

## **ITEM**

<b>Application Reference</b>	<b>DC/083638</b>
<b>Location:</b>	Land Adjacent To 262 Windlehurst Road Marple Stockport SK6 7EN
<b>PROPOSAL:</b>	Conversion of existing water tank structure/underground reservoir to form 1 no. dwellinghouse with associated external alterations and retention of existing pump house as garage (Re-Submission of application DC080803)
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	08/12/2021
<b>Expiry Date:</b>	02/02/2022
<b>Case Officer:</b>	Mark Burgess
<b>Applicant:</b>	Mr T Christie
<b>Agent:</b>	

## **DELEGATION/COMMITTEE STATUS**

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

## **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the conversion of an existing water tank structure/underground reservoir to form 1 no. residential dwellinghouse at the site.

The proposed dwellinghouse would be formed within the existing reinforced concrete walls of the structure, which has a width of 17.2 metres, a length of 12.1 metres and a height of 3.2 metres. The existing grassed Northern, Eastern and Southern elevations of the structure would be retained, however the Western front elevation of the structure would be exposed and the grass removed to provide three window/door openings. The existing manhole openings and grassed roof would be removed and rooflights would be installed to provide natural light and ventilation. The roof would be waterproofed, with the grass reinstated with a wild flower mix. Internally, the proposed dwellinghouse would comprise a hall, living room, kitchen, bathroom and two bedrooms.

Access to the site would be taken from the existing access to the West, with visibility improvements provided. Parking would be provided to the Western front curtilage and the existing outbuilding/pump house to the Southern portion of the site would be retained to be used as a garage.

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

## **SITE AND SURROUNDINGS**

The application site is located to the South of Windlehurst Road in Marple and comprises the site of a former water tank structure/underground reservoir which is raised approximately 3.2 metres above the natural ground level and currently grassed over to the roof and all elevations. The site also accommodates a single storey pitched roofed outbuilding. Access to the site is taken from a narrow road to the West, which is served from the signalised junction on Windlehurst Road to the North, adjacent to Broadhursts Bridge.

The site is directly adjoined to the North, East and South by open fields/countryside, with the Macclesfield Canal located on the opposite side of the access road to the West. The closest residential properties to the site are located on Windlehurst Road to the North East.

## **POLICY BACKGROUND**

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

The Statutory Development Plan for Stockport comprises :-

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

The site is allocated within the Green Belt and a Landscape Character Area (Hazel Grove-High Lane), as defined on the UDP Proposals Map. The site is also located within the boundaries of the High Lane Village Neighbourhood Development Plan Area. The following policies are therefore relevant in consideration of the proposal :-

### **Saved UDP policies**

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

### **Core Strategy DPD policies**

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-6 : ADAPTING TO THE IMPACTS OF CLIMATE CHANGE

- CS2 : HOUSING PROVISION
- CS3 : MIX OF HOUSING
- CS4 : DISTRIBUTION OF HOUSING
- H-1 : DESIGN OF RESIDENTIAL DEVELOPMENT
- H-2 : HOUSING PHASING
- H-3 : AFFORDABLE HOUSING
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- SIE-4 : HAZARDOUS INSTALLATIONS
- 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

#### High Lane Village Neighbourhood Development Plan (HLVNDP)

In anticipation of the administrative adoption statement, following an Independent Examiners Report in May 2021 and a referendum vote in favour in September 2021, Members are advised that full weight to the relevant policies of the HLVNDP should be afforded in the determination of planning applications. Relevant policies of the HLVNDP include :-

- T1 : MITIGATING LOCAL TRAFFIC IMPACTS OF DEVELOPMENT AND IMPROVING AIR QUALITY
- T2 : LIVEABLE NEIGHBOURHOODS AND SUSTAINABLE TRAVEL
- H1 : HOUSING SCALE AND MIX
- R1 : PROTECTING AND ENHANCING PARKS AND RECREATIONAL AREAS
- NH1 : PROTECTING LOCAL LANDSCAPE CHARACTER IN THE HIGH LANE AREA
- NH3 : PROTECTING AND ENHANCING LOCAL WILDLIFE
- HD2 : HIGH QUALITY DESIGN AND DESIGN CODES

#### Supplementary Planning Guidance and Documents

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

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

#### National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### National Planning Practice Guidance (NPPG)

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

### **RELEVANT PLANNING HISTORY**

- DC080803 : Conversion of existing part underground reservoir into 1 no. dwellinghouse, retaining existing pump house as garage (Outline Planning application, seeking approval for access) : Withdrawn – 04/12/2021.
- J.51017 : Flow Control Valve House, Break Pressure Tank and associated Valve and Meter Chambers : Granted – 19/09/90.

### **NEIGHBOUR'S VIEWS**

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

A letter of objection has been received to the application from High Lane Residents Association, which asserts the following :-

- This application is on land adjacent to 262 Windlehurst Road. The application described is about 50 yards up the lane between the canal and after a field.
- It is evident that the change of use to a dwelling is in an area designated as Green Belt. If granted the dwelling would need daily access, changing the nature of a well walked lane.
- There is the potential for more development after a precedent is set.
- The access and exit would be onto the lane which runs above the canal and adding to the traffic on to Windlehurst Road at a very dangerous place.
- Concerns about the building on Green Belt land, potential precedent and entry on to a main road at a very dangerous location.

