

ITEM

Application Reference	DC/088791
Location:	Larkhill Sandhill Lane Marple Bridge Stockport SK6 5NR
PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling
Type Of Application:	Full Application
Registration Date:	23/05/2023
Expiry Date:	18/07/2023
Case Officer:	Mark Burgess
Applicant:	Mr T Kelly
Agent:	Garner Town Planning Ltd

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 detached bungalow and the erection of a replacement detached two storey dwellinghouse at Larkhill, Sandhill Lane, Marple Bridge.

The proposed dwellinghouse would have a maximum width of 15.8 metres, a maximum length of 21.1 metres and a maximum height of 7.6 metres and would provide living accommodation over two floors. The proposed dwellinghouse would be of contemporary design, the materials of external construction specified as a mixture of natural stone timber/composite/aluminium cladding for the external walls and PLX for the roof covering. Amenity space to serve the proposed dwellinghouse would be provided to the front and rear curtilages.

Vehicular access would be taken from Sandhill Lane to the South, which would include parking spaces and a vehicle turning area to the front curtilage.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Design and Access Statement.
- Arboricultural Impact Assessment.

- Landscaping Scheme.
- Protected Species Survey.
- Phase 1 Preliminary Risk Assessment.
- Drainage Scheme.
- Energy Statement.

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 Sandhill Lane in Marple Bridge and comprises 'Larkhill', a detached residential bungalow with an attached garage standing in a large curtilage to the North and South. Access to the site is taken from Sandhill Lane to the South.

The site is adjoined to the Eastern side by open fields, with further open fields on the opposite side of Sandhill Lane to the front (South). Adjoining the site to the Western side is a residential dwellinghouse at 'Brownlow' and adjoining the site to the rear (North) are residential properties at 'The Homestead' and 'Greengate Farm'.

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 (Ludworth Moor), 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

- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAY
- TD2.2 : QUIET LANES
- 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

- DC088008 : Erection of detached outbuilding to rear for use incidental to the main dwelling (Lawful Development Certificate) : Granted – 05/04/2023.
- DC086308 : Proposed single-storey rear extension, (i) The projection of the proposed extension beyond the rear wall of the original house is 8.0m, (ii) The maximum height of the proposed extension is 4.0m, (iii) The height of the eaves of the proposed extension is 2.5m : Prior Approval Not Required – 21/09/2022.
- DC086284 : First floor extension (additional 2.8m in height) : Prior Approval Approved – 06/10/2022.
- DC086281 : Detached rear garage, single-storey side extension and front porch (Lawful Development Certificate) : Granted – 06/10/2022.
- J.73595 : Roof alterations and garage/porch extension : Granted – 10/09/1974.
- J.163 : Cladding to existing timber dwelling house in brickwork with new elevations : Granted – 20/10/1999.

NEIGHBOUR'S VIEWS

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

One letter of objection has been received to the application which asserts the following :-

- The design is unsuitable and grossly out of character with the rural area.
- The building will have an adverse effect on what is a local beauty spot.
- The building is of an unattractive futuristic design, much larger than the modest sized house presently on the plot.
- The appearance of the building is out of keeping with the style of houses in the area.
- Whilst the house next door is large and modern, it is much more in keeping with the traditional stone farmhouses and barns in the area.
- The plot is in an elevated position and will be seen for miles around.
- Whilst there may be a desire to take advantage of the wonderful view from the site, this could be achieved in a manner more sympathetic and sensitive to the surroundings.
- The proposed garage extension will add to the size of the building.
- Lack of notification of the original application to build the house which is surprising.

One letter of comment has been received to the application, seeking clarification on matters relating to the application site edged red and some of the proposed tree removal falling outside the applicants ownership and on land in the ownership of a neighbouring property.

CONSULTEE RESPONSES

Highway Engineer

This application seeks permission for the demolition of existing dwelling at Sandhill Lane, Marple Bridge, and the construction of a replacement dwelling in its place. After reviewing the submitted drawings and documents I would make the following comments:

- 1) The proposal should not result in a material increase in vehicle movements or change in character of traffic on Sandhill Lane or other roads within the vicinity of the site (once constructed). Although the site is accessed via Sandhill Lane, which is sub-standard in nature and is designated as a 'Quiet Lane' (Policy TD2.2 'Quiet Lanes' outlines that developments and highway improvements

that have an impact upon rural roads, which would detract from their character and their value as “Quiet Lanes”, will only be permitted where they can be justified on safety grounds [and that] any development that would result in a significant increase in traffic or conflict between different users of these lanes will not be permitted), as the scheme involves a like-for-like replacement of a dwelling, which will be accessed via the site’s existing access, the proposal should not result in a material increase in traffic or conflict between different users on the lane. As such, the proposal would not be contrary to policy nor increase the risk of conflict or adversely affect highway safety on Sandhill Lane.

