

ITEM 3

Application Reference	DC/089096
Location:	Werneth Hall Farm Barn Cowlshaw Road Romiley Stockport SK6 4NU
PROPOSAL:	Conversion and extension of existing barn to form 1 no. dwellinghouse
Type Of Application:	Full Application
Registration Date:	05/07/2023
Expiry Date:	30/08/2023
Case Officer:	Mark Burgess
Applicant:	Rhodes
Agent:	Steve Lamb

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 conversion of and extension to an existing barn at Werneth Hall Farm, Cowlshaw Road, Romiley, to form 1 no. residential dwellinghouse.

The proposed accommodation would comprise a bedroom with en-suite and a store/drying room at lower ground floor level, a bedroom with en-suite, wc, cloak/boot room, staircases, entrance hall and a kitchen/dining room at ground floor level and two bedrooms with en-suites and a landing at first floor level. The proposal would include the provision of an extension to the Southern elevation, with a width of 8.375 metres, a length of 4.3 metres and a height of 5.0 metres. External alterations and the provision of window openings are also proposed as part of the conversion. Private amenity space would be provided to the Southern site curtilage by way of lawned garden and external terraces.

The proposed development would be served by an existing access from Cowlshaw Road to the South West. Parking for two cars would be provided to the West of the building.

Members are advised that the current scheme is identical to the scheme that was granted by the Council in January 2020 as part of planning application DC073895, which was not implemented due to the Covid pandemic and has now lapsed.

The application is accompanied by the following supporting documents :-

- Planning, Design and Access Statement.
- Supporting Statement.
- Report on Suitability of Barn
- Bat and Nesting Bird Survey.

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

SITE AND SURROUNDINGS

The application site is located on the Eastern side of Cowlshaw Road in Romiley and comprises an existing barn to the South of Werneth Hall Farm, a residential property in the ownership of the applicant.

The barn, which has been most recently used for domestic storage, is a detached building, of red brick construction with timber detailing to the Northern, Eastern and Western elevations and a gable stone slate roof. The building comprises the main barn, with two subordinate buildings to the East. Vehicular access is taken by way of an existing access point from Cowlshaw Road to the South West. The barn stands in its own small defined curtilage to the North, East, South and West.

Beyond the existing vehicular access to the South and East of the barn, the site is adjoined by open fields. To the North East and North West of the site are a cluster of residential properties forming Werneth Hall, Werneth Hall Farm and Werneth Hall Cottages.

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 1^{7th} March 2011.

The site is allocated within the Green Belt and a Landscape Character Area (Etherow Parklands), as defined on the UDP Proposals Map. 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
- GBA1.6 : REUSE OF BUILDINGS IN THE 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

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory

Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

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

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in September 2023 by the Department for Levelling Up, Housing and Communities, 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

- DC073895 : Extension of barn and conversion to dwelling : Granted – 12/01/2020.
- DC059048 : Removal of conditions 18 and 21 of planning permission
DC057482 : Refused – 26/08/2015 : Appeal Dismissed – 23/02/2016.
- DC057482 : Conversion and extension of existing hay barn into a 4 bedroom holiday let : Granted – 14/05/2015.
- DC055316 : Change of use from barn to a dwelling : Prior Approval Required : 16/05/2014.

- DC046188 : Conversion and extension of an existing hay barn into a 4 bedroom holiday let : Granted – 26/01/2012.
- DC019374 : Part re-building and refurbishment, conversion of existing farm and barn into dwelling (Re-submission) : Granted – 27/04/2010.
- DC019295 : Part re-building and refurbishment, conversion of existing farm and barn into dwelling (Listed Building Consent) : Granted – 27/04/2010.
- DC017839 : Part re-building and refurbishment, conversion of existing farm and barn into dwelling : Refused – 01/02/2005.
- DC003894 : Change of use from barn/shippon to dwelling. Demolition of outbuildings, extension, double garages, closure of existing access and creation of new vehicle access : Granted – 31/07/2001.
- DC003887 : Change of use of main barn to dwelling, demolition of outbuildings and extension., (Listed Building Consent) : Granted – 31/07/2001.

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.

No letters of representation have been received to the application.

CONSULTEE RESPONSES

Conservation Officer

This application represents a re-submission of a previously consented scheme (DC/073895). The approval scheme remains unimplemented and there is no objection from a conservation perspective to a further approval subject to application of previous conditions Nos 8-21 in order to maintain a consistent approach to the design and heritage related aspects of the proposed works.

