhancement for the impact of the development can be achieved by way of the following:

The planting of new trees to replace any trees lost and to enhance the species diversity of the existing areas of woodland;

The implementation of woodland management prescriptions to ensure the safety of users of the site and to maintain and enhance retained trees for the long term benefit of the woodland as a whole.

To this end it can be accepted in an arboriculture aspect at this time with the detailed method statements, site enhancements and protective fencing installation prior to any commencement on site.

The proposed statement for woodland management and planting will need to be submitted as a landscape design plan on whether there is to be tree removal in this area or not with consideration for replacement tree planting to off-set the loss of the tree if it is removed, the landscaping scheme needs to consider the council policy and new planting to enhance the amenity, biodiversity and screening potential when detailing up these replacement plantings, if this is not considered then the development would have an unacceptable impact on the tree scape of the site and so would not be supported from an arboriculture aspect.

The car park area is not proposed to be increased as far as I can see which is fine as we would not want to approve any car storage sites in closer proximity to the existing woodland areas, resulting in encroachment, compaction and potential chemical spillages within root zones of the existing trees.

The detailed plan design, method statements, protective fencing details and landscaping plan will need to be submitted for consideration and discharge of conditions and implemented as appropriate prior to works commencing on site.

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

Condition Tree 1

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

Condition Tree 2

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

Condition Tree 3

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

Nature Development Team: The site is located on Lakes Road the application is for change of use of land to a mixed use consisting of an urban farm and educational facility, together with retention of buildings and structures, parking area and the construction of the Garden House comprising visitor and educational facilities, together with a managers dwelling and new detached storage building (part retrospective).

Legislative and Policy Framework

Nature Conservation Designations

The site is located within Woodland off Lakes Road Site of Biological Importance (SBI). This is listed on Natural England's Priority Habitat Inventory and is a Local Biodiversity Action Plan Priority Habitat. Part of this woodland (to the north) is also Ancient Woodland. Additionally, Roman Lakes SBI is within very close proximity to the site.

The proposed works appear to be confined predominantly to the Garden House and fields (which are not situated within the SBI). The retrospective element of the application is likely to have resulted in increased recreational pressure to the SBI as a result of increased visitor numbers, however no baseline data are available to assess any potential impacts that have occurred and as such it is very difficult for me to comment specifically on this. It is noted however that a Woodland Management Plan has been submitted with the application outlining proposed sympathetic management of the woodland. It is vital that it can be demonstrated that this can adequately offset disturbance impacts to the SBI to ensure the application does not contravene policy NE1.2 of the retained UDP. This is discussed in further detail below.

Legally Protected Species

A Preliminary Ecological Appraisal (PEA) has been submitted with the application (Urban Green, 2020). This involved an extended Phase 1 habitat survey to identify and map the habitats present on site and assess their potential to support protected species. The survey was carried out in September 2020 and updated previous ecological survey work undertaken at the site in 2016. The site comprises broadleaved semi-natural woodland (some of which is ancient woodland), buildings and structures (tunnels and wall), bare ground, hardstanding, improved grassland and tall ruderal.

Bats

Many buildings/structures and trees have the potential to support roosting bats. All species of bats, and their roosts, are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (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.

No signs of roosting bats were recorded during the preliminary roost assessment of structures and buildings. The Garden House (B1) was assessed as offering low bat roost potential owing to some minor gaps between stonework. In accordance with best practice survey guidelines, an emergence survey was undertaken in August 2020. No bats were observed to be roosting within building B1. Other buildings on site (B2, B3, B4 and B5) were found to offer negligible bat roost potential. A bat box was found to be present on building B4 (classroom), but this will not be impacted by the proposals.

The retaining wall (W1) located to the west of building B1 was found to offer crevices which may support roosting bats, and this structure was assessed as offering low bat roost potential. It is understood that the wall will not be impacted by the proposals.

Four tunnels are located within the application site boundary (T1, T2, T3 & T4). These have all been assessed as offering high potential to support a bat roost (including hibernating bats). The tunnels will not be impacted by the current proposals.

A detailed bat tree roost assessment did not form part of the current ecology survey. No tree works are explicitly required to accommodate the proposals that form part of the current application. However, the submitted Arboriculture Impact Assessment report advises that tree group G3 is removed, and works are carried out at trees T1, T19 and T20 for health and safety reasons. No tree works should be carried out without having first been subject to bat survey work in accordance with best practice survey guidelines.

The site offers good bat foraging and commuting habitat owing to the presence of woodland and the River. Goyt which runs adjacent to the site. Common pipistrelle, soprano pipistrelle, Myotis sp. brown long-eared, and Daubenton's bat activity was recorded during the bat survey.

Breeding birds

All breeding birds and their nests are protected by the Wildlife and Countryside Act (WCA) 1981 (as amended). Some species receive further protection through inclusion on Schedule 1 of the Act. The woodland habitats on site in particular offer valuable habitat for breeding birds, with species such as bullfinch, house sparrow, lesser spotted woodpecker, song thrush, starling, and kingfisher having been recorded on site/as part of the data search. These species are listed as Species of Principal Importance under the NERC Act 2006, apart from kingfisher which is listed on Schedule 1 of the WCA.

