

## **ITEM**

<b>Application Reference</b>	<b>DC/083916</b>
<b>Location:</b>	Roselaya Buxton Road Hazel Grove Stockport SK7 6NG
<b>PROPOSAL:</b>	Demolition of existing storage building and erection of 1 no. residential dwellinghouse, with associated access, parking and landscaping.
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	24/01/2022
<b>Expiry Date:</b>	21/03/2022
<b>Case Officer:</b>	Mark Burgess
<b>Applicant:</b>	Stoddart Architecture
<b>Agent:</b>	Stoddart Architecture

## **DELEGATION/COMMITTEE STATUS**

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

## **DESCRIPTION OF DEVELOPMENT**

Full planning permission is sought for the demolition of an existing storage building to the West of and within the ownership of an existing residential dwellinghouse at 'Roselaya', Buxton Road, Hazel Grove and the erection of 1 no. residential dwellinghouse, with associated access, parking and landscaping.

The proposed dwellinghouse would have a maximum width of 7.9 metres, a maximum length of 19.9 metres and a maximum height of 5.0 metres with a pitched roof. The proposed dwellinghouse would be of single storey scale and contemporary design. The proposed materials of external construction are specified as predominantly Siberian Larch Cladding for the external walls and PPC standing seam for the roof covering.

The proposed dwellinghouse would be served by a new vehicular access from Buxton Road to the South, with parking and turning facilities to be provided within the proposed front curtilage. Private amenity space would be provided by way of a garden and patio area to the rear and Western side.

The application is accompanied by the following supporting documents :-

- Highways Supporting Statement.
- Tree Survey/Arboricultural Implications Assessment.
- Preliminary Ecological Appraisal and Preliminary Roosts Assessment Survey.
- Ecological Walkover Survey.

- Drainage Statement.
- Building Inspection Report.
- Environmental Report.
- Coal Mining Risk Assessment.
- Air Quality Assessment.
- Energy Statement.

The scheme has been amended since its original submission in order to address Officer concerns raised.

The plans and drawings submitted with the application are appended to the report.

## **SITE AND SURROUNDINGS**

The application site is located on the Northern side of Buxton Road in Hazel Grove and comprises a single storey storage building and associated hardstanding to the West of and within the ownership of a semi-detached residential dwellinghouse at 'Roselaya'. The site is accessed via Buxton Road to the South.

The site is adjoined to the North and West by open fields/agricultural land and to the South by Buxton Road. To the East of the site is the existing dwellinghouse at 'Roselaya' with further residential properties beyond.

## **POLICY BACKGROUND**

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

The Statutory Development Plan for Stockport comprises :-

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

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

### **Saved UDP policies**

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

- L1.2 : CHILDRENS PLAY
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

#### Core Strategy DPD policies

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

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

Following an Independent Examiners Report in May 2021 and a referendum vote in favour in September 2021, the HLVNDP has been adopted and forms part of the Development Plan. Members are advised that full weight to the relevant policies of the HLVNDP should be afforded in the determination of planning applications. Relevant policies of the HLVNDP include :-

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

#### Supplementary Planning Guidance and Documents

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

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

### National Planning Policy Framework (NPPF)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### National Planning Practice Guidance (NPPG)

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

#### **RELEVANT PLANNING HISTORY**

- DC079086 : Demolition of existing storage unit and erection of 1 no. residential dwellinghouse : Withdrawn – 05/08/2021.
- DC012836 : Enlarging existing access to highway : Granted – 29/12/2003.
- J.72060 : Proposed stable block : Granted – 15/06/1999.
- J.60706 : To fill in old pond at side of house with rubble and top soil and re-seed : Granted – 31/08/1994.
- J.57295 : Side extension to form garage, cloaks with bedroom over and extension at rear to enlarge kitchen and living room : Granted – 12/08/1994.

#### **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 the site and in the press.

No letters of representation have been received to the application.