- 2) The site could not be regarded as being accessible as:
- Lies in excess of 400m from the nearest bus stop on a high frequency bus route
 - Lies in excess of 1000m from the nearest railway station with a frequent service
 - Lies in excess of 800m from a district shopping centre / Stockport Town centre
 - Is not within reasonable walking distance of the shops, services, schools or places of employment
 - Gradients in the vicinity of the site would not be conducive to walking / cycling
 - There is a lack of pedestrian / cycle infrastructure in the vicinity of the site, notably there are no footways on Sandhill Lane

As the proposal relates to a like-for-like replacement of an existing dwelling and will therefore not result in an additional dwelling being constructed in a location that has a poor level of accessibility, however, I would conclude that a recommendation of refusal could not be justified.

- 3) An adequate level of car parking is proposed to be provided (a garage and driveway) having regard to the adopted parking standards and expected demand. I note that the garage has previously been approved under application DC/088008.
- 4) Sufficient room to allow vehicles to turn within the site will be provided
- 5) A bin storage area will be provided within the site
- 6) No changes are proposed to the site’s access arrangements and the proposal will not intensify the use of the access
- 7) The gates to be constructed across the access drive will be set back an adequate distance from the highway
- 8) The proposed boundary wall along the site’s front boundary will be set a distance from the highway and will not affect visibility at the access
- 9) The garage to be provided within the site and which has previously been approved (under application DC/088008) will be able to accommodate cycles, as well as cars

Based on the above, I can confirm that, subject to detail / conditions, I consider the proposal acceptable from a highways and transport perspective and, as such, I raise no objection to this application, subject to conditions.

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

Any gates, barrier, or similar form of obstruction to be erected across the access drive shall be set back 10 metres from carriageway / kerb line, in line with the stone boundary wall indicated on drawing 0196-LA-03 Rev P0 'Illustrative Landscape Masterplan', and shall be constructed to only open into the site. No bollard, chain or other means of obstruction shall be placed / erected between any gates / barrier and the highway at any time.

Reason: In order to ensure that vehicles can pull off the highway before reaching the any gates / barrier and that any gates / barrier do 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.

The approved development shall not be occupied until the driveway (including turning area) has been provided and constructed in accordance with the details indicated on drawings P631_210 Rev – 'Proposed - Site Plan' and 0196-LA-03 Rev P0 'Illustrative Landscape Masterplan', with the first section of driveway which runs across the highway verge to be surfaced in bitmac to the Highway Authority's specification (as indicated on SMBC drawings STP/H/01, STP/H/07 and STP/H/08). The driveway shall thereafter be kept clear and remain available for parking and turning of vehicles.

Reason: To ensure that adequate parking and turning 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.

The approved dwelling shall not be occupied until the garage approved under application DC/088008 has been constructed in complete accordance with the drawings submitted and approved under that application and is available for use for the parking of cars and cycles for occupiers of the approved dwelling. The garage shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical parking facilities are provided so as to ensure that the adequate parking facilities are provided in accordance with Policies CS9 'Transport and Development', 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 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 Chapter 10, '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.

Informatives

In addition to planning permission, consent will also be required from the Highway Authority (Stockport Council) for any works to the site access drive that are to be carried out within the highway. Applications for consent can be made on-line at the Council's web-site (www.stockport.gov.uk) or via the Council's contact centre. Consent must be obtained prior to the commencement of any works.

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

Arboricultural Officer

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

There is no legally protected tree within this site or affected by this development.

The proposed development would potentially have a negative impact on a significant number of trees located in the proposed construction work area of the site, which have a medium value amenity and biodiversity, so the proposed works will have a negative impact on trees. The proposed works require significant tree removal and minimal tree works to the trees on and off site within the countryside wooded areas, but there is also the potential for impact from encroachment/potential damage from machinery working in close proximity of the trees on or adjacent the site.

