ITEM 6

Application Reference	**DC/084493**
Location:	9 High Lane Woodley Stockport SK6 1AZ
PROPOSAL:	Demolition of existing bungalow and erection of replacement two storey dwellinghouse
Type Of Application:	Full Application
Registration Date:	02/03/2022
Expiry Date:	27/04/2022
Case Officer:	Mark Burgess
Applicant:	Sarah Lyons
Agent:	Plan:8 Town Planning Ltd

DELEGATION/COMMITTEE STATUS

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

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of an existing residential bungalow and the erection of a replacement two storey residential dwellinghouse at Number 9 High Lane, Woodley.

The proposed dwellinghouse would have a maximum width of 14.0 metres, a maximum length of 11.3 metres and a maximum height of 7.3 metres. The proposed dwellinghouse would be of contemporary gable roof design and materials of external construction, comprising a variety of brickwork and standing seam cladding for the external walls and a standing seam clad roof. Internally, the proposed dwellinghouse would provide a ground floor hall, kitchen/dining area, utility, w.c and lounge, with three bedrooms (one with en-suite and wardrobe, which would be served by a balcony) and a bathroom at first floor level.

The proposal would also include the erection of single storey detached garage/outbuilding to the South Western rear garden/curtilage. This building would be of flat roof design and would have a width of 4.1 metres, a length of 7.6 metres and a height of 3.7 metres.

Vehicular access would be taken from High Lane to the North and the proposed dwellinghouse would be served by hardstanding for parking within the front curtilage. Private amenity space would be provided by way of a garden to the South.

The application is accompanied by the following supporting documents :-

- Planning Statement.

- Energy Statement.
- Daytime Bat Survey.

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

SITE AND SURROUNDINGS

The application site is located on the Southern side of High Lane in Woodley and comprises an existing single storey residential bungalow, with associated access, parking and garden/curtilage.

To the front (North) of the site is High Lane with a railway embankment and residential uses beyond. The site is adjoined to the Eastern side by a two storey residential dwellinghouse at Number 7 High Lane which, due to the change in levels from East to West, is sited at a higher level to the site. To the rear (South) of the site are open fields. Adjoining the site to the Western side is a railway embankment.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and

- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 17th March 2011.

The application site is allocated within the Green Belt, as defined on the UDP Proposals Map and within the Etherow Parklands Landscape Character Area. The railway line to the West of the site is designated Green Chain. The following policies are therefore relevant in consideration of the application :-

Saved UPD policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- NE3.1 : PROTECTION AND ENHANCEMENT OF GREEN CHAINS
- EP1.7 : DEVELOPMENT AND FLOOD RISK
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN GREEN BELT
- GBA1.5 : RESIDENTIAL DEVELOPMENT IN GREEN BELT
- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAY
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy DPD policies

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

Supplementary Planning Guidance and Documents

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

- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD
- PROVISION OF AFFORDABLE HOUSING SPG
- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- SUSTAINABLE DESIGN AND CONSTRUCTION SPD
- TRANSPORT AND HIGHWAYS IN RESIDENTIAL AREAS 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)'.*

<u>National Planning Practice Guidance (NPPG)</u>

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

- DC083412 : Proposed additional storey : Prior Approval Approved – 14/01/2022.

NEIGHBOUR'S VIEWS

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

One letter of representation has been received the application, the contents of which are summarised below :-

- No problems with the house itself, which looks very nice.

- However, major concerns with regard to the road whilst demolition and building works are being undertaken. The Council Planning Department and Traffic Services would need to undertake review prior to any planning permission being granted.

- High Lane in the majority, from the Cricket Club to the Canal Bridge, is single track with no pavement and high hedges on both sides which severely restrict drivers vision.

- Although the road has an ‘Except for Access’ restriction and 20mph speed limit, it is used frequently as a rat run to avoid traffic on George Lane and Hyde Road, particularly during peak times. It is rare that anyone respects the 20mph speed limit, it is never enforced by the Police and has been a complete waste of time.