#### **CONSULTEE RESPONSES**

## Highway Engineer

The new dwelling is likely to result in fewer vehicle trips than the current storage use and I am satisfied that residential development will not in itself result in any significant detrimental impact on highway safety or on the operation of the local highway.

Parking provision meets standards.

The wall either side of the vehicular access is splayed and provides adequate intervisibility between users of the drive and the footway and between users of the drive and the adjacent carriageway providing planting /hedges are adequately managed. I recommend that a condition be attached to any approval requiring future retention of visibility splays..

The driveway and hardstanding is of adequate size to permit vehicles to enter in forward gear, turn, and exit in forward gear.

The access drive is shown as gated. The gate is set back far enough (5m) that cars accessing the property are able to wait off highway whilst gates opened and shut, to prevent obstruction to other road users.

Details of the driveway construction including drainage, new dropped kerbs and footway crossing are required to demonstrate compliance with SuDS policies and SMBC standard highway construction. I am satisfied that this may be secured by condition attached to any approval.

The proposal includes an electric vehicle charge point as required by policy.

Construction of the new dropped kerb and footway crossing will require separate authority outside that granted through any planning approval.

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

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

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

The approved gate/s shall be set back from carriageway / kerb line as indicated on the approved drawing/s and shall be constructed to only open into the site. No bollard, chain or other means of obstruction shall be placed / erected between the gate/s and the highway at any time.

Reason: In order to ensure that vehicles can pull off the highway before reaching the gate/s and that the gate/s do/does not impinge on the adjacent footway when open or impair visibility at the access in terms of in terms of Policies SIE-1 'Quality Places',

CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

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.

No work shall take place in respect to the construction of the approved access until a detailed drawing of the access, which shall include details of proposals to provide a dropped kerb footway crossing has been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the access has been constructed in accordance with the approved drawing and is available for use.

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.

### *Informatives*

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

The applicant's / developer's attention is drawn to the fact it is an offence (under Sections 131, 148 and 149 of the Highways Act 1980) to allow materials to be carried from a site and deposited on, or damage, the highway, from uncleaned or badly loaded vehicles. The applicant / developer should therefore ensure that adequate measures are implemented to ensure that this does not take place. The Highway Authority (Stockport Council) may seek to recover any expense incurred in clearing, cleaning or repairing highway surfaces and may prosecute persistent offenders.

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

## Arboricultural Officer

The proposed development site is located within the existing open space/gardens of the site predominantly on the existing informal grounds and hard standing areas. The plot is comprised largely of hardstanding, informal grounds and associated infrastructure.

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

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

The proposed development footprint is shown or indicated at this time within the informal grounds 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 away from any trees on or off site.

A full tree survey has been supplied 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 due to the lack of trees on site or impacted upon. The layout plan need to fully consider the need to be given to tree planting throughout the site to increase the amenity levels of the site with replanting of semi- mature trees or fruit trees. Specific consideration needs to be given to the potential benefit urban tree planting throughout the site to enhance the biodiversity and the amenity.

A detailed landscaping scheme will also need to be reviewed and enhanced as part of this planning application submitted which clearly shows enhancements of the site and surrounding environment to improve the local biodiversity and amenity of the area.

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.

In its current format it could be considered favourably subject to resolving the need to improve landscaping design to include a detailed landscaping scheme that includes a greater number of new trees 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.

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

### *Condition Tree 1*

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



## *Condition Tree 2*

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

## *Condition Tree 3*

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

## Nature Development Officer

### *Nature Conservation Designations*

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

### *Legally Protected Species*

A Preliminary Ecological Appraisal (PEA) was carried out and submitted with the application. The survey was carried out in August 2020 by a suitably experienced ecologist (ARBTECH, 2020). An Extended Phase 1 Habitat survey was undertaken to map the habitats present and assess the likelihood for the site to support protected species. Habitats on site were found to comprise buildings, hard standing, tall ruderal and a species poor (leylandii) hedgerow. A Preliminary Roost Assessment (PRA) for bats was also carried out.