Amphibians

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newt (GCN) and common toad. GCN receive the same level of legal protection as bats (outlined above), whilst toad are listed on Section 41 of the NERC Act 2006, as a Species of Principle Importance. The site offers suitable terrestrial habitat for amphibians, including woodland and tall ruderal vegetation and also the tunnels/wall/stonework providing potential refuge sites. No ponds are present within the application area and one pond is located within 250m of the application boundary (approx. 60m to the southwest). No records for GCN exist in the local area although this may be a result of a gap in the baseline data, rather than confirmation of absence. The off-site pond is considered to be isolated from the application area due to buildings, roads, fences, walls and the railway line likely impeding GCN dispersal into the application site. The risk of GCN being present and impacted by the proposals is therefore considered to be low.

Badger

Badgers and their setts are protected by the Protection of Badgers Act 1992. A three hole active badger sett was recorded within the application site and this has been assessed as likely to be an outlier sett. No other signs of badger activity (such as foraging signs, latrines etc) were recorded. No direct disturbance impacts are anticipated, particularly if reasonable avoidance measures are implemented (detailed further below). In relation to potential disturbance resulting from increased recreational pressure, it is considered that badgers will have likely become habituated as badgers are relatively tolerant of indirect human disturbance.

Otter and Water vole

Otter receive the same level of legal protection as bats and GCN (detailed above), whilst water vole are protected under the Wildlife and Countryside Act 1981 (as amended). No signs of otter or water vole were recorded during the survey. The River Goyt is however known to support otter and so it is considered likely that otter will pass through the site. The river is assessed as offering limited suitable potential habitat for water vole.

Other Protected and Priority Species

Suitable habitat for hedgehog (broadleaved woodland and scrub) are provided on site. Hedgehog is listed on Section 41 of the NERC Act 2006 as a Species of Principle Importance.

No evidence of reptiles was recorded during ecology survey and no records for reptiles were yielded from the data search. Suitable reptile habitat is provided within the application area by woodland, and potential refuge sites such as woodchip piles and exposed stonework. The River Goyt however, isolates the site for this species group to some extent and the proposed works area (comprising improved grassland and hardstanding) is of very limited value to reptiles.

The site is likely to be valuable to common assemblages of invertebrates and woodland and tall ruderal habitats in particular have the potential to also support more notable species such as cinnabar moth, white ermine moth, September thorn moth and wall butterfly (owing to the habitats present and results of the data search).

Invasive Species

Japanese knotweed and Himalayan balsam were recorded within the application site boundary. These species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to plant, or otherwise cause to grow these species in the wild.

LDF Core Strategy

Core Policy CS8 Safeguarding and Improving the Environment

Green Infrastructure

3.286

Biodiversity and Nature Conservation

3.296

DEVELOPMENT MANAGEMENT POLICY SIE-3

A) Protecting the Natural Environment

Protecting, Safeguarding and Enhancing the Environment

3.345, 3.346, 3.347, 3.361, 3.362, 3.363, 3.364, 3.365, 3.366, 3.367, 3.368 and 3.369

Stockport's Unitary Development Plan (Retained Policy)

NE1.2 SITES OF NATURE CONSERVATION IMPORTANCE

The habitats and biodiversity of sites of biological importance, geological conservation sites and local wildlife sites will be protected and enhanced where possible. Proposals for development on sites so designated must demonstrate that there is a justification which overrides any harm to the nature conservation value of the site.

Recommendations:

There is considered to be sufficient ecological information available to inform determination of the application. The tunnels (high bat roosting potential) and wall (low bat roosting potential) and bat box on building B4 (classroom) will not be impacted. No evidence of roosting bats were recorded within the building to be impacted (B1) during the bat survey. The proposed works are therefore considered to be of low risk to roosting bats. Bats can sometimes roost in seemingly unlikely places however and so it is recommended that an informative is attached to any planning consent granted 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 such as GCN or badger) is discovered on site, works must stop and a suitably experienced ecologist be contacted for advice.

It is important to note that no tree works should be carried out without a bat survey having first been undertaken by a suitably experienced ecologist. An assessment of roosting potential of any trees scheduled for removal/pruning works should be carried out along with further surveys (such as climb and inspect and/or activity surveys) as necessary. This is outlined in section 6.1 of the submitted ecology report.

Badgers were found to be present on site, however no significant impacts are anticipated on the sett which is located over 100m from the proposed works area. Badgers are a highly mobile species however and can rapidly build setts in new areas. It is therefore recommended that a condition is attached to any planning consent granted for a badger update survey to be completed prior to commencement of works. This is so that any change in badger activity since the 2020 survey can be recorded and mitigation measures amended as appropriate. The mitigation measures should be detailed in a Badger Mitigation Strategy (to be submitted to the LPA for review) and if preferred, this can form part of the CEMP (see below).

It is important that retained habitats and protected/priority species are adequately protected during works. The following condition would therefore be relevant: No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. The CEMP shall include:

- a) risk assessment of potentially damaging construction activities
- b) identification of 'biodiversity protection zones'
- c) measures and sensitive working practices to avoid or reduce impacts during construction
- d) location and timing of sensitive works to avoid harm to biodiversity
- e) times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required
- h) use of protective fences, exclusion barriers and warning signs

and shall include details of measures to:

- Avoid the impact on nesting birds
- Avoid the spread and details of treatment (where appropriate) of invasive species listed on Schedule 9 of the WCA
- Avoid negative impact on sensitive ecological features during works (such as woodland, the river etc) and protect all retained features of biodiversity interest (including sensitive lighting strategy).
- Sensitive working measures and Reasonable Avoidance Measures (RAMS) to be adopted in relation to badgers and other protected/priority species (this is also detailed in section 5.4 of the ecology report).