Highway Engineer

This application, which seeks permission for the extension and conversion of a barn at Werneth Hall Farm, Cowlshaw Road, Romiley, to a dwelling, is a resubmission of lapsed application DC/073895 which was approved in January 2020. It was approved, subject to 24 conditions, including conditions relating to car parking (condition 22) and cycle parking (condition 23).

Since the application was approved, there has been no material change in transport and planning policies, other than the publication of the Council's guidance on the provision of electric vehicle charging points, 'Electric vehicle charging - Guidance for

developers on the requirements for electric vehicle charging for new development'. As such, subject to any approval granted including similar conditions on car and cycle parking to the previous permission, together with a condition requiring the provision of an EV charging point, I would raise no objection to this application.

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

The approved development shall not be occupied until the car parking facilities have been provided in accordance with drawing 1008.02, hard surfaced, drained (to the site's drainage system or to a soakaway) and are available for use. The car parking facilities 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 development shall take place until details of a long-stay cycle parking facility to be provided for the approved development (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of two cycles) have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facility has been provided in accordance with the approved details. The facility 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 paragraphs 10.9-10.12 'Bicycle Long and Short Stay Parking', of the SMBC Sustainable Transport SPD.

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

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-3: Protecting, Safeguarding and enhancing the Environment, T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and

Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 112, 174 and 186 of the National Planning Policy Framework.

Arboricultural Officer

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 construction site footprint predominantly sits within the hard standing and informal grounds of the site and the proposed new developments potentially will potentially only impact on several small, poor valued regenerated trees.

A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees and where applicable which trees could be retained to increase the amenity levels of the site with retained semi mature trees, this unfortunately should have been supplied due to the impact on the trees which surround the development at the front and rear of the site in close proximity to the development.

There are several concerns over the proposed scheme which is the potential impact from the car parking location as several trees are in proximity as well as the concern over materials storage, deliveries and site compound/cabins during the construction phases on the existing trees at the front and side of the site and potential impact on them to facilitate the infrastructure of the scheme and lack of landscaping detail to off-set the losses.

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

In principle the design will potentially have a small negative impact on the trees on site and within neighbouring properties, therefore it could be accepted in its current format with some improved landscaping design, take care with the proposed siting of the trees and the species of the trees to offer some diversity in the species and improved biodiversity the trees offer increasing wildlife benefits to an ever increasing urban area.

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

Condition Tree 1

No existing tree within the site shall be cut down, topped, lopped, uprooted, willfully damaged or willfully 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 as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain).

It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

Legally Protected Species

An ecology survey has been submitted with the application: Update Bat and Bird Survey report, Penny Anderson Associates, 2023).

All species of bats, and their roosts are protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. 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, or to hibernate or migrate.

- b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal

A daytime internal and external inspection of the barn was carried out in May 2023. No evidence of roosting bats was recorded but numerous potential roosting opportunities were observed (including gaps under slates, gaps in brick and stonework). The barn was assessed as offering high potential to support a bat roost (which concurs with the findings of a previous survey carried out in May 2019 at the site). In accordance with best practice survey guidelines, three activity surveys were carried out at the barn between May and June 2023 (two dusk and one dawn survey). A single common pipistrelle was observed to emerge from under the slates at the western gable end verge. The bat report concludes that the roost is likely to be a non-breeding roost used by individual or low numbers of common pipistrelle bats.

The barn has the potential to support breeding birds. The nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). A disused swallow/house martin nest was recorded within the barn in 2019 but not in 2023. Feral pigeons were observed to be roosting within the building.

A pond is located approximately 170m to the west of the application area, and a further pond is located just over 250m to the southeast. Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts. Great crested newts receive the same level of legal protection as bats (outlined above). No assessment of these ponds/great crested newts has been submitted with the application. Paragraph 016 of the Natural Environment Planning Practice Guidance states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. In this instance, given the distance of the ponds from the proposed development site, the nature of the proposed works, the results of Natural England's GCN Rapid Risk Assessment (green: indicating an offence is unlikely) and the guidance provided in Appendix 6 of Stockport Council's Application Validation Checklist, I do not think it reasonable to request a great crested newt survey in this instance. Reasonable Avoidance Measures can be adopted as a precautionary measure to further minimise this risk.