A further ecological walkover survey was undertaken in June 2023 (ARBTECH, 2023). This updated the 2020 survey findings – particularly in respect of great crested newts.

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.

No evidence of roosting bats was recorded during the survey. The building proposed for demolition was assessed as offering negligible potential to support a

bat roost with no suitable bat roosting features identified. No gaps were evident between tiles, and fascia boards were found to be intact and tight fitting. This was the findings of both the 2020 and 2023 survey [the results of the 2023 update bat assessment were sent to the LPA via email on 14 July 2023].

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).

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN). GCN receive the same level of legal protection as bats (outlined above). From review of aerial imagery/ mapping, there appear to be three ponds present within 250m of the application site (approx. 80m to the southeast (referenced as Pond 1), approx. 80m to the northeast (referenced as Pond 2) and approx. 240m to the northwest (referenced as Pond 3). Records for GCN exist within the wider area (approx. 560m to the northwest and approx. 370m to the southeast). The 2023 ecological walkover survey included an updated assessment in relation to the potential for GCN to be present within the application site. Pond 1 is isolated from the application site due to the presence of the curbed road which would likely pose a barrier to newt dispersal. Pond 2 was assessed as offering limited suitability to support GCN owing to the lack of marginal and aquatic vegetation and presence of fish.

The 2023 ecology walkover survey report states that the only potential GCN terrestrial habitat to be impacted by the proposals is the area of tall ruderal vegetation (0.008ha). Given this small area and the distance of the ponds from the site, it is considered that the risk of GCN being impacted is low. This is supported by Natural England's GCN Rapid Risk Assessment calculator which indicates that an offence would be unlikely. To further minimise the risk to GCN, Reasonable Avoidance Measures are recommended during works (details below).

No evidence of badgers was recorded during the survey. Reasonable Avoidance Measures (RAMS) are proposed during works as a precautionary measure to prevent impacting any badgers which may pass through the site and these are appropriate.

### *Invasive Species*

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded during the ecology 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' (Protecting the Natural Environment - 3.345, 3.361, 3.363, 3.364, 3.366, 3.367 and 3.369).

### *Recommendations*

There is considered sufficient ecological information available to inform determination of the application.

The building proposed for demolition was assessed as offering negligible potential

to support roosting bats. Bats can roost in unlikely places however and so an informative should be used so that the applicant's attention is drawn to the potential (albeit low) for roosting bats to be present on site. It should state that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted.

In relation to breeding birds, the recommendations in table 7 of the 2020 ecology report should be conditioned as part of any planning consent granted. This relates to timing of vegetation clearance and/or pre-works nesting bird check as well as incorporation of minimum one nest box on site.

The proposals are considered to be low risk to GCN. As a precautionary measure Reasonable Avoidance Measures should be adopted during works to minimise the risk of wildlife being impacted should they pass through the site and prevent the site from becoming more attractive to wildlife during works (e.g. building materials providing potential refuge sites). The following measures should be conditioned as part of any planning consent granted:

- If at any time during works evidence of GCN (or any other protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice
- Vegetation removal to be carried out sensitively and in a phased manner [i.e. – First cut any scrub and other tall vegetation to a height of c.250mm with all arising's removed; 48hrs later cut remaining vegetation to a height of c.150mm. The second phase should be undertaken in a directional manner, moving towards suitable areas of retained habitat, with arisings removed from the site. Soil strip can progress 48hrs after the second phase of vegetation clearance, again working towards retained habitat areas; Once soil strip has been undertaken it is advisable to maintain the area as bare earth to minimise the likelihood of newts entering the site; effective vegetation clearance should be undertaken during the active season for newts, (typically February to October inclusive when temperatures are >5C), and should avoid prolonged periods of hot dry weather when newt activity is reduced]
- Any works which involve the creation of trenches or with pipes shall include creation of sloping escape ramps for wildlife, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day
- Materials to be stored on raised pallets or in skips