- Sometimes you are taking a life and death risk walking on the road with cars travelling round the corners at speed. The route if often used by children walking to school and it is a miracle that no one has been killed.

- Cannot imagine the chaos caused by HGV’s and building construction machinery using the road on a regular basis.

- Traffic counting equipment was present on the side of the Canal Bridge within the last month, at the junction of High Lane and Gilbert Bank, therefore the Traffic Services Department should be aware of the excessive road usage.

- Adding the potential construction traffic to the recently Council signposted ‘Quiet Road’ would mean at the least this sign would need to be removed and the worst case scenario is a major road traffic accident causing loss of life.

- A few years ago, the section of the road between the railway bridges was supposedly resurfaced and it was understood that there was a Section 58 restriction placed on the road. However, the reality was that the surface was

merely patched in a few locations. Since this time, there have been many temporary or botched repairs on the carriageway surface, leaving many exposed and raised ironworks and deep compressions and potholes. Would be surprised if the crumbling carriageway surface would be up to minimum standards for a minor road.

- The extra damage that HGV's and other large vehicles would cause to the already not fit for purpose road surface would make the road very dangerous for vehicles and many pedestrians, including school children and dog walkers.

- High Lane is a very narrow lane, with a low bridge for the railway line, and is totally inappropriate for use by HGV's and construction vehicles.

- There have been a number of historical requests by residents to have the road changed to a one-way road or to have the road blocked in the middle to prevent it being used as a rat run, which have been rejected by the Council.

- The driveways on this stretch of the road are often used by vehicles facing oncoming traffic, leading to damage of driveways and expensive repairs. Adding large vehicles into the mix would massively increase this problem.

- In the past, a gravel delivery at the property caused damage to a protected tree on an adjacent property, resulting in at having to be felled, requiring a retrospective planning application and cost to the property owner. If further damage is caused by large vehicles accessing the site, this will cause further tree felling costs and would ruin the look of the road.

- Are there any provisions for wheel washers or road sweepers as part of the build to ensure the road surface is free from dirt, soil and building materials?

- Suggestions for measures to mitigate potential problems caused by the building works include :-

    - Make the road one way, either temporarily during works or on a permanent basis;
    - Install bollards under the railway bridge to block vehicle traffic by allow pedestrian traffic. This would be useful during the build to allow HGV's to stop on the road outside the property without blocking the road and ensure that high vehicles do not take a chance fitting under the bridge and potentially damaging it. Temporary Traffic Regulation Orders have been put in place several times in the past to facilitate Network Rail bridge repairs;
    - Insurance policies being taken out by the site owner at their cost to cover the cost of any tree felling or damage to walls, hedges and other properties are a result of large vehicles accessing the site;
    - A guarantee by the Council that it will cover the cost of any tree felling or damage to walls, hedges or other properties land;
    - The road surface on High lane being brought up to an acceptable condition and that the condition of the surface of the road is maintained throughout the works with regular checks. On completion of the works, the whole road should receive a full resurface, not just another patching;
    - Wheel washers for the site and provision of road sweepers during the works.

CONSULTEE RESPONSES

Highway Engineer

Redevelopment would not in itself be expected to generate any increase in the level of vehicular traffic to the site, nor change the nature of traffic to the site, when compared to the existing dwelling. The principle of development therefore raises no concern.

In curtilage parking to meet SMBC policies is provided and there is space within the site for vehicles to turn so as to be able to enter and exit safely in forward gear.

There is currently no footway or verge between the driveway of the existing dwelling and what is a narrow carriageway leading under the railway, with restricted views. Whilst the existing dwelling benefits from an existing vehicular entrance this is substandard in respect of visibility, emerging immediately adjacent to the site boundary with a hedge and other planting. A fence currently further restricts visibility. This is typical of most properties on High Lane.