### **CONSULTEE RESPONSES**

## Highway Engineer

The proposal is for conversion of an existing building into a dwelling/garage.

TfGM have been consulted regarding the proposal and have raised no concerns around impact on the junction with Windlehurst Road.

The dwelling should include electric vehicle charging facilities, parking (hardstanding and driveway to be constructed in accordance with sustainable drainage policies with impact on existing surface water drainage system to be avoided).

Suitable refuse storage facilities to be provided.

Secure covered cycle storage to be provided. This may be accommodated within the proposed garage.

As a single dwelling I am satisfied that whilst the development will generate additional traffic when compared with the previous use, this will not be of a nature or volume such as to result in a significant impact on highway safety or disruption to free flow, subject to the provision of suitable mitigation measures. Given the width of the access road to the site and lack of footway, a passing point should be formed between Windlehurst Road and the site entrance which can be used both for opposing vehicles to pass each other and for vehicles to pass horses/pedestrians. It is noted that land required to undertake this work lies within the applicants control

Visibility at the site access is substandard and should be improved to meet policy standards. Visibility splay is to be provided 2m back from edge of carriageway into site and extending 43m in each direction along the nearside edge of the carriageway within which nothing obstructs visibility above 1000mm high.

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

No work shall take place in respect to the upgrading of the site's existing access until a detailed drawing outlining a scheme to upgrade the access, which shall include proposals to provide 2m x 43m visibility splays to each side of the access has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the access has been upgraded in accordance with the approved drawing and is available for use. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow to a height in excess of 1000mm within the vehicular visibility splays.

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

A drawing illustrating a scheme to widen the existing carriageway to provide a 2m x 6m passing point midway between Windlehurst Road and the site access shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the carriageway has been widened / constructed in accordance with the approved drawing and is available for use.

Reason: To ensure that the development has safe and good quality pedestrian access arrangements in accordance with Policies SIE-1 'Quality Places', CS9

'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

No work shall take place in respect to the construction of any driveway and hardstanding/ driveway until a detailed drawing of the driveway has been submitted to and approved in writing by the Local Planning Authority. Details shall include how the driveway will be surfaced (which shall be tarmac, block paving or other non-loose material) and drained (which must be to a soakaway / SuDS system). The approved development shall not be occupied until the driveway has been provided in accordance with the approved drawing and is available for use. The driveway shall thereafter be kept clear and remain available for parking of vehicles for the development. The drive/hardstanding should be designed and constructed so as to permit cars to turn within the site curtilage to facilitate entry and subsequent exit from the site in forward gear.

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

A charging point for the charging of electric vehicles shall be provided for any approved dwelling. Prior to its provision, details of the charging point shall be submitted to and approved in writing by the Local Planning Authority. Any dwelling within the development shall not be occupied until the charging point for that dwelling has been provided in accordance with the approved details and is available for use. The charging point shall thereafter be retained (unless replaced with an upgraded charging point in which case that should be retained).

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

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

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

Transport for Greater Manchester (TfGM)

It is noted that this application is a resubmission of application DC080803, which TfGM previously provided a response for. It appears as though this application was withdrawn to allow a full application rather than just outline to be submitted.

Therefore, as there are no changes in respect of the proposals, TfGM's previous comments are reiterated below :-

Colleagues within TfGM UTC have reviewed the access proposals which do not appear to propose any changes to the geometry of the access at the signal junction. Therefore, since the existing access will remain unchanged and will be utilised to serve an additional dwelling, UTC do not anticipate that any changes to the signals will be required.

#### Public Rights of Way Officer

No comments made.

#### Arboricultural Officer

##### *Site Context*

The proposed development site is located within the grounds of the commercial property and informal grounds of the site predominantly on the existing hardstanding area. The plot is comprised largely of informal grounds/woodlands and hardstanding.

##### *Conservation Area Designations*

There is Conservation area protection within this site or affected by this development (Macclesfield Canal).

##### *Legally Protected Trees*

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

##### *Recommendations*

The proposed development of the site predominantly sits within the existing hardstanding area and the proposed new development will not have an impact on trees and hedges on site.

A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees, but due to the limited impact its felt this is not required.

The proposed development will not impact on the specimen trees/shrubs on site, but damage could occur from construction traffic entering site, for this reason an informative for protecting retained trees is required as well as an indicative landscaping scheme showing the site at the end of the proposed works.

The site is within proximity of the Conservation Area due to its importance in the local area and so no trees should be removed or impacted on during the construction of the new developments, but looking at the plans and the protected woodlands in



the site it raises no concerns as the trees are located at the rear of the site fully away from the development.

The development will need to supply informative for protective fencing/restrictions in accordance with root protection plan and advisory notices to prevent any damage, accidental spillage or compaction on the trees and their root systems, the full restriction to the side of the site will need to be in place prior to any works commencing on site and no site compounds will be allowed in the area too.

In principle the design will not have a negative impact on the trees on site and within neighbouring properties, therefore it can be accepted in an arboriculture aspect at this time with the requirement for consideration/protection of trees.

The access point for the development will not have a major impact on the amenity of the area and open up the wooded area to change the tree-scape of the area and impact on key wildlife and biodiversity benefits this site currently offers, with limited details on how they propose to replace and more importantly enhance the site.