No evidence of badgers was recorded during the survey. Precautionary working measures to protect badgers which may pass through the site should be followed and this can be conditioned as follows: Any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Developments are expected to provide measurable net gains for biodiversity (in

accordance with national and local planning policy). The following can be secured by condition:

- Proposed landscape planting should comprise locally native species and be designed so as to increase habitat connectivity through the site. Native mixed species hedgerows should be planted at site boundaries to increase the biodiversity value of the site.
- If using close-board fences is unavoidable, then occasional gaps should be provided at the base (13cm x 13cm) to maintain habitat connectivity for wildlife.
- It would also be expected for a minimum of one bat box to be integrated within the proposed new building as a biodiversity enhancement. Details of the proposed type and location of bat (and bird – see above) box should be submitted to the LPA for review. This should be secured via a pre-commencement of construction condition as it is difficult to retrofit integrated features. Bat and bird roosting/nesting features should be placed in unlit areas and should comprise of woodcrete/woodstone (for greater longevity compared to timber boxes).

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance:

[http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)).

Ecological conditions can change over time. In the event that works have not commenced within two years of the June 2023 survey (i.e. by June 2025) then update surveys would be required. A suitably worded condition can be used to ensure update surveys are carried out as appropriate in advance of any works

#### Drainage Engineer

Having reviewed this application, please find the comments below:

- The applicant has deemed it is likely for infiltration to be an unsuitable method for discharging surface water based on a preliminary assessment of the surrounding area. The applicant has recognised that to establish the ground conditions, a percolation test in accordance with BRE365 is necessary. The LLFA team requires the applicant to provide these test results in order to demonstrate the suitability of infiltration as a method for discharging surface water. Our data shows that infiltration in this area is good.
- The applicant has chosen to discharge the surface water from on-site attenuation into a nearby/adjacent public sewer. The LLFA would like to query whether there are any other potential outlets to drain the surface water.
- The drainage strategy should adhere to SuDS hierarchy and adopt an approach to achieve sustainable drainage. Please follow our attached guidance.

#### Environmental Health Officer (Land Contamination)

An area of the proposed development site has been identified as potentially contaminated due to unknown filled ground. In addition to this the current use of the site as storage could also be a potentially contaminative activity. The developer will need to undertake a limited site investigation to ensure that the site is safe for its

intended end use. As such I would recommend that the following conditions are imposed :-

#### *CTM1*

No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the local planning authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.

#### *Reason*

The report submitted with the application has identified potentially unacceptable risks from contamination and further investigation is required to ensure that these risks to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy SIE-3 "Protecting Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

#### *CTM2*

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall specify but not be limited to :-the proposed remediation objectives and remediation criteria (ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site. (iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

#### *Reason*

To ensure that any unacceptable risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy SIE-3 "Protecting Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

#### *CTM3*

The development shall not be occupied until the approved remediation scheme required to be submitted by Condition XXX has been carried out. Within 6 months of completion of remediation measures, a validation report assessing the effectiveness

of the remediation carried shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.

#### Environmental Health Officer (Air Quality)

I have assessed the submitted Air Quality Assessment, am happy with its conclusions and therefore have no objections.

The mitigation measures proposed in table 17 should however be implemented.

#### High Lane Village Neighbourhood Forum

We are in receipt of the above application and duly note that this application has been made previously, circa January 2021 ref DC079086.

As mentioned in our response at that time, we still appear to discover conflicting information contained within the main application and extracts of the supporting documentation submitted therein. For instance the property report contains photographs supporting the theory that this premises is already a dwelling and not a store as the title of the application would suggest. Whether this is an issue worthy of raising, we would defer to your professional understanding of such events.