It is not possible to construct a vehicular access which would comply in all respects with current visibility requirements given the width and alignment of High Lane and the presence of boundary hedges/fences of other properties.

The limited width of High Lane precludes the construction of a footway.

The proposed development includes details to restrict the height of the replacement fence to that possible with permitted development rights (as indicated on 101 Proposed Site Plan) which would in itself be an improvement over the current situation. (Applicant should be aware that the permitted 1m height is above carriageway and not above ground level within site). As a part of the redevelopment the opportunity should be taken to provide appropriate pedestrian visibility splays to each side of drive where meeting High Lane, given pedestrians share carriageway with vehicles. Fence height should therefore be reduced to 600mm for a minimum of 1m to each side of the vehicular access.

The location of the driveway is not explicitly indicated on the supplied site plan so applicant should confirm same within appropriate condition attached to any approval. Access should not be as currently positioned immediately adjacent to the site boundary where visibility is obstructed by a boundary fence/hedge.

The drive and hardstanding areas will be increased from that existing. As such details of driveway construction/drainage will be required to demonstrate compliance with sustainable drainage policies.

As a new dwelling, Electric Vehicle charging facilities are required, as is secure cycle storage. It might be appropriate for the proposed garage to provide both. I recommend a condition to secure appropriate provision.

Given restricted access to the site a Construction Method Statement should be submitted to ensure development is undertaken as safely as possible and with minimum disruption.

A survey recording the condition of High Lane to be undertaken with a commitment that any damage resulting from development be made good by developer.

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

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

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

No development shall take place until a pre-construction condition survey of High Lane has been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until a post-construction condition survey, together with details of a scheme to reconstruct / resurface / repair any parts of the highway that the survey has identified has been affected through the construction of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until any areas that have been affected through the construction of the development have been reconstructed / resurfaced / repaired in accordance with the approved details.

Reason: In order to ensure that there are safe and high quality pedestrian facilities adjacent to the site and ensure that development can be accessed in a safe manner 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, supported by paragraph 5.30, 'Post development footway reinstatement', of the SMBC Sustainable Transport SPD. The details are required prior to the commencement of any development as the first survey needs to be carried out prior to the commencement of construction activities.

No work shall take place in respect to the construction of the approved driveway / extended 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.

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 the approved dwelling. Prior to its provision, details of the charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied

until the charging point 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 work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide a long-stay cycle parking facility/s for the approved dwelling/s (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for the/each dwelling) have been submitted to and approved in writing by the Local Planning Authority. The approved dwelling / each dwelling within the development shall not be occupied until the cycle parking facility/s for that dwelling has been provided in accordance with the approved details. The cycle parking facility/s shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.

No work shall take place in respect to the construction of the approved access/s until a detailed drawing of the access/s, which shall include :-]

1) Details of proposals to provide 1m by 1m pedestrian visibility splays at either side of the access
2) Details of location of access

has been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied / the approved access shall not be brought into use until the access/s has/have been constructed in accordance with the approved drawing and is/are available for use. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow to a height in excess of 1000mm along the front boundary with High Lane

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.

Informative :-

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

Arboricultural Officer

Site Context

The proposed development site is located within the existing residential property curtilage predominantly on the existing building structure. The plot is comprised largely of hardstanding, informal grounds and associated infrastructure.

Conservation Area Designations

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

Legally Protected Trees

There are legally protected trees within this site or affected by this development (High Lane, Woodley 2006).

Recommendations

The proposed development footprint is shown or indicated at this time within the existing formal grounds and building plot of the existing site and it is assumed the proposed new developments will potentially not impact on the trees and hedges within the site or neighbouring site as the development site is located outside of the trees root protection areas and internally.

A full tree survey has not been submitted as part of the planning application to show the condition and amenity levels of the existing neighbouring trees and where applicable which trees will have a potential impact on the proposed development, but due to the lack of impact its not required so any comments are based on our professional judgements and information gathered.