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

#### *Condition Tree 1*

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

#### *Condition Tree 2*

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

#### *Condition Tree 3*

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

#### Nature Development Officer

#### *Site Context*

The site is located off Windlehurst Road in Marple, to the south of number 262. The application is for conversion of existing water tank structure/underground reservoir to

form 1 no. dwellinghouse with associated external alterations and retention of existing pump house as garage (Re-Submission of application DC080803)

### *Legislative Framework*

#### *Nature Conservation Designations*

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

#### *Legally Protected Species*

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

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

The building on site was found to be in good condition with tight-fitting/intact tiles and gable end verge caps. No potential bat roosting features were observed and the building is assessed as offering negligible potential to support a bat roost. It is understood that this building will be retained under the proposals but even if works are proposed, there would be considered to be a low risk of impacting roosting bats.

Buildings and vegetation can support nesting birds. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended). Nesting opportunities within the building are limited owing to its condition.

The hedgerows along the site boundaries provide nesting habitat for breeding birds. The hedgerows qualify as UK Biodiversity Action Plan (UKBAP) Habitat and Habitat of Principle Importance under Section 41 of the NERC Act 2006. Information submitted with the application submission states that the hedgerows will be retained

The site offers suitable habitat for badger and there are records for badger in the wider local area. Badgers and their setts are legally protected by the Protection of Badgers Act 1992. No evidence of badgers was observed during the site visit.

Ponds and their surrounding terrestrial habitat can have the potential to support amphibians such as great crested newts (GCN). From review of mapping systems and aerial imagery there appear to be at least two ponds within 250m of the application area (with more in the wider area).

There is an historical record for GCN approx. 230m to the south (although this is not centred on a pond and so it is not clear which pond this record relates to). The

application site offers suitable terrestrial habitat for GCN in the form tussocky grass and hedgerows. Habitats between the site and the ponds comprises intensively grazed improved grassland, which is sub-optimal habitat for GCN, although it's acknowledged they could still use the interconnecting hedgerows to reach the site. GCN can travel up to 500m from their breeding pond, however studies have shown that newts are typically found within 100m of a pond (termed core habitat). Natural England's GCN Rapid Risk Assessment Tool indicates that an offence would be unlikely should GCN be present in the surrounding ponds.

Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. Given the type of works proposed (i.e. ground works are limited and hedgerows on site will be retained and unaffected), distance from nearest pond (>100m), and when considered in the context of the surrounding landscape, it is considered that the risk of GCN being impacted by the proposals is low. Implementation of Reasonable Avoidance Measures (RAMS) during construction works will further minimise this risk.

### *Policy Framework*

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

### *Recommendations*

No evidence of badgers was recorded on site. To protect badgers which may pass through the site and prevent potential disturbance during works a Badger Mitigation Strategy should be implemented and secured by condition. This shall include:

- If at any time during works evidence of badger (or any other protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice.
- Any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:
  - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

I do not require any further information relating to great crested newts as the risk of impacting GCN is assessed as low, however it is advised that reasonable avoidance measures (RAMS) are adopted during works to minimise the risk of GCN being impacted by the proposals. A GCN Method Statement should be conditioned as part

of any planning consent granted. RAMS to be adopted include careful removal of any vegetation/grassland (and to be preceded by a finger-tip search for amphibians by a suitably experienced ecologist), ensure hedgerows are adequately protected during works; storing materials on raised pallets or in skips and ensuring that any excavations are either covered overnight or a ramp is provided as a means of escape should any amphibians (or other wildlife) pass through the site. The applicant is also advised that the granting of planning consent does not negate the need to abide by the legislation in place to protect biodiversity. In the event that GCN (or any other protected species) are discovered on site during works, works must stop and a suitably experienced ecologist be contacted for advice.

It is understood that the surrounding hedgerows will be retained. If any pruning works are required, no tree/hedgerow works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably experienced person) has undertaken a careful, detailed check of trees/vegetation for active birds' nests immediately before (no more than 48 hours before) tree/vegetation clearance works commence and ensured that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Suitable measures would include supplementary planting of the native species hedgerows which border the site, tree planting and creation of a wildflower area, along with sensitive future management of these habitats. A minimum of one bat or bird box should also be provided on the retained pump house building. Details of proposed landscape planting along with the proposed type and number of bat and/or bird box(es) to be provided on site should be submitted to the LPA for review.

Ecological conditions can change overtime. In the event that works have not commenced within two years of my site visit (by January 2024) it is advised that an update ecological assessment is undertaken so that changes in baseline conditions can be identified and mitigation requirements updated as required. The ecology survey should be carried out by a suitably experienced ecologist and follow best practice survey guidelines.

#### Environmental Health Officer (Land Contamination)

I have reviewed the documentation submitted in support of the application. It appears that there will be little or no breaking of ground at the proposed development site, just conversion of buildings. In addition to this, the land has not been identified as potentially contaminated either. As such, I have no comments or objection to make.

#### Health and Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Stockport District (B).

- HSE's Advice : Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### Cadent Gas

We have no objection to the proposal from a planning perspective.

Please review our plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit [www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm](http://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm)

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with them before you proceed.