We note the new driveway is now located directly from the A6 Buxton Rd, previously this access was combined within the curtilage of Roselaya. We also note the gate is located close to the rear of the footpath, one of our committee members has reason to believe that a “pull in space” should be provided before the gate to avoid congestion on the main carriageway.

We acknowledge that the above issues are not related to HLVNF Codes, in consequence as suggested previously, we leave these issues to your professional understanding as to whether they bare consequence.

As representatives of the HLVNF we record that we have reviewed the above planning application and would advise that beyond the issues noted above we have no further comments to make on this proposal.

#### Coal Authority

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings.

The Coal Authority is therefore pleased to note that appropriate and up-to-date coal mining information for the proposed development site has been obtained and has been used to inform the Coal Mining Risk Assessment (12 December 2022, prepared by Geoinvestigate Ltd), which now accompanies this planning application.

The Coal Mining Risk Assessment identifies that the application site may have been subject to past coal mining activity. Consequently, the report recommends that intrusive site investigation works be undertaken to establish any necessary remedial measures.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

### *Mine Gas*

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

### *SUDS*

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (12 December 2022, prepared by Geoinvestigate Ltd) that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until (EXCLUDING DEMOLITION);*

the	<p><i>a) a scheme of intrusive investigations has been carried out on site to establish risks posed to the development by past coal mining activity, and;</i></p>
on	<p><i>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented site in full in order to ensure that the site is safe and stable for the development proposed.</i></p> <p><i>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</i></p>
2.	<p><i>Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</i></p> <p><i>The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:</i></p> <p><i>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.</i></p>

### *General Information for the Applicant*

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

### *Disclaimer*

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal



Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

### United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

- Drainage

We request the following drainage condition is attached to any subsequent approval:

*Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:*

*(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;*

*(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);*

*(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*

*(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*

*(v) Foul and surface water shall drain on separate systems.*

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

*Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.*

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

The applicant can discuss any of the above with Developer Engineer, Jordan Houghton, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

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 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the 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 work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

- Management and Maintenance of Sustainable Drainage Systems

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

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

*a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*

*b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

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

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

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

- United Utilities Property, Assets and Infrastructure

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. Please see 'Contacts' section below. Water pipelines United Utilities will not allow building over or in close proximity to a water main. Wastewater pipelines United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

- Important information regarding water and wastewater pipelines and apparatus

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

A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See 'Contacts' Section below. United Utilities Water will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

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. 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.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

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 sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is available on our website. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational.

It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed 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.

- Water and Wastewater Services

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 at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, 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.

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.

To promote sustainable development United Utilities offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/buildersdevelopers/your-development/planning/building-sustainable-homes/>

Business customers can find additional information on our sustainable drainage incentive scheme at <https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>

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.

- Contacts

Website - 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>

Email - 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](mailto:DeveloperServicesWater@uuplc.co.uk)

Public sewers and drainage - [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

Telephone - 0345 072 6067

Property Searches (for asset maps):

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

## **ANALYSIS**

### **Policy Principle – Green Belt**

The application 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 saved policies GBA1.2 and GBA1.5 and the NPPF is required.

Saved UPD policy GBA1.2 states that there is a presumption against the construction of new buildings within the Green Belt unless it is for one of four purposes (agriculture and forestry; outdoor sport and recreation; limited extension or

alteration of existing dwellings; or limited infilling or redevelopment of Major Existing Developed Sites (MEDS)). Saved UDP policy GBA1.5 states that within the Green Belt, new residential development will be restricted to dwellings essential for the purposes of agriculture, the re-use of buildings and development which meets the requirements of policy GBA1.7 (MEDS). The proposal for the erection of a new dwelling clearly does not fall within any of forms of development identified within saved UDP policies GBA1.2 and GBA1.5 and must therefore be considered to be inappropriate development within the Green Belt when assessed against saved UDP policies GBA1.2 and GBA1.5.