The site has a medium level of vegetation and trees on site and as such, there cannot be any loss of trees as this will have a negative impact on amenity and biodiversity, without the submission of a detailed improved landscaping design to show the replacement and enhancement of the tree cover on site.

The concerns for this site is the proposed tree loss, potential accidental tree damage during deliveries, storage and construction works to the trees in and around the site, therefore the construction traffic and material storage needs to be directed away from or not located within proximity to the retained trees in the area which will have a negative impact on the trees systems, therefore an advisory on exclusion zone of the trees to the local area including those in neighbouring properties of the site as the trees are an integral part of the tree scape for the residential estate and therefore cannot be lost.

The trees on and off site offer a medium level of biodiversity/habitat benefit to such a rural area of the borough and as such as many as possible need retaining without damage and the pruning kept to a minimal and in accordance with British Standards as the loss would be unacceptable without an increased landscaping design submission or conditioned.

In principle the scheme will have a negative impact on the trees in the area and so will only require the submission of a detailed improved landscaping scheme to show the enhancement of the site or surrounding environment including fruit trees to comply with policy as well as the submission of an advisory restricting all access to the retained trees in the working area/storage areas of the site.

The following conditions are required if the scheme is approved;

- *Condition Tree 1*

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

Condition Tree 2

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

Condition Tree 3

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

accordance with the approved details prior to the development being brought into use.

Nature Development Officer

Site Context

The site is located at Larkhill, Sandhill Lane, Marple Bridge, SK6 5NR. The application is for the demolition of existing dwelling and erection of replacement dwelling.

Nature Conservation Designations

The site lies partially within Brown Low SBI, although the demolition and development proposals are to the south of the SBI boundary. Brown Low SBI is an area of semi-natural acid grassland and scrub (a Greater Manchester BAP Habitat). The scrub and scattered tree species include sessile oak, apple, silver birch, broom, gorse and grey willow. This SBI habitat is important for priority species including birds and butterflies.

The northern area of the site is also 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.

The application area is within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ). However, this type of development does not fall within any categories within this designation.

Existing Ecology Reports

A protected species survey report was produced by Dunelm Ecology in 2022. The following ecological constraints were identified :-

Bats: The main bungalow proposed for demolition was confirmed as a bat roost (pipistrelle spp.). A small number of droppings were found outside the building but no bats were observed emerging during emergence surveys, indicating that this is likely an occasional day roost for low numbers of bats. The outbuilding was assessed as moderate roost potential but no evidence found during the inspection and no bats observed during subsequent emergence / re-entry surveys. No mature trees are present within the site.

Birds: Nesting potential is present within the garden vegetation and the two buildings.
Great Crested Newt (GCN): The small garden pond on the site was eDNA tested and found to be negative (GCN not present). There are no other ponds within 250m of the site.

Badgers: Badger pathways and push-throughs were noted in the northern end of the site, away from the proposed demolition and construction areas.

Legally Protected Species

Bats

Bats 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.*

Two buildings are proposed to be demolished to make way for a new residential dwelling. The two buildings were inspected and emergence / re-entry surveys conducted in 2022. The results indicate that the main bungalow is a confirmed roost (occasional) for low numbers of pipistrelle bats (small number of droppings present) and the outbuilding is moderate bat roost potential. No bats were recorded emerging from either building during the surveys.

Great-crested Newts (GCN)

GCN are afforded the same legal protection as bats (detailed above).

A small garden pond is present on the site. An eDNA test was undertaken in 2022 with a negative result. No other ponds are present within 250m of the site.

Badgers

Badgers are protected under the Protection of Badgers Act, 1992. This makes it an offence to kill or injure a badger or to damage, destroy or obstruct access to a sett. It is also an offence to disturb a badger while it is in a sett.

Suitable sett building and foraging habitat is available adjacent to and within the northern part of the site. Badger paths and push-throughs were observed in this area but no activity noted in within area of the proposed works.

Nesting Birds

The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).

Trees and other vegetation on-site have the potential to support nesting birds.

Hedgehog

Hedgehog populations are declining rapidly in the UK and are identified as a UKBAP Species and Species of Principle Importance under the NERC Act 2006. Hedgehog are also protected from capture and killing under the Wildlife and Countryside Act 1981 Schedule 6.

Habitats on site have the potential to support hedgehog.