A detailed landscaping scheme has not been supplied, which will need to be considered to enhance the site including rear and front, which would be in line with council policy.

In principle the main works and design will not have a negative impact on the trees on site, in neighbouring properties on all the boundaries and therefore a landscaping plan is required to be considered to see if they propose to enhance the site in its current layout.

In its current format it could be considered favourably as long as any retained trees are acknowledged and advisory erected prior to any works/contractors made aware of the trees especially during deliveries and construction traffic along the lane as most of the trees are protected. Further consideration to improving the landscaping offering significant environmental benefit to the area with greater tree planting if offered on the site layout plan.

Potential tree planting details will need to be submitted if feasible to discharge the condition, as well as protection from any construction traffic or deliveries to all the retained trees in the area, as any damage would not be acceptable, therefore all deliveries and construction workers need to be made aware of the level of tree protection in the area.

In addition some consideration needs to be given to enhancing the local environment and so the consideration of a landscaping design to include a detailed landscaping scheme that includes a number of new trees front and back to improve the amenity and aesthetics of the site for users and making sure a percentage of these are native large species and fruit trees at every opportunity would be a welcome enhancement if this can be delivered, including the potential for off-site planting in the nearby public open space.

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.

<u>Nature Development Officer</u>

Site Context

The site is located on High Lane in Woodley. The application is for demolition of an existing bungalow and erection of replacement two storey dwellinghouse

Nature Conservation Designations

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

Designated Green Chain is located approximately 10m west of the application site, along the railway line. Since no works will encroach into the designated area I would not envisage any significant adverse impacts on the Green Chain as a result of the proposals.

Legally Protected Species

Many buildings 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.

A bat survey has been submitted with the application. The survey was carried out by a suitably experienced ecologist in January 2021 (Rachel Hacking Ecology Ltd, 2021). The property was assessed for its potential to support roosting bats via an external and internal inspection survey. No signs of bats were observed and no potential roosting features were identified. Tiles, soffits and lead flashing were found to be tight fitting. One missing panel existed in the soffit and this was inspected using an endoscope and found to be damp. Internally the roof void was found to be well-sealed with lining intact. The building was assessed as offering negligible potential to support a bat roost.

Buildings and vegetation have the potential to support nesting birds. The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). No evidence of nesting birds is reported within the ecology report.

The site is located adjacent to the railway line and this provides suitable habitat for badger. Badgers and their setts receive legal protection under the Protection of Badgers Act 1992. No evidence of badger (or any other protected species) was recorded during the survey.

Planning 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, 3.361, 3.364 and 3.369).

- Saved UDP policy NE3.1 'Protection and Enhancement of Green Chains' (Development which would detract from the wildlife or recreation value of the Green Chains identified on the Proposals Map will not be permitted).

Recommendations

It is considered that sufficient ecological survey information is available to inform determination of the application. No evidence of a bat roost was recorded and the property is considered to offer negligible potential to support roosting bats. Bats can regularly switch roost sites however and can sometimes be found in seemingly unlikely places. It is therefore recommended that an informative is attached to any planning consent granted as a precautionary measure to ensure that the applicant is fully aware of the legal protection that bats and their roosts receive. It should also state that if evidence of bats (or any other protected species) is discovered at any time during works, works must stop and a suitably experienced ecologist/Natural England be contacted for advice.

Ecological conditions can change over time. In the event that works have not commenced within two survey seasons of the 2021 survey (i.e. by January 2023) then update survey work will be required to ensure the ecological impact assessment remains valid. This can be secured via condition.