In relation to breeding birds, the following condition would be relevant to any planning permission relating to the site: No vegetation clearance/building demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA. This can be incorporated into the CEMP if preferred.

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the LPA, detailing the containment, control and removal of Himalayan balsam and Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme. This can be incorporated into the CEMP if preferred.

It is vital that it is demonstrated how the SBI will be protected and that it is clearly identified how adverse impacts on habitats will be avoided, minimised and

appropriately mitigated for. It is not possible for me to comment on the potential disturbance impacts resulting from increased relational pressure as a result of the retrospective element of the application. However, the submitted Woodland Management Plan should be updated to include long-term (minimum 30 years) management of the woodland along with details of target condition and monitoring mechanism. For example, the DEFRA metric condition assessment criteria could be used to help standardise and evaluate current habitat condition and help monitor progress in reaching target condition. It is important that not only is appropriate ecological mitigation achieved to offset potential disturbance impacts but also that measureable net gains for biodiversity are secured in accordance with national and local planning policy (see NPPF and paragraph 3.345 of the LDF). Further suitable enhancement measures are outlined in section 7 of the submitted ecology report (including provision of bat and bird boxes and insect houses, habitat piles and pollinator-friendly planting. The updated woodland management plan and details of biodiversity enhancements (this can be provided on a Biodiversity Enhancements Plan) should be conditioned as part of any planning consent granted.

Any proposed lighting should follow the principles outlined in Bat Conservation Trust guidance, in conjunction with careful landscape planting to further protect sensitive habitats from light disturbance.

Ecological conditions can change over time. If the proposed works have not commenced by May 2022 (i.e. within two survey seasons of the 2020 surveys) it is recommended that an update an ecology survey (including bat activity surveys as necessary) is carried out in advance of works to ensure the baseline and assessment of impacts in respect of bats and other ecological receptors remains current. This can be secured by condition as part of any planning consent granted.

Environment Team (Noise): The application has been assessed in relation to community amenity.

There is no objection

Neither did this service raise any concern or objection to the previous application DC/068083 - The Garden House, Lakes Rd, Marple (September 2018).

As part retrospective application, this service has no noise or other nuisance complaint history concerning the current operations on the site.

The granting of planning permission does not convey any exemption from or compliance with other legislation such as the Environmental Protection Act 1990 (Statutory Nuisance), Control of Pollution Act 1974, Licencing Acts or the Environmental Permitting Regulations.

Environment Team (Contaminated Land): The proposed development site has plans for a residential dwelling, due to the sensitive end use the developer should undertake a site investigation. The site is also adjacent to a former chemical works which also has the potential for contamination. I would recommend the following conditions for the decision notice: CTM1, CTM2 and CTM3.

Lead Local Flood Authority (LLFA): Additional drainage details have recently been submitted and reviewed. Further details relating to infiltration design calculations and micro-drainage modelling are required to address surface water and foul drainage matters.

Public Rights of Way Unit: This application does not affect any current Public Rights of Way.

Conservation & Heritage Officer: This site is of local heritage interest given its direct historic relationship with the former Samuel Oldknow estate in Marple and Mellor. It is known to contain remains of the agricultural and industrial aspects of the estate operation including the remains of the Garden House building as well as the survival of below ground tunnels associated with the supply of water power to Mellor Mill. Whilst these heritage assets are not designated, either through statutory listing or designation as a conservation area, they are included within the Greater Manchester Historic Environment Database and therefore have heritage status for the purposes of planning policy and legislation. The site is now held in separate ownership from the former Mellor Mill site that lies to the south (recently the recipient of National Lottery funding and operated as a visitor attraction by Mellor Archaeological Trust) and there is no association by virtue of management between the two sites.

The advice and comments of GMASS dated 01.09.21 are noted and, given the significance of the site and in order to minimise any potential harm to the heritage assets involved, it is recommended that a scheme of works is provided to record the archaeological significance of the site prior to determination of the planning application. It is considered that the submitted heritage statement does not provide an adequate assessment of the significance of the site or an assessment of the potential impact of the current proposals upon that significance.

Whilst sensitive re-use and conversion of heritage assets is supported as a means of ensuring their long term preservation and conservation, it is important that this is considered in light of a full understanding of the heritage significance of the site. It is acknowledged that the Garden House is proposed to form the focus of the site, both functionally and visually, and that the impact of the wider proposals upon the setting of the Garden House are likely to be neutral. The potential public benefits of the creation of a publicly accessible walking route along the valley to/from Marple Bridge are also acknowledged, and it should be noted that these could provide wider benefits to the future operation of the Mellor Mill and Roman Lakes, especially if it enables alternative and attractive means of visitor access into this part of the valley. Consideration should also be given to the protection and interpretation of the below ground water tunnels as part of the wider proposal.

Greater Manchester Archaeological Advisory Service (GMAAS): The application has been submitted with a Heritage Statement (HS) compiled by Randfield Associates (February 2021). The HS provides an overview of the site, placing it within its wider context within the Goyt Valley, detailing the history of the site, the construction of the Garden House, store and tunnels, and their association with Samuel Oldknow, the Mellor Mill complex and the Industrial Revolution within Marple and Stockport. The HS then describes the site as it exists today, including a brief description of what the new facility (reconstructed house and grounds) would be used for. With regard to NPPF, paragraph 194, the HS falls short of providing the detail expected from such a document in relation to assessing the relevant impacts of the proposed development on the built heritage, designated or undesignated, within the site or in the immediate surroundings.