Reptiles

Reptiles (grass snake, adder, common lizard and slow worm) are protected from killing and injury under the Wildlife and Countryside Act 1981. All native species of reptiles in the UK are considered rare and most threatened under the NERC Act 2006 meaning they must be considered within the planning decision.

There are no reptile records within the local area.

Invasive Species

Certain invasive plant species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to grow this invasive species in the wild.

Himalayan balsam, Japanese knotweed and Montbretia crocosmia were recorded within the site during the 2022 surveys. All records are in the north section of the site away from the proposed working areas.

Planning Policy Framework

- Core Strategy DPD Policy CS8 'Safeguarding and Improving the Environment' (Biodiversity and Nature Conservation : 3.296)
- Core Strategy DPD policy SIE-3 'Protecting, Safeguarding and Enhancing the Environment' (A - Protecting the Natural Environment : 3.345 3.347 3.361 3.362 3.363 3.364 3.369)
- Saved UDP policy NE1.2 'Sites of Nature Conservation Importance' (The habitats and biodiversity of sites of biological importance, geological conservation sites and local wildlife sites will be protected and enhanced where possible. Proposals for development on sites so designated must demonstrate that there is a justification which overrides any harm to the nature conservation value of the site)

Recommendations:

A sufficient level of ecological survey work has been carried out to inform determination of the application.

The proposals would result in the destruction of a bat roost with the potential to kill or injure bats/ and damage their habitat without appropriate mitigation and compensation measures.

As a result a Bat Mitigation Class License (BMCL) 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 (Dunelm Ecology 2022) recommends pre-demolition installation of a bat box in an adjacent tree, along with sensitive measures during demolition works to minimise disturbance i.e. hand stripping tiles, felt and weatherboarding. Implementation of the measures (detailed in section 4.4.3) 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 July 2024, update bat activity survey work will likely be required to inform the licence application.

Notwithstanding the above, the following comments are also relevant to the current application:

Lighting

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: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> (note update 2023) and following the guidance in the bat report). It is of particular importance that no light spill occurs onto the adjacent habitats and the SBI to the north.

Nesting Birds

In relation to breeding birds, building demolition and vegetation clearance should be timed to avoid the bird nesting season where possible (which is March-August inclusive). If this is not possible a breeding bird survey will be required by a suitably experienced person no more than 48 hours in advance of works to confirm presence/absence of nesting birds and confirm that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

Badgers

To minimise the potential risk to badgers, the following measures shall be implemented during works:

- All excavations to be carried out in a careful manner, if excavations breach any obvious mammal tunnels, works must immediately stop and an appropriately qualified ecologist must be contacted for further advice.
- Where any trenches or other excavations are to be left open overnight these should be fitted with mammal ramps or should have the sides battered to form a slope to allow badgers to escape.
- A tidy works area should be maintained during construction and any hazardous substances should be fenced off to remove any badger hazards from the site.

Biodiversity Enhancements

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). The Landscape Plan submitted with the application indicates species-rich grassland in the north-east

of the site, most trees will be retained, proposals to enhance the native species hedgerow along the east boundary, plant an orchard in the centre of the site with a wildflower meadow understorey, and install a green (sedum) roof on the new garage.

- Bats: In line with the bat report recommendations two integral bat boxes are recommended within the dwelling in the external gable wall under the apex. In addition a bat box should be installed on a mature tree on the periphery of the site prior to demolition in the eventuality a bat is found during demolition works there is a roost feature available to move the bat to.
- Birds: Bird boxes can be installed on mature trees on / outside the site boundary. Two sparrow terraces are recommended within the ecology report (Dunelm 2022) integral to the new building. Boxes should be integrated or made from woodcrete/woodstone, rather than timber, for greater longevity.
- Hedgehogs: boundaries are proposed to comprise hedgerow and timber post and rail fences which is welcomed. If any close board boundary fencing is used it should incorporate gaps (130m x 130mm) to maintain habitat connectivity for wildlife (e.g. hedgehogs).
- Utilising existing materials to create bug hotels, butterfly banks, dead wood and stone piles and other opportunities for invertebrates and other wildlife would be highly beneficial.

A condition should be attached to any planning permission granted, stating that the spread of wall Cotoneaster (*Cotoneaster horizontalis*), *Himalayan balsam* and *Japanese knotweed* which have been identified on site will be avoided. Measures to avoid the spread of INNS during proposed works should be included within a CEMP.