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 149g :-

- *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*

Whilst saved UDP policies GBA1.2 and GBA1.5 are broadly consistent with the NPPF, Paragraph 219 of the NPPF requires weight to be afforded to Local Plan policy, according to its degree of consistency with the NPPF. On this basis, Members are advised that the NPPF, which was introduced after adoption of the UDP, offers the most up to date policy position in relation to development in the Green Belt. As such, greater weight should be afforded to the NPPF in consideration of the application.

In assessment of the proposal against the requirements of Paragraph 149g) of the NPPF, the proposal is considered to comprise the redevelopment of previously developed land, in the form of the existing storage building and associated hardstanding. The proposed dwellinghouse would be occupy an almost identical footprint to the existing storage building to be demolished and would result in a limited increase in height of 1.6 metres above that of the existing storage building to be demolished. On this basis, it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing development, in accordance with Paragraph 149g of the NPPF.

In view of the above and in summary of Green Belt considerations, it is recognised that the proposal does not comply with the requirements of saved UDP policies GBA1.2 and GBA1.5. However, due to the fact that these policies are inconsistent with Paragraph 149g of the NPPF, which was introduced after adoption of the UDP, greater weight should be afforded to the NPPF in consideration of the application. The proposal, comprising the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development, is considered to represents a Green Belt exception for the purposes of Paragraph 149g of the NPPF, does not amount to inappropriate development in the

Green Belt and is considered to be fully justified as a departure from the Development Plan.

### Policy Principle – Residential

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

The NPPF puts additional emphasis upon the government's objective to significantly boost the supply of housing, rather than simply having land allocated for housing development. Stockport is currently in a position of housing under-supply, with 3.2 years of supply against the minimum requirement of 5 years + 20%, as set out in paragraph 74 of the NPPF. In situations of housing under-supply, Core Strategy DPD policy CS4 allows Core Strategy DPD policy H-2 to come into effect, bringing housing developments on sites which meet the Councils reduced accessibility criteria. Having regard to the continued position of housing under-supply within the Borough, the current minimum accessibility score is set at 'zero'.

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

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

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

The application site is located on the Northern side of Buxton Road, adjoined to the West by open fields, with a relatively mixed street scene to the East. As such, no concerns are raised to the contemporary design and materials of the proposed development. The proposed development would be set back from the site boundary with Buxton Road and the single storey scale is considered acceptable within a street scene characterised by predominantly two storey residential properties. 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 would reflect the existing density of development at the site, with no increase in residential units proposed. Appropriate private amenity space to serve the proposed dwellinghouse would be provided to the Northern and Western curtilage. 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 Hazel Grove-High Lane 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, HLVNDP policies H1, NH1 and HD2 and the Design of Residential Development SPD.

#### Impact on Residential Amenity

The site is adjoined to the North and West by open fields/agricultural land and the proposed single storey dwellinghouse would be well separated from the residential properties on the opposite side of Buxton Road to the South.

The site is adjoined to the East by an existing residential dwellinghouse at 'Roselaya', which is in the ownership of the applicant and the proposed single storey dwellinghouse would be sited over 17.0 metres from the side elevation of this property. Whilst it is acknowledged that the proposed dwellinghouse would be sited close to the boundary with this property, its single storey scale would ensure that the proposed ground floor windows in the Eastern side elevation would be appropriately screened by existing boundary treatment.

In view of the above, it is considered that the proposed development could be accommodated on the site without causing harm to the residential amenity of surrounding properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1, HLVNDP policies T1 and HD2 and the Design of Residential Development SPD.

#### Highways Considerations

A Highways Supporting Statement has been submitted in support of the application. The detailed comments received to the proposal from the Council Highway Engineer are contained within the Consultee Responses section above.

In raising no objections to the proposal, the Highway Engineer considers that the proposed new dwellinghouse is likely to result in fewer vehicle trips than the existing storage building and is satisfied that the proposed development would not result in any significant detrimental impact on highway safety or on the operation of the highway network. The proposed parking provision meets standards and the driveway and hardstanding is of an adequate size to allow vehicles to enter, turn and exit the site in a forward gear.