Planning Policy Framework

- Core Strategy DPD policy CS8 S'afeguarding and Improving the Environment' (Biodiversity and Nature Conservation : 3.296).
- Core Strategy SPD policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment' (A - Protecting the Natural Environment : 3.345, 3.346, 3.363, 3.364 and 3.369).

Recommendations

The barn was found to support a common pipistrelle bat roost site. Survey results indicate that the roost is a day roost: used by single/low numbers of non-breeding bats.

The proposals would result in the destruction of the bat roost with the potential to kill or injure bats/ and damage their habitat without appropriate mitigation and compensation measures. As a result a European Protected Species Licence (EPSL) or a Low Impact Class Licence (LICL) will be required from Natural England. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats.

When determining the application, it is advised that the Council has regard to the 3 Habitats Regulation derogation tests :-

- Imperative reasons of Over-riding Public Importance (IROPI)
- No satisfactory alternative solution
- Maintenance of the favourable conservation status (FCS) of the species

The need for consideration of the three tests has been demonstrated by a number of judicial reviews, including R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) and Morge (FC) (Appellant) v Hampshire County Council (2011).

Natural England standing advice states that the LPA must be confident that Natural England will issue a licence before planning consent can be granted: <https://www.gov.uk/guidance/bats-advice-for-making-planning-decisions#assess-the-effect-of-development-on-bats>

(although there is currently no case law to support this and current case law refers to the LPA needing to 'have regard' to the 3 tests).

The first two tests are outside my area for comment. In terms of the favourable conservation status test: the submitted Bat Report (Penny Anderson Associates, 2023) recommends timing works to avoid the active bat season (especially since hibernation roost potential of the barn was considered to be limited), a pre-works inspection survey, soft-strip, supervision of works by a licensed bat ecologist and protocol should any bats be discovered on site (i.e. provision of a bat box on site for the duration of works). Implementation of the measures can be secured via condition and should ensure that the Favourable Conservation Status test is met.

In relation to the bat licence, the following condition can be used: the works hereby approved shall not commence until the local planning authority has been provided with either :-

- a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats & Species Regulations 2019 authorising the specified activity/development to go ahead; or
- b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/developments will require a licence.

An informative should also be attached to any planning permission granted so that the applicant is aware of the shelf life of survey data. Natural England usually accept bat survey data from the current and/or preceding survey season, so should

works have not commenced by May 2025, update bat activity survey work will likely be required to inform the licence application.

No vegetation clearance or demolition works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of vegetation/buildings for active birds' nests immediately before (no more than 48 hours before) such works commence and provided written confirmation that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on site. A condition can be used to this effect.

An informative should be attached to any planning permission granted so that the applicant is aware that feral pigeons (recorded to be roosting in the barn) can breed all year round and as such works may need to be carried out under a DEFRA permissive general licence GL42:

<https://www.gov.uk/government/publications/wild-birds-licence-to-kill-or-take-to-prevent-serious-damage-gl42>

To mitigate for the loss of bat roosting and bird nesting opportunities as a result of the proposed conversion works it is advised that bat and bird boxes are integrated within/mounted on to the building. Details of the proposed number, type and location of bat and bird boxes should be submitted to the LPA for approval. A minimum of two bird boxes and two bat boxes would be considered appropriate and this can be secured by condition. To further enhance the site for biodiversity, any landscape planting should incorporate species of locally native origin. This will help ensure the proposals are in line with national and local planning policy to provide gains for biodiversity.

The proposals are considered to be of very 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
- Any 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 arising's 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

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2023 survey (i.e. by June 2025) it is advised that update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

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).

Environmental Health Officer (Land Contamination)

Given the current/former land use there is the potential for contamination to have occurred on-site relating to the following: Agricultural Building (barn)- Bulk storage of fuels and/or chemicals, small scale fuel and chemical spills (i.e., fuels used for heating/agricultural machinery/other vehicles, oils and lubricants, herbicides/pesticides, fertilisers, paints/thinners, creosote, etc.). There is also the potential for localised/historical deposition of agricultural waste materials and animal effluent from the housing of livestock within the on-site buildings.

Furthermore, asbestos containing materials (ACM) may have been incorporated within the built structures in the past; the disturbance of any such materials may result in asbestos being present within the sub surface surrounding the buildings.