In order to help prevent damage to our asset/s, please add the following Informative Note into the Decision Notice :-

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linsearchbeforeudig.co.uk](http://www.linsearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.*

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows - 15.5 M

- Cadent Gas has a MAJOR ACCIDENT HAZARD PIPELINE in the vicinity (STOCKPORT/NEW MILLS)
- Cadent Gas has a INTERMEDIATE ACCIDENT HAZARD PIPELINE in the vicinity.
- Specific AGI BPD - N/A

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution

### *Your responsibilities and obligations*

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection.nw@cadentgas.com](mailto:plantprotection.nw@cadentgas.com).

### Canal and River Trust

The Trust previously commented on the withdrawn application on this site in our letter dated DC/080803 (ref: CRTR-PLAN-2021-32962) in which we set out concerns in terms of the lack of accompanying report and studies to support the planning application. Some limited further plans have now been provided but the majority of our concerns remain and are reiterated below.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The offside of the Macclesfield Canal passes to the west of the application site. The canal corridor is within a designated conservation area. The canal is recorded as being within a non-principal cutting here, so land falls towards the canal from the site. The site access is just to the east of listed bridge no.6 (Clough) over the canal, the access track into the site then runs roughly parallel to the canal.

It is understood that the development relates to the conversion of the existing structures and that no new additional built form is being created on the site. Subject to this being the case, based on the proposed details, the Trust have no comments to make on the design, appearance or layout of the development.

As stated the canal is in designated conservation area and bridge no.6 is a grade II listed structure. No heritage assessment has been submitted in support of the application. We would ask the Council to satisfy itself that it has sufficient information to assess the application in terms of heritage.

In terms of listed Bridge 6, Clough it carries a single carriageway which is controlled by traffic lights. The bridge has no signed weight restrictions so can carry vehicles up to 40T mgw. The bridge is however narrow and signal controlled so the applicant will need to consider the route and size of construction vehicles. Any indivisible abnormal load movements must be notified to the Trust via the ESDAL website or by email to [abnormal.loads@canalrivertrust.org.uk](mailto:abnormal.loads@canalrivertrust.org.uk) For vehicles up to 80T mgw we require 2 clear working days' notice; for vehicles 80T - 150T mgw we require 5 clear working days' notice and for vehicles in excess of 150T mgw the timescale is subject to discussion with the Trust's Abnormal Loads team (minimum of 5 clear working days). Bridge 7 to the south of the application site is also Trust-owned and listed. This route would not be suitable for construction vehicles due to tight access along the unclassified road over the bridge.

The application form and site plan drawings sets out that foul drainage would be to the mains with a connection in the garden of 262 Windlehurst Road, it is likely that such a connection would require pumping. Whilst surface water drainage would be to 'an existing sustainable drainage system', no details have been provided to show where this SuDs system would be sited in relation to the canal. As previously advised the applicant/developer should contact the Trust direct should they wish to consider the feasibility of discharging surface water to the canal. The Trust is not a land drainage authority and such discharges are not granted as of right, and will be subject to completion of a commercial agreement, discharge rates and capacity, but we would be happy to consider whether such a discharge might be acceptable to us. The applicant should contact the Trust's Utilities Team for further advice in the first instance. If the Council is minded to approve the application then the foul and surface water drainage details should be conditioned.

No contamination report has been submitted with the application; therefore it is unclear if the works on site could potentially release pollutants. Consideration also needs to be given to any unknown existing drainage from the application site to the canal, which would need to be remediated/removed/sealed. We would ask the Council to satisfy itself that it has sufficient information to assess the application in terms of contamination. In any case during the construction works any storage of materials near the boundary with the waterway would need to ensure that there would be no loading imposed on waterway infrastructure. The waterway would also need to be protected from runoff and other waste both from any storage compounds and during construction/demolition/site clearance. The potential for contamination of the waterway in terms of dust, solid materials and surface runoff during the construction phase would need to be addressed as part of the Construction Environment Management Plan (CEMP) for the site. If the Council is minded to approve the application we would ask that the CEMP condition includes the following criteria :-

- A plan showing the areas of storage of plant and materials used in constructing the development;
- Include the measures to be taken to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal;
- Include the steps to be taken to prevent the discharge of silt-laden run-off, materials or dust or any accidental spillages entering the waterway;
- Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

We note that no preliminary ecological assessment has been submitted in support of the application. We would ask the Council to satisfy itself that it has sufficient information to assess the application in terms of ecology.

Should planning permission be granted we request that the following informatives are appended to the decision notice :-

1) The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email [Enquiries.TPWNorth@canalrivertrust.org.uk](mailto:Enquiries.TPWNorth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & Works affecting the Canal & River Trust.

2) The applicant/developer is advised to contact the Canal & River Trust Utilities Team [Philippa.Walker@canalrivertrust.org.uk](mailto:Philippa.Walker@canalrivertrust.org.uk) to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

#### High Lane Village Neighbourhood Forum

As representatives of the HLVNF we have reviewed the planning application and would advise that in this instance we have no comments to make on this proposal.

## High Lane Residents Association

This application is on land adjacent to bungalow 262 Windlehurst Road. The application described is about 50 yards up the lane between the canal and after a field.

From the application it is evident that the change of use to a dwelling is in an area designated as green belt. If granted the dwelling would need daily access changing the nature of a well walked lane.

There is the potential for more development after a precedent is set.

The access and exit would be onto the lane which runs above the canal and adding to the traffic on to Windlehurst Road at a very dangerous place.

HLRA are concerned about the building on greenbelt land, potential precedent and entry on to a main road at a very dangerous location.