Conditions are recommended by the Highway Engineer to require the provision and retention of appropriate visibility splays at the proposed site access; to ensure that the proposed access gates are set back in accordance with the submitted plans and open into the site; to require the submission and approval of details of the proposed vehicular access/dropped kerb crossing, along with the surfacing and drainage of the proposed hardstanding and driveway; and to secure appropriate Electric Vehicle charging and cycle parking facilities.

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. As such, the proposal complies with Core Strategy DPD policies SD-6, SIE-1, SIE-3, CS9, T-1, T-2 and T-3, HLVNDP policies T1, T2 and HD2, the Sustainable Transport SPD and the Transport and Highways in Residential Areas SPD.



## Impact on Trees

A Tree Survey/Arboricultural Implications Assessment has been submitted in support of the application. The detailed comments received to the proposal from the Council Arboricultural Officer are contained within the Consultee Responses section above.

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

On the basis of the submitted Tree Survey/Arboricultural Implications Assessment, the Arboricultural Officer notes that the proposed development would not impact on existing trees within the site. In order to prevent adverse impacts to trees during construction, conditions are recommended to ensure that no existing retained tree is worked to and to require the provision of protective fencing to retained trees during construction. A further condition is recommended to require the provision of improved landscape planting, 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. As such, the proposal complies with saved UDP policies SIE-1 and SIE-3 and HLVNDP policies NH3 and HD2.

## Impact on Protected Species and Ecology

A Preliminary Ecological Appraisal and Preliminary Roosts Assessment Survey, along with an Ecological Walkover Survey have 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 confirms that the site has no nature conservation designations, legal or otherwise and that sufficient ecological information has been submitted to inform determination of the application.

Buildings have the potential to support roosting bats, a protected species. On the basis of the submitted Ecological Surveys, the Nature Development Officer notes that the building proposed for demolition was assessed as offering negligible potential to support roosting bats, with no suitable bat roosting features identified. The applicant will however be advised of the potential, albeit low, for roosting bats to be present on site, legislation in place to protect biodiversity and procedures to follow should bats or other protected species be discovered by way of informative.

Buildings and vegetation have the potential to support nesting birds, a protected species. As such, a condition is recommended to require the measures contained in the submitted Ecological Surveys to be followed, in relation to timing of vegetation and/or pre-works nesting bird checks, along with the incorporation of a minimum of one nest box on site.

Nearby ponds and their terrestrial habitat have the potential to support Great Crested Newts (GCN), a protected species. On the basis of the submitted Ecological Surveys, the Nature Development Officer considers that the risks to GCN as a result of the proposal are low. This would be subject to the imposition of a condition to require the adoption of Reasonable Avoidance Measures during works, to minimise

the risk of wildlife being impacted on should they pass through the site and prevent the site becoming more attractive to wildlife.

Badgers and their setts are legally protected under the Protection of Badgers Act 1992 and the contents of Badger Survey work submitted in support of planning applications is confidential and not for public viewing. Members are advised that the submitted Ecological Surveys have been assessed by the Nature Development Officer, who considers that subject to the adoption of Precautionary Working Measures during development, which would be secured by a suitably worded planning condition, potential impacts to any badgers that may pass through the site would be minimised.

Further conditions are recommended by the Nature Development Officer to secure appropriate measurable net gains for biodiversity; to ensure that any proposed external lighting is designed so as to minimise impacts on wildlife; and to require the submission of update Ecological Surveys should the proposed development have not commenced within two years of the submitted Surveys.

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 Core Strategy DPD policies CS8 and SIE-3 and HLVNDP policy NH3.