Although there is no evidence that any such waste disposal or infilling activities have taken place on the site there is the potential for this to have occurred given the nature of the site use. Furthermore, according to the Coal Authority and GIS, there is a potentially infilled mine shaft present on site too.

As such the developer will need appoint an Environmental Consultant to undertake a Phase 1 desktop study/site walkover to determine if a Phase 2 site investigation and subsequent remediation and validation is required, especially in the proposed garden/extension areas. This is a phased approach and I would recommend the following conditions for the decision notice :-

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.

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 :-

- (i) 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)).

CTM3

The development shall not be occupied until the approved remediation scheme required to be submitted by Condition [XXXX] has been carried out. Within 3 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.

Drainage Engineer

No comments made.

Coal Authority

I have reviewed the site location plan, the proposals and supporting information available to view on the LPA website and can confirm that the application site falls marginally within the defined Development High Risk Area.

The Coal Authority records indicate that mine shaft 395392-002 is located c.18m beyond the western site boundary, with its potential zone of influence extending towards the application site. Our records suggest that this shaft may have been infilled

to some extent at some time in the past. A mine entry and its resultant zone of influence can pose a significant risk not only to surface stability but also public safety. However, the part of the site where development is proposed lies outside the High Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Although the development will be located outside the Development High Risk Area, as the site lies within an area where coal mining activity has taken place, it is requested that the following wording is included as an Informative Note on any planning permission granted :-

The application site lies in a coal mining area which may contain unrecorded coal mining related hazards. If any suspected coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

ANALYSIS

Background

Members will recall a previous planning application for the extension of the existing barn and conversion to 1 no. dwellinghouse (Reference : DC073895) which was granted by the Council Planning and Highways Regulation Committee in January 2020, following a recommendation to grant by Marple Area Committee. This planning permission was never implemented due to the Covid pandemic and has now lapsed. Members are advised that the current proposal is identical to the previously approved scheme.

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 Section 13 of the NPPF 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, including within Paragraph 140 (c) :-

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

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

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

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

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

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

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

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

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

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

The proposed 117 cubic metre extension would result in a 22% increase over and above the volume of the original building (535 cubic metres), which would comfortably fall within the 'about one third' increase in volume guideline considered acceptable by saved UDP policy GBA1.5. As such, the proposal would not represent a disproportionate addition over and above the size of the original building, in accordance with the requirements of Paragraph 149 (c) of the NPPF. On this basis, the proposal is considered to maintain openness and would not conflict with the

purposes of including land in the Green Belt. Should planning permission be granted for the proposed development, a condition would be imposed to withdraw domestic permitted development rights, in order to maintain openness.

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

The proposal, which is supported by the Conservation Officer, would secure a viable, long-term future of the non-designated heritage asset and it is considered that the sympathetic conversion of and extension to the building would safeguard and improve the appearance of the rural environment, in particular the Etherow Parklands Hazel Grove-High Lane Landscape Character Area within which the site is located.

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

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

A Structural Survey was submitted in support of previous planning applications at the site and a visual inspection confirms that the existing building has not deteriorated and is of permanent and substantial construction, structurally sound and capable of conversion without the requirement for major rebuilding or extension. As such, the proposal satisfies the requirements of saved UDP policy GBA1.6 (iv), along with the requirements of Paragraph 150 (d) of the NPPF.

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

The existing curtilage to the South, which is tightly defined around the existing building would comply with the minimum standard as set out in the Design of Residential Development SPD, whilst not resulting an adverse impact or encroachment into the Green Belt.

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

The proposal would require only relatively minor improvements to the existing access and access road from Cowlishaw Road, which is not considered to result in any adverse impact on the Green Belt.

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

On the basis of the ecological information submitted in support of the application, in the absence of objections from the Nature Development Officer and subject to

appropriate mitigation measures which would be secured by condition, any harm to protected species would be minimised.

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

Policy Principle – Residential

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

The NPPF puts additional emphasis upon the government's objective to significantly boost the supply of housing, rather than simply having land allocated for housing development. Stockport is currently in a position of housing under-supply, with 4.2 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.

Impact on Heritage Assets, Visual Amenity and Landscape Character

The existing barn is included within the Greater Manchester Historic Environment Record for Werneth Hall and as a building within the curtilage of Werneth Hall Farm, a Grade II Listed Building. As such, the building should be treated as a non-designated heritage asset for planning policy purposes. The detailed comments received to the proposal from the Council Conservation Officer are contained within the Consultee Responses section above.