## **ANALYSIS**

### **Policy Principle – Green Belt**

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

Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Such forms of development include, within Paragraph 150 (d) :-

***The re-use of buildings provided that the buildings are of permanent and substantial construction.***

Saved UDP policy GBA1.2 states that forms of development, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt and that proposals for the re-use of buildings will be assessed against the provisions of saved UDP policy GBA1.6. Additionally, saved UDP policy GBA1.5 specifies, amongst other categories, that within the Green Belt new residential development will be restricted to the re-use of buildings, as provided for by saved UDP policy GBA1.6.

Saved UDP policy GBA1.6 confirms that the change of use or conversion of buildings of permanent and substantial construction will be permitted, provided that a number of criteria are satisfied, as outlined below :-

***(i) Would be used for economic or other purposes other than wholly residential ones;***



Whilst saved UDP policy is broadly consistent with the NPPF, criteria (i) of saved UDP policy GBA1.6, which precludes conversion of buildings to wholly residential uses, is in direct conflict with Paragraph 150 (d) of the NPPF, which makes no distinction between types of uses.

In this context, Paragraph 219 of the NPPF requires weight to be afforded to Local Plan policy, according to its degree of consistency with the NPPF. On this basis, the discrepancy relating to criteria (i) of the saved UDP policy GBA1.6 is outdated following the introduction of the NPPF and accordingly should not be apportioned any weight.

In view of the above, in Green Belt policy terms, it is therefore left to be considered whether or not the conversion satisfies the remaining criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. Each of these will be assessed in turn :-

***(ii) Would maintain openness and would not conflict with the purposes of including land in the Green Belt;***

The proposed residential use would be accommodated within the footprint of the existing water tank structure/underground reservoir and would not result in any increase to the external dimensions of the existing building. As such, it is considered that the proposal would maintain openness and would not conflict with the purposes of including land in the Green Belt. Should planning permission be granted for the proposed development, a condition would be imposed to withdraw domestic permitted development rights, in order to maintain openness.

***(iii) Would safeguard or improve the appearance of the rural environment;***

The proposed residential use would be accommodated within the footprint of the existing water tank structure/underground reservoir building with no increase required to the existing external dimensions of the existing building. In terms of proposed external alterations, the existing grassed Northern, Eastern and Southern elevations of the structure would be retained, with the front elevation to be exposed and the grass removed to provide three window/door openings. The existing manhole openings and grass to the roof would be removed and rooflights would be installed to provide natural light and ventilation. The roof would be waterproofed, with the grass reinstated with a wild flower mix. As such, it is considered that the sympathetic conversion of the building, requiring minimal external alterations, would safeguard and improve the appearance of the rural environment, in particular the Hazel Grove-High Lane Landscape Character Area within which the site is located.

***All buildings should be structurally sound, well related to their surroundings and capable of :-***

***(iv) Accommodating the new use without the need for major rebuilding or extension;***

The existing water tank structure/underground reservoir comprises 350mm thick reinforced concrete walls which would be tanked and thermally insulated internally and is therefore considered to be structurally sound. The proposed residential use would be accommodated within the footprint of the existing building, with no increase required to the existing external dimensions of the existing building. As such, the existing building is considered to be structurally sound and be capable of accommodating the new use without the need for major rebuilding or extension,

satisfying the requirements of saved UDP policy GBA1.6 (iv), along with the requirements of Paragraph 150 (d) of the NPPF.

***(v) Being provided with an adequate curtilage without adverse impact on the Green Belt; and***

It is noted that the proposed dwellinghouse would be served by an appropriately sized curtilage to the North, East and South of the building, which would not extend outside the existing curtilage of the existing wider site.

***(vi) Being satisfactorily accessed and serviced without adverse impact on the Green Belt.***

The existing access to the West would be retained and improved and parking, manoeuvring and servicing facilities would be provided within the existing front curtilage and existing outbuilding/pump house. As such, the proposed development would be satisfactorily accessed and serviced without adverse impact on the Green Belt.

***In the case of buildings, which may be used by bats, barn owls or other protected species, satisfactory investigation must be carried out into the possible presence of such species and, where appropriate, measures must be implemented to ensure that legal obligations are met and that any damage to habitats is minimised.***

In the absence of objections from the Nature Development Officer and subject to appropriate mitigation measures which would be secured by condition, any harm to protected species would be minimised.

In view of the above and in summary of Green Belt considerations, it is clear that the proposal complies with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It is recognised that the proposal does not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria is in direct conflict and inconsistent with Paragraph 150 (d) NPPF which was introduced after adoption of the UDP, it is considered to be outdated and should not be apportioned any weight, in accordance with the requirements of Paragraph 219 of the NPPF. On this basis, the proposal represents a Green Belt exception for the purposes of Paragraph 150 (d) of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure from the development plan.

**Policy Principle – Residential**

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

The NPPF puts additional emphasis upon the government's objective to significantly boost the supply of housing, rather than simply having land allocated for housing

development. Stockport is currently in a position of housing under-supply, with 2.6 years of supply against the minimum requirement of 5 years + 20%, as set out in Paragraph 74 of the NPPF. In situations of housing under-supply, Core Strategy DPD policy CS4 allows Core Strategy DPD policy H-2 to come into effect, bringing housing developments on sites which meet the Councils reduced accessibility criteria. Having regard to the continued position of housing under-supply within the Borough, the current minimum accessibility score is set at 'zero'.