#### 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.

A Drainage Statement has been submitted in support of the application and the detailed comments received to the application from the Council Drainage Engineer and United Utilities are contained within the Consultee Responses section above. Whilst the Drainage Engineer is not in a position to agree the details contained within the proposed Drainage Scheme prior to determination of the application, appropriate surface water drainage of the development could be secured by conditional control, as acknowledged by United Utilities. 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.

The Environmental Health Officer notes that the area of the proposed development has been identified as potentially contaminated due to unknown ground and the current use of the site as storage could also be a potentially contaminative activity. As such, a site investigation to ensure that the site is safe for its intended end use is required. This would be secured by suitably worded planning conditions, which should be applied as a phased approach, to require the submission, approval and implementation of an investigation, risk assessment, remediation scheme, remedial action and validation report into potential contamination at the site. Subject to compliance with such conditions, it is considered that the proposed development would not be at risk from land contamination or landfill gas migration, in accordance with Core Strategy DPD policies CS8 and SIE-3.

### Coal Mining Legacy

The application site falls within the Coal Authority Development High Risk Area. The detailed comments received to the application from the Coal Authority are contained within the Consultee Responses section above.

At the request of the Coal Authority, a Coal Mining Risk Assessment has been submitted with the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to commencement of development, in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, conditions are recommended to require the submission and approval of a scheme of intrusive investigations, remediation works, mitigation measures and subsequent confirmation that the site is or has been made safe. Compliance with such conditions would ensure that the proposed development would be acceptable in respect of coal mining legacy impact, in accordance with Core Strategy DPD policies CS8 and SIE-3.

### Energy Efficiency

As the proposed development would not exceed 10 residential units, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. The submitted Energy Statement confirms that energy efficient measures would be incorporated within the fabric of the development and the use of Air Source Heat Pumps, underfloor heating and an electric backup boiler are to be considered. The submission of a more detailed Energy Statement, to assess the potential use of all forms of low and zero carbon technologies within the development would be secured by way of suitably worded planning condition.

### Developer Contributions

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

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

## **SUMMARY**

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

The principle of residential development at the site is considered acceptable at the current time of housing under-supply within the Borough. It is considered that the siting, design, height, scale and materials of the proposed development could be accommodated on the site without causing undue harm to the visual amenity of the area, the character of the Hazel Grove-High Lane Landscape Character Area or the residential amenity of the surrounding properties.

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

The site is located within the Green Belt and it is recognised that the proposal does not comply with the requirements of saved UDP policies GBA1.2 and GBA1.5. However, due to the fact that these policies are inconsistent with Paragraph 149g of the NPPF, which was introduced after adoption of the UDP, greater weight should be afforded to the NPPF in consideration of the application. The proposal, comprising the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development, is considered to represent a Green Belt exception for the purposes of Paragraph 149g of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure from the Development Plan.

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 Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

## **RECOMMENDATION**

Grant.

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

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

### **MARPLE AREA COMMITTEE (2ND AUGUST 2023)**

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

Members sought clarification from the Planning Officer on a number of matters, including the conflict between saved UDP policies and the NPPF; relevant climate change/energy efficiency measures that would be incorporated within the proposed development; land contamination control measures; proposed access works and parking provision; relationship of the proposed development to the boundary with neighbouring properties; proposed boundary treatment; potential impact on an existing sewer; and proposed sustainable surface water drainage.

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

Members debated the application. The conflict between saved UDP policies and the NPPF was acknowledged and it was noted that the local plan and the NPPF are likely to be updated in the future and would seek to control development within the Green Belt. It was however acknowledged that the proposal did not appear problematic within the Green Belt and it was noted that the proposal complied with the NPPF.

Following the debate, it was proposed, seconded and agreed that the application be referred to the Planning and Highways Regulation Committee with a recommendation to grant.

The webcast of the meeting can be viewed using the following link - [Marple Area Committee - Wednesday 2 August 2023, 6:00pm - Start video at 0:48:48 - Stockport Council Webcasting \(public-i.tv\)](#)