If any works are proposed during the nesting bird season (which is typically March-August, inclusive), then the following informative should be used as part of any planning consent: Trees, scrub, hedges and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Some of these features are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

Developments are expected to achieve measurable net gains for biodiversity in accordance with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). It is disappointing that no recommended biodiversity enhancements are detailed within the submitted ecology report. A suitable measure would be the provision of a minimum of one bat roosting or bird nesting feature within the new dwelling (ideally integrated e.g. at the gable apex). The proposed number, type and location of bat and/or bird box to be provided should be submitted to the LPA for review. This can be secured via a pre-commencement condition since integrated features are difficult to retrofit. In addition, any proposed landscaping should comprise wildlife-friendly species (ideally locally native). Native hedgerows should be provided along site boundaries along with tree planting. Where the use of close-boarded wooden fencing is unavoidable, hedgehog gaps should be provided in the base (minimum one per elevation). This can be secured via a suitably worded landscape condition.

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

Environmental Health Officer (Land Contamination)

The proposed development site has not been identified as potentially contaminated and is currently a residential site. The proposed building will generally be in the same footprint of the existing one too, as such I have no conditions to request or objections to make however I would recommend the CON2 informative should any potential contamination be found or suspected.

Coal Authority

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Canal and River Trust

The Peak Forest Canal is located to the west of the application site with a railway line and other dwellings on the intervening land, as such the proposed development on the site would not have a direct impact on the canal corridor.

Our main concern would be during the construction phase of the development and the potential impact on the Trust owned bridge 13, Gilbert Bank Bridge, which is a grade II listed structure. The bridge is very narrow with 3.3m between parapets and although not subject to a weight restriction it would not be suitable for all construction traffic. We do note that there is a signed width/height restriction on this road due to the railway crossing bridge (between the canal and application site). Given these restrictions we would suggest that all construction traffic to the application site is routed from the east to avoid these structures. The masonry parapets on the listed bridge would likely be the first thing to be damaged, with potential serious risk to boaters and towpath users below, as well as the damage to the heritage asset.

Network Rail

The proposal includes a detached garage which it appears is to be erected close to the railway boundary. Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

- *Measurements to railway tracks and railway boundary*

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the

Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

- *RAMS*

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

- *Fencing*

The applicant will provide at their own expense (if not already in place) :-

- A suitable trespass proof fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.
  New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

- *Encroachment*

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or

integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

- *Scaffolding*

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.
This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

- *Demolition*

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

- *Drainage proposals and Network Rail land*

  The NPPF states:

  "178. Planning policies and decisions should ensure that:

a) *A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."*
   And
   "*163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere*."

   In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

  NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

  If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land.

  The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.

- *Excavation and Earthworks and Network Rail land:*

The NPPF states:
"178. Planning policies and decisions should ensure that:

a) *A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."*
In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.
Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

- *Boundary treatments*

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

- *Noise*

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, "*182.Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed*."

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.

- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
- Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
- Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
- Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

    - *Trees*

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

- *Parking / Hard Standing Area*

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

- *BAPA (Basic Asset Protection Agreement)*

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any

railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).
AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

Once the attached Asset Protection Questionnaire has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see Working by the railway - Network Rail

United Utilities

- *Drainage*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority :-

1. Into the ground (infiltration);
2. To a surface water body;

3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Please note, United Utilities is 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, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, 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.

- *Water and Wastewater Service*

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/ and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

- *United Utilities Property, Assets and Infrastructure*

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

- *Contacts*

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit: http://www.unitedutilities.com/builders-developers.aspx

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows :-

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk

Telephone - 0345 072 6067

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit https://www.unitedutilities.com/property-searches/

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

ANALYSIS

Policy Principle – Green Belt

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

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 137 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open*; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 149 d) of the NPPF '*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*'.