Documentation submitted in support of the application provides very little regarding the extent of the proposed development other than the proposed reconstruction of the Garden House and associated elevation plans. An annotated site and location plan (3300 01 SITE AND LOCATION PLAN_COMPRESSED_1.0) mentions that remains of the house have undergone archaeological excavation, but a report

detailing these works has not been submitted with the application. A further site plan (3300 32 PROPOSED BLOCK PLAN_1.0) provides an overview of what is to be kept within the site boundary and what is to be removed or relocated into the new Garden House, but again details of the extent of any associated groundworks are not provided.

Given the significance of the site in relation to its association with Samuel Oldknow, the Mellor Mill complex and the rich history of industrial period activity that has taken place within and around the site, GMAAS recommends that a scheme of works is required to record the archaeological significance of the site prior to determination of the planning application. Appropriate works would be for a scheme of building recording to be undertaken over the remains of the garden house and for a detailed walkover survey to be undertaken along with documentary research to identify the various heritage interests represented within the site. Submission of a report in support of the application, and submission of further detail regarding the extent of groundworks, would then enable the formation of an informed scheme of mitigation, if further works were required.

Updated response: I am writing to confirm that GMAAS are happy for the scheme of archaeological works outlined in my original consultation to be secured by the following advised condition of consent.

No demolition or development ground-works shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Stockport Metropolitan Borough Council. The WSI shall cover the following:

1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of archaeological fieldwork investigation and recording to include:
 - i. Archaeological building survey of the remains of the Garden House and store (Historic England Level 3), including, where possible, laser scanning of the surviving undercrofts
 - ii. A detailed walkover survey and historical documentary analysis across the site
 - iii. Informed by the above, a targeted watching brief(s) during groundworks that have the potential to reveal significant archaeological remains
2. A programme for post fieldwork assessment to include:
 - i. Analysis of the site investigation records and finds
 - ii. Production of a final report on the significance of the archaeological and historical interest represented.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. A scheme to disseminate the results of the archaeological investigations for the benefit of the local and wider community, commensurate with significance. This may include the production of a Heritage Display for including within the developed site.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 – To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The negative planning condition is a fall-back position. In an ideal situation the work would be carried out pre-determination as the walkover survey and historical documentary analysis (element 1(ii) of the condition) might identify numerous areas of the site that could be impacted upon by development works. Undertaking the works in accordance with a condition (post-determination) puts the developer at risk of undue cost and timetabling for works, which might otherwise have been identified much earlier in the process if the work was done pre-determination.

In either scenario the scheme of archaeological works should be secured by an appropriate Written Scheme of Investigation, to be approved by GMAAS (in our capacity as archaeological advisors to the Council) prior to the commencement of any development works.

Environment Agency: We have no objections to the proposed development, however we would request that the following planning condition is included on any approval. Condition The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from HBL Associates Ltd. (Ref 9131-HBL-XX-XX-RP-D-0001 dated 06 July 2021) and the following mitigation measures detailed within the FRA:

1. The internal and external levels are set in accordance with Sections 8.0 and 9.0 of the FRA.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
3. The preparation of an emergency evacuation plan, including the registration with Floodline on 0345 988 1188 to receive a Flood Warning.

Reasons

- To reduce the impact of flooding on the proposed development and future occupants.
- To ensure safe access and egress from and to the site.

Advice to LPA: Contaminated Land

Due to current internal resource constraints, we have not undertaken a detailed review of the risk posed to controlled waters from land contamination and would therefore advise that you refer to our published Guiding Principles for Land Contamination which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

We also recommend that you consult with your Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management.

Where planning controls are considered necessary we would recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by the National Planning Policy Framework (NPPF).

The NPPF takes a precautionary approach to land contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of remediation.

Where contamination is known or suspected, a desk study, site investigation, remediation and other works may be required to enable safe development. The minimum requirements for submission with a planning application are a preliminary risk assessment, such as a site walkover or desk top study.

Site investigation and remediation strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination, or uncertainty, is found. When dealing with land affected by contamination, developers should follow refer initially to the relevant guidance.

Advice to the applicant: Environmental Permit This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Goyt, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. Information on riparian landowner's rights and responsibilities can be found at www.gov.uk/guidance/owning-a-watercourse.

Advice to LPA/applicant: Flood Proofing We recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods'.

United Utilities: Drainage - 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.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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

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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Water Supply

We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information. Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

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 and the design and construction period should be accounted for.

United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer, as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

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

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

ANALYSIS

The site lies within the Green Belt, the Goyt Valley Landscape Character Area, a Site of Biological Importance (SBI) - 'Woodland off Lakes Road', Flood risk Zones 1, 2 and 3, and a Tree Preservation Order (UDC of Marple No.2), as identified on the Proposals Map of the Saved UDP Review.

Principle of Development

The site falls within the Green Belt and as such Saved UDP Policy GBA1.2 and paragraphs 137, 138, 147, 148, 149 and 150 of the NPPF are of particular relevance.