In raising no objections to the proposal, the Conservation Officer notes that the proposal comprises a re-submission of planning application DC073895 for the conversion of the existing barn to form 1 no. dwellinghouse which has been granted in January 2020 and has now expired. In order to maintain a consistent approach to the design and heritage related aspects of the proposed works, conditions are recommended to control matters of detail in archaeology, external materials, external window/door details, external plant, rainwater goods, hard and soft landscaping and boundary treatment, along with the removal of domestic permitted development rights. On this basis, in the absence of objections from the Conservation Officer and subject to conditional control, it is considered that the proposal would not result in harm to the significance of the heritage asset, in accordance with Core Strategy DPD policy CS8 and SIE-3.

In addition to the above, it is considered that the proposed design approach would be sympathetic in terms of its siting, scale, massing and design, representing a considered response to its context. As such, it is considered the proposed development could be accommodated on the site without causing harm to the visual amenity of the area or the character of the Etherow Parkland Landscape Character Area within which the site is located. On this basis, 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 SIE-3 and the Design of Residential Development SPD.

Impact on Residential Amenity

The existing building is sited approximately 15.0 metres from the facing windows of the residential properties at Werneth Hall Cottages to the West, approximately 15.0 metres from the facing windows of the residential property at Werneth Hall to the North and approximately 14.0 metres from the facing windows of the residential property at Werneth Hall Farm to the North. Coupled with the siting of the proposed habitable room windows at an angle to the facing windows of the neighbouring residential properties, the proposal would not result in undue overlooking or loss of privacy to these properties.

The scale, height, bulk and massing of the existing building would not be increased to the Northern and Western elevations facing the neighbouring residential properties, with the proposed extension sensitively sited to the Southern elevation of the building. In addition to the retained separation, the proposal would not result in undue overshadowing, over-dominance, visual intrusion or loss of outlook to these properties.

Ample amenity space would be provided by way of a 150 square metre lawned garden and terraces to the Southern site curtilage, comfortably in accordance with the 100 square metre private amenity space requirement as recommended by the Design of Residential Development SPD. Adequate light and ventilation would be provided to all proposed habitable rooms. On this basis, occupiers of the proposed dwellinghouse would be afforded appropriate levels of residential amenity.

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 and occupiers of the proposed development would be

provided with appropriate levels of residential amenity. As such, the proposal is considered to comply with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Highways Considerations

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

In raising no objections to the proposal, the Highway Engineer notes that the proposal comprises a re-submission of planning application DC073895 for the conversion of the existing barn to form 1 no. dwellinghouse which has been granted in January 2020 and has now expired. The Highway Engineer notes that there has been no material change in relevant transport policies since the previous planning permission, other than the Council's guidance on the provision of electric vehicle charging points. As such, a condition is recommended to secure the provision of an electric vehicle charging point, in addition to previously imposed conditions in respect of car parking 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 and the Sustainable Transport SPD.

Impact on Trees

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.

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 only impact on several small, poor value regenerated trees. In order to address the concerns of the Arboricultural Officer in respect of potential damage 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 mitigate the proposed tree loss and 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.

Impact on Protected Species and Ecology

A Bat and Nesting Bird 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 confirms that the site has no nature conservation designations, legal or otherwise, however it has been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester.

The barn has the potential to support breeding birds, a protected species. A disused swallow/house martin nest was recorded within the barn in 2019 but not in 2023. Feral pigeons were observed to be roosting within the building. As such, a condition is recommended to ensure that no vegetation clearance/demolition works take place within the bird breeding season, unless pre-development checks of vegetation/buildings have been carried out and confirmation is provided that no birds would be harmed and/or that there are appropriate measures in place to protect nesting bird interest on the site. A further condition is recommended to require the provision of bird boxes within the development, in order to mitigate for the loss of bird nesting opportunities. The applicant will be advised of the potential for feral pigeons to breed all year round and that works may need to be carried out under a DEFRA permissive general licence GL42 by way of informative.

Ponds in proximity to the site have the potential to support amphibians such as Great Crested Newts (GCN), a protected species. Given the distance of the ponds from the site and the nature of the proposed works, the Nature Development Officer does not consider it necessary to require the submission of a GCN Survey in this particular case and the proposals are considered to be of very low risk to GCN. A condition is however recommended to require the adoption of Reasonable Avoidance Measures during works to minimise risks of GCN being impacted upon.