Saved UDP policy GBA1.2 states that within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain specified purposes, including '*limited extension, alteration or replacement of existing dwellings (in accordance with policy GBA1.5)*'. Saved UDP policy GBA1.5 states that proposals relating to existing residential uses in the Green Belt may be permitted in certain specified cases, including '*rebuilding or replacement of an existing habitable dwelling where the new dwelling is of similar size and would not be more intrusive in the landscape than the one demolished*'. The explanation to saved UDP policy GBA1.5 goes on to the states that the rebuilding of an existing habitable dwelling as an alternative to refurbishment may be acceptable where the existing structure is not of architectural or historic interest and where the resulting dwelling is not significantly larger or more intrusive than that previously existing. As a general guideline, the volume of the proposed dwelling should not exceed the volume of the original dwelling by more than about one-third and the form of the dwelling should not be significantly altered. Siting should remain the same unless there would be environmental and amenity gain from a relocation.

In assessment of the proposal against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 149 of the NPPF, information submitted in support of the application confirms that existing dwellinghouse has a volume of 405.5 cubic metres. The proposed replacement dwellinghouse would have a volume of 599.5 cubic metres, which would represent a 48% increase on the volume of the

existing dwellinghouse, which would exceed the 'about one-third' volume increase considered appropriate by saved UDP policy GBA1.5.

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

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

- Although the application site is located within the Green Belt, the existing property benefits from 'Permitted Development Rights', under the provisions of Schedule 2, Part 1, Classes AA to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- The property benefits from Prior Approval, under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the provision of an additional storey at the property, approved as part of application DC083412 in January 2022.

- The volume of the development that could be undertaken at the site under the Prior Approval scheme (DC083412) for the additional storey would be 607 cubic metres. This would be greater than the volume of the proposed replacement dwellinghouse for which planning permission is sought as part of the current application.

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

Policy Principle – Residential

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

Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As

such, on the basis of the proposal for a replacement dwellinghouse with no net increase in residential units, there is no requirement for affordable housing provision within the development.

Whilst the requirements of saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG are noted, the proposed replacement dwellinghouse would not result in any increased population capacity over and above the development for which Prior Approval has previously been approved for an additional storey in January 2022 (Reference : DC083412). As such, there is no requirement for a contribution for the provision and maintenance of formal recreation and children's play space and facilities within the Borough in this particular case.

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

No concerns are raised to the demolition of the existing bungalow at the site, which is not considered to comprise a building of any architectural or visual merit worthy of retention.

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

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

In view of the above, it is considered that the siting, scale, size, height and design of the proposed development could be accommodated on the site without causing harm to the character of the street scene, the visual amenity of the area or the character of the Etherow Parklands Landscape Character Area within which the site is located. As such, the proposal is considered to comply with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The site is adjoined to the rear (South) by open fields, with a railway embankment adjoining the site to the Western side and on the opposite side of High Lane to the front (North).

The site is adjoined to the Eastern side by a two storey detached residential dwellinghouse at Number 7 High Lane. Whilst it is acknowledged that the proposed

replacement dwellinghouse would be sited close to the site boundary with this property, it would be sited 14.5 metres from the original side elevation of this property, which contains no original, principal, habitable room windows. No windows are proposed in the Eastern side elevation of the proposed replacement dwellinghouse facing this property and the proposed rear balcony would be appropriately screened from this property by way of an external wall to its Eastern elevation.

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

Highways Considerations

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

In raising no objections to the principle of the proposal, the Highway Engineer notes that the proposal for a replacement dwellinghouse would not be expected to generate any increase in the level or nature of vehicular traffic to the site when compared to the existing situation. Parking would be provided within the front curtilage in accordance with adopted standards and there is adequate space within the site to enable vehicles to enter and exit the site safely in a forward gear.

The Highway Engineer notes that there is currently no footway or verge between the driveway of the existing dwellinghouse and what is a narrow carriageway leading under the railway bridge, with restricted views. Whilst it is acknowledged that the existing dwellinghouse benefits from an existing vehicular entrance, this is substandard in respect of visibility, emerging immediately adjacent to the site boundary with a hedge and other planting and a fence which further restricts visibility. It is however noted that this situation is typical of most properties on High Lane. As such, it is not possible to construct a vehicular access which would comply in all respects with current visibility requirements, given the width and alignment of High Lane and the presence of boundary hedges and fences of other properties. The limited width of High Lane precludes the construction of a footway.