Para.148 of the NPPF advises that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Para.149 of the NPPF advises that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

Para 150 of the NPPF advises that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Saved UDP Review Policy GBA 1.2 ‘Control of Development in the Green Belt’ lists a number of exceptions to development allowed in the Green Belt and echoes the NPPF in allowing facilities for outdoor recreation, but does not allow for other development as not appropriate in the Green Belt. Furthermore Policy GBA 1.2 does not allow for very special circumstances, therefore the proposal is not compliant with this policy, however the National Planning Policy Framework (NPPF) offers a more up-to-date position and is a material consideration of significant weight.

Extensive comments on the current application are provided by the Council’s Planning Policy Officer, which cover the principle of the development within the Green Belt, are set out earlier in the consultee section of this report. These should be referred to when considering the current application now before Members.

In terms of the appropriateness of the development within the Green Belt, it is considered that a number of elements of the retrospective and proposed works would not constitute an exemption to relevant paragraphs of the NPPF or Saved UDP Review Policy GBA1.2.

Notwithstanding the above, the following buildings and structures on the site are considered to fall within the relevant exceptions within the NPPF;

- Outdoor play equipment
- Café
- Animal housing and fencing
- Polytunnel

These particular elements of the scheme at Garden House are thereby considered not to be ‘inappropriate development’ in Green Belt.

It is considered that upon the rationalisation of the site and the removal of buildings / structures specified in the submission, the majority of the built form on site is not inappropriate development in Green Belt, however the reconfiguration of the Garden House and the car park for 80 vehicles does not fall within the relevant exceptions within the NPPF and is therefore inappropriate development in the Green Belt.

Openness

A fundamental characteristic of Green Belts, as set out in relevant paragraphs of the NPPF, is their openness and their permanence. The concept of openness has a physical and visual dimension. In a physical sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt, which is a similar scenario applicable in this instance. The proliferation of buildings and structures and car movements have resulted in the intensification of the site.

It is acknowledged that whilst some elements such as the operational development involved in the creation of / surfacing of footpath links would be inappropriate development within the Green Belt, the limited nature of the works carried out do not / would not have a detrimental impact on openness. It must however be acknowledged that as a whole the works already carried out at the site have resulted in built development, where this was previously limited and on a much smaller scale. These have therefore inevitably reduced the openness of this part of the Green Belt.

Very Special Circumstances

In support of the application a Planning Statement has been submitted. This seeks to suggest that the various buildings and structures would be appropriate within the Green Belt or that exceptional circumstances exist to outweigh the harm to the Green Belt and Landscape Character Area.

It is acknowledged that one of the components of the very special circumstances being proposed as part of the current application, relates to the rationalisation of the number of buildings and structures already on site. In this respect it must be acknowledged that compared to the previous application refused in 2018, the applicant is no longer seeking to retain the children's nursery, which had previously been operating at the site. A number of storage containers that previously existed on the car park have been / are to be removed, together with a number of tented structures. In addition the proposed reconstruction of the Garden House to provide permanent visitor amenities and educational facilities, as well as warden manager's accommodation, would once completed also result in the removal of an existing toilet block and managers accommodation building.

It is acknowledged that the current application has associated benefits in terms of promoting outdoor recreation and a healthy lifestyle, as well as community, heritage and educational based elements. In addition and as part signified by the level of support expressed by 3rd parties (noting that objections have also been received against the application), the site appears to offer a wider collective benefit, which provides opportunities for promoting inclusivity (by virtue of the facility operating on a donation basis) within the community. This does however need to be carefully balanced against the adverse impacts experienced by other sections of the community, such as local residents within the immediate vicinity of the site and the inappropriateness of the development within the Green Belt.

In respect of the specifics that make up the applicants case for very special circumstances, it is acknowledged that The Garden House is now a registered Charity, run by the applicant, a board of trustees, committee members and a team of community volunteers.

Visitors do not have to pay an entrance fee to access the site, so ensuring that the facilities are accessible to all in the local community. Any donations on entry go towards the upkeep of the site. The lack of an entry fee ensures that the site is inclusive and open to all members of the community. Whilst it is accepted that the

facility operates on a donation basis, this in isolation carries limited material weight in terms of very special circumstances, given that the financial makeup of the facility cannot be controlled by the planning system.

The Garden House is partnered with a number of charitable organisations working to support young people and the wider community. In addition, groups offering support to young people with complex needs, specialist educational needs and learning difficulties regularly visit the site to make use of the facilities available. Such groups include:

- The Norwood Trust Ltd, Marple
- Penarth Group, Stockport
- Bury Independent Living Development
- The Seashell Trust

The Garden House hosts school field trip groups, with many local schools having visited the site. In addition to providing field trip opportunities to schools in the local and wider area, a number of youth groups and organisations providing extracurricular activities regularly visit the Garden House. The Vision Statement and Business Plan provided in support of the application provides full details of the various charities and organisations use the Garden House facilities on a regular basis and organisations the Garden House partner with to provide volunteering opportunities and support for vulnerable members of the community in accessing outdoor educational and recreational facilities.

In terms of the wider stewardship of the land, the applicant has sought to make improvements in terms of the provision of a woodland footpath which runs through the site and a 5 year woodland management plan. This footpath is utilised not only by visitors to the site, but also by the local community and walking groups.

The details submitted in support of the application indicate that moving forward the charity intends to focus on the development of relationships with other organisations within the wider community to deliver increased numbers of pre-booked group visits to the site. This would give the Garden House greater control in terms numbers of visitors / vehicles to site. As set out in the vision document it is intended that over 50% of all visitors to site will be via pre-booked groups by 2022.