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

#### Design, Siting, Impact on Visual Amenity and Impact on Landscape Character

The proposed dwellinghouse would be accommodated within the footprint of the existing water tank structure/underground reservoir and would not result in any increase to the external dimensions of the existing building. The proposed dwellinghouse would be formed with minimal external alterations to the existing building, comprising the retention of the existing grassed Northern, Eastern and Southern elevation, exposure of the Western front elevation to provide window and door openings, provision of rooflights and a grassed, wildflower mix on the roof. As such, it is considered that the proposed conversion with limited alterations to the external appearance of the building would ensure that the proposed development could be accommodated on the site without causing harm to the character of the Hazel Grove-High Lane Landscape Character Area within which the site is located. Matters of details in relation to external materials, means of enclosure, hard and soft landscaping and bin storage, would be secured by way of suitably worded planning conditions.

In view of the above, it is considered that the proposed conversion and associated external alterations could be accommodated on site within causing undue harm to the visual amenity of the area or the Hazel Grove-High Lane Landscape Character Area within which the site is located. As such, the proposal complies with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policies H-1, CS8, SIE-1 and SIE-3, HLVNDP policies NH1 and HD1 and HD2 and the Design of Residential Development SPD.

#### Impact on Residential Amenity

The site is well separated from the nearest residential properties on Windlehurst Road to the North East of the site and, coupled with the minimal external alterations proposed, it is considered that the proposal could be accommodated on the site without causing harm to residential amenity, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy.

The proposed dwellinghouse would be served by ample private amenity space to the North, East and South, comfortably in excess of the recommended private amenity space to serve a proposed two bedroomed dwelling of 75 square metres, as defined by the Design of Residential Development SPD.

Whilst it is acknowledged that the majority of the proposed dwellinghouse would be of subterranean form, the proposal has been sensitively designed in order to ensure that all habitable rooms are served by either conventional window openings or roof

lights, in order to ensure that proposed habitable rooms would benefit from appropriate levels of natural light and ventilation.

In view of the above, it is considered that the proposal would not result in harm to the residential amenity of surrounding properties and occupants of the proposed development would benefit from appropriate levels of amenity, in accordance with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

### Highways Considerations

The detailed comments received to the application from the Council Highway Engineer and from Transport for Greater Manchester (TfGM) are contained within the Consultee Responses section above.

The Highway Engineer notes that the additional traffic generated by the proposed development would not be of a nature or volume which would result in a significant impact on highway safety or disruption to free flow, subject to the provision of suitable mitigation measures. Given the width of the access road to the site and lack of footway, a passing point should be formed between Windlehurst Road and the site entrance, which can be used both for opposing vehicles to pass each other and for vehicles to pass horses and pedestrians. Visibility at the site access is sub-standard and requires improvement to meet policy standards. The requirement for the passing point and visibility splays would be secured by suitably worded planning conditions. It is also noted that no objections are raised to the proposal from TfGM with regard to the impact of the proposal on the signalised junction with Windlehurst Road.

Further conditions are recommended by the Highway Engineer to secure appropriate electric vehicle charging facilities; cycle parking facilities; surfacing and drainage of the proposed driveway/hardstanding; and to require the submission, approval and implementation of a Construction Method Statement.

In view of the above, in the absence of objections from the Highway Engineer and TfGM and subject to conditional control, the proposal is considered acceptable from a traffic generation, access, parking and highway safety perspective. As such, the proposal complies with Core Strategy DPD policies SD-6, SIE-1, SIE-3, CS9, T-1, T-2 and T-3, HLVNDP policies T1 and T2 and the Sustainable Transport SPD.

### Impact on Trees

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

Notwithstanding the comments of the Arboricultural Officer, existing trees on the site are not afforded protection by way of Tree Preservation Order or Conservation Area Status. On this basis, existing trees could effectively be worked to or removed without the requirement for consent.

Although a Tree Survey has not been submitted in support of the application, the Arboricultural Officer considers that the proposal would not have an impact on existing trees on the site, with the submitted application forms confirming that no trees are proposed to be removed or worked to. In order to prevent any impacts on trees during construction, conditions are recommended to ensure that no existing tree is worked to or removed and to require the provision of appropriate tree

protection measures during development. A further condition is recommended to require additional and enhanced tree planting and landscaping.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3 and HLVNDP policy NH3.

### Impact on Protected Species and Ecology

The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultation Responses section above. The Nature Development Officer notes that the site has no nature conservation designations, legal or otherwise.

Many buildings have the potential to support roosting bats, a protected species. The existing building on site was found to be in good condition, with tight-fitting/intact tiles and gable end verge caps. No potential bat roosting facilities were observed and the building is assessed as offering negligible potential to support a bat roost. The existing building on site would be retained as part of the proposal, however even if works are proposed, the would be considered to be a low risk of impacting roosting bats.

The buildings, vegetation and hedgerows on the site can support nesting birds and provide nesting habitat for breeding birds, a protected species. Nesting opportunities within the building are limited owing to its condition and existing hedgerows would be retained. Should any pruning works be required, a condition is recommended to ensure that such works are not undertaken in the bird nesting season, unless it can be demonstrated that no birds will be harmed and/or there are appropriate measures in place to protect nesting bird interest on site.