The submitted scheme includes details to restrict the height of the replacement fence which would in itself be an improvement over the current situation. Opportunity should be taken to provide appropriate pedestrian visibility splays to each side of the proposed driveway where meeting High Lane, given that pedestrians share the carriageway with vehicles. Details of the precise proposed driveway location and associated required visibility splays, along with details of the driveway construction and drainage, would be secured by suitably worded planning conditions, as recommended by the Highway Engineer. Further conditions are recommended to secure appropriate electric vehicle and cycle parking facilities.

The neighbour comments received to the application with regard to the nature and narrow width of High Lane, the condition of its surface and potential highway safety implications during construction are acknowledged by the Highway Engineer. On this basis, a condition is recommended to require the submission, approval and implementation of a Construction Method Statement to ensure that the development is undertaken as safely as possible and with minimum disruption. In addition, a

condition is recommended to require the submission of a pre-construction survey of High Lane, to ensure that any damage resulting from the development is made good by the developer.

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

Impact on Trees

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

Notwithstanding the comments of the Arboricultural Officer, Members are advised that existing trees on the site itself are not afforded protection by way of either Tree Preservation Order or Conservation Area status. As such, consideration must be taken of the fact that existing trees on the site could effectively be worked to or removed within the requirement for consent.

Whilst it is acknowledged that no Tree Survey has been submitted in support of the application, the Arboricultural Officer considers that the proposed development would not impact on existing trees within the site, subject to the imposition of conditions to ensure that no existing retained tree is worked and to require the provision of protective fencing to retained trees during construction. A further condition is recommended to require additional planting/landscaping to enhance the site from a visual and biodiversity perspective.

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

Impact on Protected Species and Ecology

A Daytime Bat Survey has been submitted in support of the application. The detailed comments received to the proposal from the Council Nature Development Officer are contained within the Consultee Responses section above. The Nature Development Officer considers that sufficient ecological survey information is available to inform determination of the application.

It is acknowledged that the site has no nature conservation designations, legal or otherwise, however the railway line to the West of the site is designated Green Chain. In view of the fact that no works would encroach into the designated area, the Nature Development Officer does not envisage any significant adverse impacts on the Green Chain as a result of the proposal.

Buildings have the potential to support roosting bats, a protected species. The submitted Bat Survey confirms that no evidence of a bat roost was recorded and the property is considered to offer negligible potential to support roosting bats. Nonetheless, the applicant will advised of the potential for roosting bats to be present, the requirement to abide by legislation to protect biodiversity and procedures to follow should protected species be discovered by way of informative.

Buildings and vegetation have the potential to support nesting birds, a protected species. As such, the applicant will be advised by way of informative of procedures to follow should any works be proposed during the nesting bird season to ensure that nesting birds are not present.

The adjacent railway line provides suitable habitat for badgers, a protected species. However, no evidence of badgers or any other protected species was recorded during the survey.

Conditions are recommended by the Nature Development Officer to require the submission of an update Ecology Survey should the works not have commenced within 2 years of the original Survey; to require the provision of additional planting and landscaping; to require the provision of biodiversity enhancements; and to ensure that any external lighting is sensitively designed to minimise impacts on wildlife.

In view of the above, on the basis of the submitted information, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site, in accordance with saved UDP policies NE3.1 and Core Strategy DPD policies CS8 and SIE-3.

Flood Risk and Drainage

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

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

Land Contamination

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

No objections are raised to the proposal from the Environment Team, who notes that the site has not been identified as potentially contaminated, is currently a residential site and the proposed dwellinghouse would generally be on the same footprint of the

existing bungalow to be demolished. On this basis, the proposed development is not considered to be at risk from land contamination, in accordance with Core Strategy DPD policy SIE-3. The applicant will however be advised of relevant procedures should contamination be discovered during development by way of informative.