In seeking permission for the reconstruction of the Garden House, not only will the building itself facilitate the removal of a number of structures on site and provide indoor space for educational purposes, but this element would also provide an interpretation space and communicate the sites history and the significance of its local heritage.

As previously discussed earlier in this report, the current application has been revised in order to be less harmful to the Green Belt, when compared to the previous 2018 refusal which is subject to the on-going planning and enforcement appeals.

In order to deliver the benefits above and keep harm to a minimum, the scheme is reliant on some external factors. The benefits set out above do rely on funding from the Heritage Lottery fund and there are time scales set out for the removal of some the buildings on site. In the event that planning permission is approved, it is suggested that conditions are imposed so as to ensure the planning approval for the overall operation of the site is linked with the reconstruction of the Garden House, the specified buildings are removed within the said timescales and that the proposed warden / managers accommodation is controlled by condition so as to remain ancillary to the operation of the Garden House and not result in the creation of a separate, standalone dwelling .

After careful assessment and noting that the competing material considerations relating to the proposal are finely balanced, Officers accept that the case put forward in support of the latest application does amount to Very Special Circumstances, which outweighs the harm to the Green Belt and it is for these reasons that the application is considered to be compliant with the NPPF in terms of Green Belt policy.

Highway Issues

In respect of highway and pedestrian safety, extensive and detailed comments have been provided by the Council's Highway Engineer. These are set out earlier in this report under the consultees section and should be referred to as part of the assessment of the current application.

The proposal as submitted takes its vehicular access off Lakes Road and provides on-site parking for approximately 80 vehicles on raised ground within the southern part of the site. In addition disabled parking bays are provided further into the site.

As part of their submission the applicant has provided a substantial amount of supporting information in respect of a number of elements including improvements to Lakes Rd and Faywood Drive / Arkwright Road; pedestrian access and parking and operational management, as well as wider transportation and highway / pedestrian safety matters.

The specific details of the various mitigation measures that form part of the current application, are set out in full within the consultee response of the Council's Highway Engineer contained earlier in this planning report.

The Council's Highway Engineer considers that, subject to access routes to the site being improved and retained for use as is proposed and travel plan measures being implemented, there is potential for a reasonable number of visitors to travel by sustainable modes of transport to the site and as such the proposal would comply with local and national policies on accessibility.

In terms of parking, whilst it must be acknowledged that there have been instances when the site's existing car park has not met demand, providing a suitable Parking Management Plan is implemented, as well as Travel Plan measures to encourage sustainable travel, it is on balance concluded that the car parking facilities should meet demand in the future. The requirement to implement such plans and provide suitable disabled and cycle parking and EV charging facilities can be dealt with by condition. The Council's Highway Engineer also considers the site's existing access acceptable, subject to some further improvements being carried out and being controlled by condition.

Turning to the impact of the development on the wider highway, details submitted in support of the application outline that the Garden House has resulted in a significant increase in vehicle movements on Lakes Road, Faywood Drive and at the junction of Faywood Drive with Arkwright Road. Furthermore the Council's Highway Engineer considers that the level of associated vehicle movements has and will compromise the safe operation of these roads unless a suitable mitigation package can be developed.

In respect of Lakes Road, the applicant has submitted a scheme to carry out various improvements to the road including surfacing improvements, signage and the erection of a new boundary fence. Whilst it is considered that that the scheme

requires some further development, a package of works along the principles already established would sufficiently mitigate the impact of the development on this road and ensure that the development would not unduly impact the safety of users of the road to a level which would justify a recommendation of refusal.

Members are advised that in respect of Faywood Drive (and its junction with Arkwright Road), following on from the initial comments of the Council's Highway Engineer, further discussions have taken place with the applicants agent. As a result revised details of highway improvement works including, but not limited to, kerb build outs and traffic regulation markings, together with vehicle swept path tracking, a Road Safety Audit and designers response, have recently been submitted to Officers for review.

The Council's Highway Engineer comments that after reviewing the latest details, the proposed highway improvement works will result in the level of visibility being afforded at the junction of Faywood Drive and Arkwright Road that would be in line with vehicle speeds and should reduce the potential of conflicts on Faywood Drive, whilst not adversely affecting the operation of the junction.

On balance and in the absence of any objections from the Council's Highway Engineer, it is considered that subject to conditions and an appropriate legal agreement, the proposal will provide a sufficient level of mitigation, having regard to the scale and nature of the development, and, as a result would not have an unacceptable impact on highway safety, nor a severe impact on the highway network.

Impact on Heritage Asset

It is noted that the application is supported by a Heritage Assessment and Planning Statement, which set out the considerations that have been made with regard to the impact of the development on the special character and appearance of any un-designated heritage assets.

The application includes the remains of the Garden House, which are linked to the nearby Mellor Mill and form a part of Marple's local history. The proposal re-construction of the Garden House provides the potential to secure the conservation and interpretation of this local heritage asset and open for the benefit of the general public.

The proposed re-built Garden House is designed to be a re-interpretation on the site of the original structure, with the aim being to reflect the historic function of the local area and is envisaged to complement the nearby Mellor Mill site.

Noting the updated comments of Greater Manchester Archaeological Advisory Service that the assessment of heritage / archaeological significance can be dealt with via a suitably worded planning condition, the development is not considered to have a detrimental impact on non-designated heritage assets.