Buildings have the potential to support roosting bats, a protected species. The submitted Surveys confirm that the barn was found to support a common pipistrelle bat roost site. Survey results indicate that the roost is a day roost used by single/low numbers of non-breeding bats. As such, the proposals would result in the destruction of the bat roost with the potential to kill or injure bats and damage their habitat without appropriate mitigation and compensation measures. When determining planning applications, legal cases demonstrate that the Local Planning Authority has a requirement to have regard to the 3 Habitats Regulation derogation tests :-

- Imperative reasons of Over-riding Public Importance (IROPI);
- No satisfactory alternative solution;
- Maintenance of the favourable conservation status (FCS) of the species.

In assessment of each of the tests, Members are advised of the following :-

1. It is considered that the proposed development would be for a reason of over-riding public importance. The proposed residential use of the building would secure a viable, long-term future for the non-designated heritage asset, supported by the Council Conservation Officer.

2. It is considered that there is no satisfactory alternative solution to the proposed development. In the absence of the proposed conversion, it is likely that the building would potentially fall into disrepair, with potential loss of the bat roosts.
3. The Nature Development Officers notes the recommendations of the submitted Bat Report in relation to the timing of works to avoid the active bat season, a pre-works inspection survey, soft-strip, supervision of works by a licensed bat Ecologist and protocol should any bats be discovered on site, including the provision of a bat box on site for the duration of works. Implementation of the above measures would be secured by condition and should ensure that the FCS test is met.

In addition to the above, there will be a requirement for the applicant to obtain a European Protected Species Licence (EPSL) or a Low Impact Class Licence (LICL) from Natural England, which will be secured by condition.

Further conditions are recommended by the Nature Development Officer to require biodiversity enhancements within the development; the provision of locally native species within the proposed landscape planting; the submission of an update Ecology Survey should the works have not commenced within two years of the submitted Survey; and to ensure that any proposed lighting is sensitively designed so as 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 and any potential impacts could be appropriately mitigated. As such, the proposal complies with Core Strategy DPD policies CS8, SIE-1 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, given the current/former land use, there is the potential for contamination to have occurred on site, there is the potential for localised/historical deposition of agricultural waste material and animal effluent and asbestos containing materials may have been incorporated within the built structures.

As such, a desktop study/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, in accordance with Core Strategy DPD policies CS8 and SIE-3.

Coal Mining Legacy

The detailed comments received to the proposal from the Coal Authority are contained within the Consultee Responses section above.

Whilst the application site falls within the Coal Authority Development High Risk Area, it is noted that the part of the site where development is proposed lies outside the High Risk Area. As such, the submission of a Coal Mining Risk Assessment is not required and, in the absence of objections from the Coal Authority, the proposal is considered acceptable in respect of coal mining legacy impact, in accordance with Core Strategy DPD policies CS8 and SIE-3. The applicant will be advised of potential coal mining related hazards and procedures to follow should such features be encountered 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. The submission of an Energy Statement, to assess the potential use 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. 4 bedroomed/5 person dwelling = 5), this would require a commuted sum payment of £7,480, 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.

Full planning permission is sought for the conversion of and extension to an existing barn at the site to form 1 no. residential dwellinghouse. The proposal is identical to a

previous scheme (Reference : DC073895) approved in January 2020 which was never implemented and has now expired.

The scheme is supported by the Council Conservation Officer and it is considered that the proposed residential conversion would secure a viable use of the non-designated heritage asset and would secure its long-term future.

In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable in respect of impact on visual amenity and landscape character; impact on residential amenity; traffic generation, parking and highway safety; impact on trees; impact on protected species and ecology; land contamination; coal mining legacy; and energy efficiency.

The application site is located within the Green Belt and it is considered that the proposed conversion and associated extension could be undertaken without causing any adverse harm to the openness of the Green Belt, in accordance with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It is recognised that the proposal does not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria is in direct conflict and inconsistent with Paragraph 150 (d) of the NPPF, it is considered to be outdated and should not be apportioned any weight, in accordance with the requirements of Paragraph 219 of the NPPF. On this basis, the proposal represents a Green Belt exception for the purposes of Paragraph 150 (d) of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure 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 criteria (i) of saved UDP policy GBA1.6, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

RECOMMENDATION

Grant.

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

Should the Planning and Highways Regulation Committee agree the Officer 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.