Energy Efficiency

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

Other Matters

No objections are raised to the proposal from the Coal Authority who note that the site does not fall within the defined Development High Risk Area and, as such, there is no requirement for the submission of a Coal Mining Risk Assessment as part of the application. On this basis, the proposal is considered acceptable with regard to coal mining legacy impact on the proposed development, in accordance with Core Strategy DPD policies CS8 and SIE-3. The applicant will be advised of the Coal Authority's Standing Advice for development of sites within the defined Development Low Risk Area by way of informative.

The Peak Forest Canal is located to the West of the application site and the detailed comments received to the proposal from the Canal and River Trust are contained within the Consultee Responses section above. The Canal and River Trust notes that the proposed development on the site would not have a directly impact upon the canal corridor. The concerns raised by the Canal and River Trust with regard to the potential impact on the Gilbert Bank Bridge during the construction phase would be addressed by way of the imposition of a suitably worded condition to require the submission, approval and implementation of a Construction Method Statement.

The application site is located directly adjacent to an operational railway line to the West and the detailed comments received to the proposal from Network Rail are contained within the Consultee Responses section above. The applicant/developer will be advised of the comments of Network Rail with regard to the proximity of the development to the boundary with the railway line and the relevant requirements and procedures to follow when carrying out the development by way of informative. Adherence to the requirements of Network Rail would ensure that the proposed development would not unduly impact on the integrity of the adjacent operational railway line.

SUMMARY

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

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

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

It is acknowledged that the proposal would comprise inappropriate development within the Green Belt by way of a disproportionate addition to the existing dwelling, contrary to saved UDP policies GBA1.2 and GBA1.5 and the NPPF. However, it is considered that a genuine fall-back position exists in the form of larger volume of development that could be implemented at the site by virtue of the extant 'Prior Approval' scheme (Reference : DC083412). Such 'Very Special Circumstances' are considered to justify approval of the application in this particular case as a departure to the Development Plan.

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

Given the conflict with saved UDP policies GBA1.2 and GBA1.5 and the NPPF, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Werneth 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 Werneth 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.

WERNETH AREA COMMITTEE (20TH JUNE 2022)

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

Members sought clarification from the Planning Officer as to a procedural matter with regard to the recommendation. The Planning Officer confirmed that Werneth Area Committee could refuse the application should they wish, however, should Werneth Area Committee resolved to grant, the application would need to be referred to the Planning and Highways Regulation Committee as the scheme comprised a departure from the Development Plan within the Green Belt.

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

The Agent spoke in support of the application. The Planning Officer report was considered to be balanced and comprehensive. The Green Belt location of the site was acknowledged and replacement dwellings in the Green Belt were considered to comprise appropriate development provided that they were not materially larger. Whilst the proposal was larger, a case for Very Special Circumstances had been presented where the property benefitted from Prior Approval for an additional storey, which would be larger than the current scheme in volumetric terms, therefore there were benefits in terms of openness from the current scheme. Other benefits with the proposed replacement dwelling would be in visual and energy efficiency terms. The letter of representation received to the application was acknowledged and the highway issues raised by the neighbour could be mitigated by way of the construction management condition recommended by the Planning Officer which the applicant was in agreement to.

Members sought clarification from the Agent in respect of the location of the proposed driveway. The Agent confirmed that the proposed driveway would be in the same place as existing and the details and method of construction would be secured by condition.

Members debated the proposal. Nothing the neighbour concern regarding potential damage to neighbouring properties during construction, the applicant was advised to ensure that relevant insurance was in place. Members acknowledged the site location within the Green Belt, however accepted the case for Very Special Circumstances and the proposal was considered to be appropriate in relation to existing properties in the area. Conditions recommended within the report were considered to appropriately mitigate any potential highway concerns during construction.

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