Living Conditions/Impact on Residential Amenity

With regard to impact on residential amenity, it is acknowledged that the site is relatively isolated in nature, however this needs to be carefully balanced against the existence of residential properties that are either close to or adjoin the site.

Whilst the concerns of 3rd parties regarding noise, disturbance and privacy are noted, due regard should be had to the topography of the site in relation to its

surroundings and the existence of mature woodland around some of the boundaries of the site.

The nearest residential properties are those positioned along Faywood Drive, Beechwood Drive and Lakes Rd, some of which directly abut the western site boundary. These properties are set at a significantly higher ground level than the lower part of the application site which contains the main outdoor play area set further afield. In addition the existence of mature trees and woodland planting along the parts of the western site boundary in this locality would appear to offer a degree of protection from noise emanating from the site.

In the light of the above and in the absence of any objections from the Council's Environmental Health Officer (Noise), it is felt that a refusal on the grounds of the impact of the use of the site on nearby residential properties, would not be capable of being substantiated at Appeal.

Design, Character & Appearance

Policy SIE-1 states development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment, within which it is sited, will be given positive consideration.

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

The development on site comprises buildings and structures of a variety of designs. The appearance of timber clad buildings with shallow pitched roofs are considered to be sympathetic to the rural setting of the site and its surroundings, The proposed reconstruction of The Garden House would utilise a mix of traditional and contemporary materials, with as much of the retained stone from the original Garden House structure to be re-used within the design.

Members will note that other elements including steel shipping containers and structures of an ad-hoc-appearance, including workshops, portable toilets and outdoor event areas, have now either been or are to be removed from the site, or have been / will be integrated into buildings of a more appropriate design in less visually prominent locations.

In light of the above, noting the layout, appearance and form of the development and material change of use, the proposal is considered to have due regard to its context and would comply with the provisions of Policies LCR1.1, LCR1.1a, CS8, SIE-1 and SIE-3.

Impact on Trees

With regard to the impact on trees, it is noted that the site contains two Tree Preservation Orders (UDC of Marple No.2 & The Lakes Road 1983). Furthermore a 5 year woodland management plan is proposed as part of the current application, which seeks to promote the stewardship of the land and safeguard / enhance the biodiversity of the area.

The detailed comments of the Council's Arboricultural Officer are set out earlier in this report and it is acknowledged that in principle the development, as based on the submitted drawings and details, would not have had an unduly adverse impact on trees within the surrounding area in the area, subject to appropriate conditions.

Impact on Ecology/Protected Species

Turning to the impact of the development on ecological interests, including the Site of Biological Importance within which the development is situated, the detailed comments of the Council's Nature Development Officer are set out earlier in this report. In the absence of any fundamental objections to the development, the application is considered to comply with policies NE1.2, CS8 and SIE-3, subject to appropriate conditions.

Flood Risk / Drainage

With regard to flood risk, it is noted that the site falls within Flood Zone 1, 2 and 3 and that a Flood Risk Assessment and Drainage Strategy have been submitted to accompany the application. Given the absence of any objections from the Environment Agency and subject to the receipt of acceptable technical calculations relating to surface and foul drainage, the development is not considered to result in a materially harmful impact in terms of flood risk / drainage and therefore complies with policy EP1.7 and SD-6, subject to appropriate conditions.

Energy Efficiency

In respect of energy efficiency the proposal does not trigger targets for carbon emissions. In the absence of any objections from the Council's Planning Policy Officer in this respect, the development is considered to be in accordance with the requirements of Policy SD3.

Conclusion

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

The NPPF establishes three dimensions to sustainable development – economic, social and environmental, which should be sought jointly and simultaneously through the planning system.

Notwithstanding the un-doubted positive aspects of the scheme highlighted earlier in this planning report, parts of the development constitute inappropriate development which is, by definition, harmful to the Green Belt and in reducing openness conflicts with the purposes of including land in Green Belt.

The current proposal would clearly deliver significant benefits for, but not solely limited to, vulnerable young adults and educational establishments, as well as for the general public and wider society. This is however finely balanced and needs to be carefully weighted against the inherent harm caused by the introduction / retention of some elements of inappropriate development within the Green Belt and the impact on the wider amenity of local residents.

In addition to the above, careful consideration needs to be given to the on-going enforcement issues relating to the site, including the live planning and enforcement appeals which in part relate to application DC/068083, which was refused by the

Council in 2018, noting that elements of the use and buildings, which are also covered by the latest application, can be viewed and assessed in situ on site.

In light of all of the above and based on the detailed case put forward in support of the application, it is considered that a sufficiently robust case has been presented to demonstrate 'very special circumstances' sufficient to outweigh harm by reason of inappropriateness and any other harm, in accordance with the NPPF.

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

Should Marple Area Committee be minded to recommend approval of the current application, then this will need to be referred to the Council's Planning & Highways Regulations Committee for determination, by virtue of the site area and given that the proposal represents a departure to the Local Development Framework.

RECOMMENDATION

Grant, subject to the use of an appropriate legal agreement / unilateral undertaking to cover Traffic Regulation Order contributions.

MARPLE AREA COMMITTEE COMMENTS (01/12/21)

Cllr Gribbon declared a prejudicial interest and took no part in the consideration of the application.