The site offers suitable habitat for badger, a protected species and there are records for badger in the wider local area. No evidence of badgers was observed during the Nature Development Officers site visit, however a condition is recommended to require the submission, approval and implementation of a Badger Mitigation Strategy, in order to protect badgers which may pass through the site and prevent potential disturbance during works.

Ponds and their surrounding terrestrial habitat can have the potential to support amphibians such as Great Crested Newts, a protected species. There are at least two ponds within 250 metres of the application site, with more in the wider area and there is an historical record for Great Crested Newts approximately 230 metres to the South of the site. The site offers suitable terrestrial habitat for Great Crested Newts and, whilst habitats between the site and the ponds comprise sub-optimal habitat, it is acknowledged that Great Crested Newts could use the interconnecting hedgerows to reach the site. Nevertheless, given the type of work proposed, the distance of the site from the nearest pond and when considered in the context of the surrounding landscape, it is considered that the risk of Great Crested Newts being impacted by the proposals is low and no further information relating to Great Crested Newts is required. This would be subject to the imposition of a condition to require the submission, approval and implementation of a Great Crested Newts Method Statement, to ensure that Reasonable Avoidance Measures are adopted during works to minimise the risk of Great Crested Newts being impacted. The applicant will also be advised of the legislation in place to protect biodiversity and the procedures to follow should protected species be discovered on site by way of informative.

Further conditions are recommended by the Nature Development Officer to require the submission, approval and implementation of biodiversity enhancements within the development, including the provision of bat and/or bird boxes; the provision of native species within the proposed tree planting/landscaping scheme; and to require the submission of update ecological assessments should the development not be commenced by January 2024.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3 and HLVNDP policy NH3.

### Flood Risk and Drainage

The application site is located within Flood Zone 1, which is deemed to have the lowest risk of flooding. Core Strategy DPD policy SIE-3 states that all development will be expected to comply with the approach set out in national policy, with areas of hard-standing or other surfaces, should be of a permeable construction or drain to an alternative form of Sustainable Drainage Systems (SuDS). Core Strategy DPD policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS.

Whilst it is acknowledged that no Drainage Scheme or Strategy has been submitted in support of the application, appropriate drainage for the proposed development could be secured by the imposition of a suitably worded planning condition. Such a condition would require the submission, approval and subsequent implementation of a sustainable surface water drainage system, including management and maintenance of such at all times thereafter, which should incorporate a Sustainable Urban Drainage System (SUDS), based on the hierarchy of drainage options identified by National Planning Practice Guidance and taking into account ground conditions. Subject to compliance with such a condition, it is considered that the proposed development could be drained in an appropriate and sustainable manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

### Land Contamination

No objections are raised to the proposal from the Council Environmental Health Officer, who notes that the site has not been identified as potentially contaminated and the proposal would result in little or no breaking of ground. As such, the proposal would not be at risk from land contamination, in accordance with Core Strategy DPD policies CS8 and SIE-3.

### Major Accident Hazard

The application site is located within the building proximity distance of a Major Accident Hazard Pipeline (Stockport/New Mills) and an Intermediate Accident Hazard Pipeline.

Consultation has been undertaken with Cadent Gas and the Health and Safety Executive (HSE). No objections are raised to the proposal from Cadent Gas and, on the basis of the siting and nature of the proposed development, the HSE does not

advise against the granting of planning permission for the proposed development on safety grounds. As such, the proposal is considered to comply with Core Strategy DPD policy SIE-4.

### Impact on Adjacent Canal

The Macclesfield Canal is located to the West of the site. The detailed comments received to the application from The Canal and River Trust are contained within the Consultee Responses section above.

In assessment of the comments of The Canal and River Trust, Members are advised of the following :-

- In view of the fact that the proposed dwellinghouse would be formed within the footprint of the existing water tank structure/underground reservoir and would comprise minimal external alterations to the existing building, no concerns are raised to the design, appearance and layout of the proposed development. Whilst no Heritage Assessment has been submitted in support of the application, the form of the proposed development would be such that it would not unduly impact on adjacent heritage assets, namely the adjacent Macclesfield Canal Conservation Area and the Grade II Listed Bridge No. 6.
- The applicant will be advised of the existence of the adjacent single carriageway, traffic light controlled Grade II Listed Bridge No. 6 and associated requirements and procedures for routing and size of construction vehicles by way of informative.
- Appropriate drainage of the site, including potential impacts of discharging surface water drainage to the canal would be secured by suitably worded planning condition.
- No objections are raised to the proposal from the Council Environmental Health Officer, therefore the proposal is considered acceptable from a land contamination perspective. A condition is recommended by The Canal and River Trust to require the submission, approval and implementation of a Construction Environmental Management Plan, in order to ensure that dust, solid materials and surface run-off during the construction phase are appropriately managed.
- No objections are raised to the proposal from the Council Nature Development Officer, therefore the proposal is considered acceptable in terms of impact on ecology.

In view of the above, in the absence of objections from The Canal and River Trust and subject to conditional control, the proposal is considered acceptable in terms of its potential impact on the adjacent Macclesfield Canal.

### Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3, HLVNDP policy H1 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As such, on the basis of the proposal for 1 no.

dwellinghouse, there is no requirement for affordable housing provision within the development.

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, HLVNDP policy R1, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development (1 no. 2 bedrooomed/3 person dwelling = 3), this would require a commuted sum payment of £4,488.00p, which would be secured by way of a Section 106 Agreement.