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

Updates were provided to Members in respect of further 3rd party comments that had been received since the report preparation. These were clarified as including a number responses re-iterating objections and support that had previously been lodged, as well as two further objections. The contents of the additional objections were summarised as predominantly raising matters that were already set out in the planning report, but which also included specific references to the problems caused by vehicles using Low Rea Rd, which is deemed unsuitable for such levels of traffic and querying the applicants approach to making a further planning application whilst the appeal against the previous planning refusal is on-going.

A further update was provided to Members in respect of the receipt of revised comments from the Council's Highway Engineer, based on the receipt of additional details requested in respect of highway safety matters, which included updated junction improvements at Faywood Drive and Arkwright Road, together with details of parking restrictions on these roads and a Road Safety Audit and designers response.

The Council's Highway Engineers comments were summarised as concluding that the proposed package of works will mitigate the impact of the development to an acceptable degree and, as a result would not have an unacceptable impact on highway safety, nor a severe impact on the highway network. This is subject to appropriate conditions, the completion, retention and use of the riverside path and the securing of a £7500 contribution to cover parking restrictions (TRO), via an appropriate legal agreement / undertaking.

Members sought clarification from Officers as to the policy interpretation of the NPPF and which elements of the application constituted 'inappropriate development' in the Green Belt, the relevance of community use, the impact of the facility being operated on a donation basis and the existence of 'very special circumstances'.

Committee queried the comments of the Council's Environmental Health Officer which advise that no noise complaints have been received. Reference was made to an awareness that noise complaints have been made, but it is unclear whether these were investigated or that no nuisance was found.

Members highlighted the proximity of residential properties on Low Lea Road to the site and queried what assessment Officers had given to the impact on amenity of all local residents, as well as the impact of traffic use on Low Lea Road. Clarification was sought as to why local residents had not been re-consulted about the latest highway details that had been received since the planning report was prepared.

Members referenced the numerous planning conditions being suggested by Officers, including operating hours, and sought clarification that without such conditions (and appropriate time triggers) planning permission would be refused and enforcement action would follow.

Cllrs highlighted residents' concerns that suggested conditions relating to Lakes Rd could not be applied, with there being inherent on-going maintenance and liability issues. In addition the 'quiet lane' status of Lakes Rd was queried, together with public rights of way matters.

Committee acknowledged that the site is visited by many local people, who are supporting a local economy and that environmental improvements have been carried out.

Officers highlighted the current enforcement situation affecting the site and set out the material differences between the current proposal and the scheme previously refused planning permission.

Mr Chiva spoke against the application on behalf of 70+ local residents. Concerns were raised around 1) lack of proof of funding for the proposed works, including that of the highway mitigation package and the re-built Garden House, noting that the premises currently operate as a financial loss 2) wider planning issues remain unresolved in light of previous enforcement action; 3) charity trustees are not independent; 4) lack of a business plan to demonstrate sustainability; 5) lack of independent robust evidence regarding visitor numbers and traffic movements, particularly in relation to Low Lea Road; 6) the ability of the applicant to adhere to any potential planning conditions was raised; 7) the suggested benefits being put forward in support of the application are unproven, and; 8) the ability to impose some of the suggested conditions was questioned.

Committee noted the objectors concerns and queried other matters relating to 1) the absence of a business plan and modelling of visitor numbers at peak times; 2) issues surrounding the need for, scope of and funding of highway mitigation works on Low Lea Road, Lakes Road, Faywood Drive and Arkwright Road; 3) lack of consultation relating to proposed highway works; 4) impact on the amenity of local residents, and; 5) the permissive nature of the footpath link from the site across land associated with the Midland Hotel.

Mr Gascoigne (applicants' agent) spoke in support of the proposal. The previous refused application and current planning appeal were acknowledged. It was commented that the applicant has worked with the Council and 3rd parties to resolve issues and has resulted in the setting up of charitable status, a trustees committee, business and management plans, rationalising structures on site, promoting educational and heritage benefits particularly through the re-construction of 'The Garden House', as well as highways mitigation packages, together with reducing opening hours from those previously proposed. The comments of consultees were noted supporting the application, as well as the level of support from other 3rd parties.

Members sought clarification over the warden managers' accommodation, how the applicant would comply with planning conditions, including the availability of funding and timescales for the removal of buildings including the day nursery. The applicants' agent commented that the conditions will cover a variety of different matters which have been discussed with the applicant and the Council. The agent commented that the works / details required by suggested conditions could be delivered and maintained and would be sustainable. It was noted that Lakes Road is used by traffic visiting other destinations, such as The Roman Lakes and that highway impact would not be a justified reason for refusal.

Members noted the level of support and objections received in connection with the application and highlighted the concerns of local residents about making public comments on the application.

Committee sought advice from Officers relating to the various procedural aspects of determining the application.

Members debated the application and raised concerns about the robustness of the proposed highway mitigation works, but also acknowledged that the current application is materially different from the previous refusal. It was noted that Heritage Lottery funding would be sought. It was highlighted that the scope of planning conditions have already been discussed between the applicants' agent and Officers. The benefits of the facility were noted, as was the impact on local residents including under human rights legislation.

Committee unanimously recommended that the application be referred for a site visit by the Planning & Highways Regulations Committee, on the grounds of the impact on the openness of the Green Belt and the impact on highway safety. In making the recommendation Committee noted the levels of both objection and support lodged in connection with the application and requested that details relating to the highway matters raised during the debate are provided for the Planning and Highways Regulations Committee to consider.