## **SUMMARY**

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

It is considered that the scale, design and visual appearance of the proposed development could be successfully accommodated on the site without causing undue harm to the character of the Hazel Grove-High Lane Landscape Character Area, the visual amenity of the area or the amenity of surrounding residential properties.

In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking, access and highway safety; impact on trees; impact on protected species and ecology; flood risk and drainage; land contamination; impact on the Major Accident Hazard Pipeline; and impact on the Macclesfield Canal.

The application site is located within the Green Belt and it is considered that the proposed conversion and associated limited external alterations could be undertaken without causing any adverse harm to the openness of the Green Belt, in accordance with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It is recognised that the proposal does not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria is in direct conflict and inconsistent with Paragraph 150 (d) of the NPPF, it is considered to be outdated and should not be apportioned any weight, in accordance with the requirements of Paragraph 219 of the NPPF. On this basis, the proposal represents a Green Belt exception for the purposes of Paragraph 150 (d) of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure to the development plan.

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

Given the conflict with criteria (i) of saved UDP policy GBA1.6, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.



## **RECOMMENDATION**

Grant.

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

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

## **MARPLE AREA COMMITTEE (9<sup>TH</sup> MARCH 2022)**

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal. The Planning Officer updated Members as to the receipt of two additional letters of objection following report preparation, which raised no new substantive issues than the objections highlighted within the report.

Members sought clarification to reference to the Human Rights Act within the report. The Planning Officer confirmed that this was standard on all reports and the requirements of the Act need to be considered as part of all planning applications. Members sought clarification with regard to the existing use with regard to contamination. The Planning Officer confirmed that the building had been previously used as a water storage tank/underground reservoir and described the nature of the site and the proposal. Members sought clarification with regard to the issue of precedent, as referred to within the objection. The Planning Officer advised that applications should be considered on their own merits and against the provisions of the development plan and the NPPF. The Planning Officer confirmed that the proposal comprised the conversion of an existing structure rather than a new build dwelling and would not set a precedent for any future new build developments on the site or in the area, which would be a fundamentally different proposal. Members sought clarification from the Planning Officer with regard to The Canal and River Trust comments in relation to contamination and pollution. The Planning Officer confirmed that no objections had been raised by the Council Environmental Health Officer, who considered that there was no evidence to suggest that the land was contaminated. The Planning Officer confirmed that any potential for contamination to the adjacent canal could be mitigated by a condition to require the submission, approval and implementation of a Construction Environmental Management Plan, as recommended by The Canal and River Trust. Members sought clarification as to whether or not a Heritage Assessment was required to support the application. The Planning Officer acknowledged the existence of nearby heritage assets, however in view of the nature of the proposed development, the submission of a Heritage Assessment was not required in this particular case. Members sought clarification as to the type of the application. The Planning Officer confirmed that the application sought full planning permission for the conversion of the existing structure to form a dwellinghouse, with associated external alterations. Members sought clarification with regard to the impact of construction of the proposed development on the nearby weight restricted bridge and the narrow road. The Planning Officer advised that the granting of planning permission would not negate the requirement to abide by any weight restrictions on the nearby bridge and the applicant would be advised of its existence by way of informative. The Planning Officer also confirmed that a Construction Management Plan condition was recommended by the Highway

Engineer, to control the nature of construction traffic to the site. In terms of impact on the road, the Planning Officer confirmed that no objections had been received from TfGM in terms of impact on the signal controlled junction and no objections had been received from the Highway Engineer with regard to traffic generation, highway safety and impact on the highway network, subject to the imposition of conditions as highlighted within the report. Members sought clarification as to accordance of the proposal in relation to the development plan and NPPF. The Planning Officer confirmed that the proposal for a wholly residential use did not comply with saved UDP policy GBA1.6 (i), hence being a departure from the development. However, the scheme complied with the requirements of the NPPF which effectively superseded saved UDP policy GBA1.6, which should not be afforded any weight in determination of the application. The NPPF was the up to date policy position in consideration of the application. Members sought clarification as to whether or not there were any other residential properties down the lane. The Planning Officer confirmed that there were further residential properties and farms to the South of the site.

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

Members debated the proposal. Construction Management in relation to impact on the nearby bridge was a concern and considered to be a key issue and should be assessed by Planning and Highways Regulation Committee and conditioned as part of any planning permission. It was noted that HLVNF had not objected to the application. It was also noted that the scheme comprised a conversion and not a new build, in relation to construction traffic. The provision of one additional dwelling was not considered to result in excessive traffic generation. Whilst the objections raised were noted and acknowledged, Members highlighted the requirement for a presumption in favour of sustainable development in assessing planning applications. Members acknowledged that issues in relation to construction traffic management, highways and ecology could be controlled by condition. The proposal was considered to be NPPF compliant. The proposed conversion rather than new build was considered to have a limited impact on openness and would safeguard and be sympathetic to the landscape and appearance of the area. Concerns were however raised by Members in relation to building on the Green Belt, impact of traffic generation on the road and impact of construction traffic on the nearby weight restricted bridge.

Following the debate, the Officer recommendation to grant was proposed and seconded and a vote was taken (5 in favour, 1 abstention). It was therefore resolved that the application was referred to the Planning and Highways Regulation Committee with a recommendation to grant.