The following can be used regarding ecological survey shelf-life. Ecological conditions can change over time. In the event that works have not commenced within two years of the 2022 survey (i.e. by July 2024) 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.

Environmental Health Officer (Land Contamination)

I have reviewed the GeoCon Phase 1 report dated March 2023, submitted in support of the above mentioned application.

The report has recommended that a Phase 2 investigation is undertaken, as such I recommend the following conditions;

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

Comments of 16/06/2023 :-

The LLFA require the applicant to submit a sustainable drainage strategy for both surface water and foul.

Further comments of 20/09/2023, following submission of Drainage Scheme :-

The application is acceptable in principle subject to detail design in accordance with the strategy, and infiltration rates based on site investigation

We also require the location of infiltration tests, what ADH2 testing is and the reasoning behind taking an average of all 4 results when rolling heads are a scale smaller.

The applicant will also require an environmental permit for the foul drainage discharge <https://www.gov.uk/permits-you-need-for-septic-tanks/apply-for-a-permit> and we would need to see this permit.

United Utilities

United Utilities Property, Assets and Infrastructure

According to our records there is an easement affected by the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 25/01/1924 UU Ref: 40/00012/E7 has restrictive covenants that must be adhered to.

It is the applicant's responsibility to obtain a copy of any easement document(s) relating to the site, available from United Utilities Legal Services or Land Registry. The applicant must comply with the provisions stated within the document(s).

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.

OBJECTION : Following our review of the proposed site layout, we can confirm that the proposal is not acceptable to United Utilities as proposed features appear to be located in close proximity to our water main. Until such time as the applicant has resolved all concerns regarding the proximity of proposed development to our water assets, our position is that we **OBJECT** to the proposal.

To discuss the proposal in relation to the water main we recommend the applicant contacts our Developer Services team by email at WaterMains@uuplc.co.uk. If direct communication, between the applicant and our Developer Services team, results in an acceptable solution to address our current objection, the applicant must submit any agreed details to the Council for formal consideration. It is the applicant's responsibility to ensure that the Council have all information that is relevant to their application.

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).

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.

Drainage

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

1. Into the ground (infiltration);
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

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).

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

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.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Water and Wastewater 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 Public sewers and drainage - SewerAdoptions@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.

Coal Authority

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

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

ANALYSIS

Policy Principle – Green Belt

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of Section 13 of the NPPF and saved UDP policies GBA1.2 and GBA1.5 is required.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 137 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Paragraph 147 of the NPPF states that '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 149 d) of the NPPF '*the replacement or a building, provided the new building is in the same use and not materially larger than the one it replaces*'.

Saved UDP policy GBA1.2 states that within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain specified purposes, including '*limited extension, alteration or replacement of existing dwellings (in accordance with policy GBA1.5)*'. Saved UDP policy GBA1.5 states that proposals relating to existing residential uses in the Green Belt may be permitted in certain specified cases, including '*rebuilding or replacement of an existing habitable dwelling where the new dwelling is of similar size and would not be more intrusive in the*

landscape than the one demolished. The explanation to saved UDP policy GBA1.5 goes on to state that the rebuilding of an existing habitable dwelling as an alternative to refurbishment may be acceptable where the existing structure is not of architectural or historic interest and where the resulting dwelling is not significantly larger or more intrusive than that previously existing. As a general guideline, the volume of the proposed dwelling should not exceed the volume of the original dwelling by more than about one-third and the form of the dwelling should not be significantly altered. Siting should remain the same unless there would be environmental and amenity gain from a relocation.

In assessment of the proposal against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 149 of the NPPF, from Officer calculations, the original/existing bungalow has a volume of 490 cubic metres. The proposed replacement dwellinghouse would have a volume of 1221 cubic metres. This would represent a 249% increase on the volume of the original/existing bungalow.

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

The Planning Statement submitted in support of the application includes the applicant's case for 'Very Special Circumstances' and asserts the following :-

- A Lawful Development Certificate for a single storey side extension and front porch was granted by the Council on the 6th October 2022 (Reference : DC086281). This confirms that the single storey side extension and front porch could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Prior Approval for an extension to create an additional storey above the existing bungalow was approved by the Council on the 6th October 2022 (Reference : DC086284). This confirms that the additional storey could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Prior Approval for a single storey rear extension was approved by the Council on the 21st September 2022 (Reference : DC086308). This confirms that the proposed single storey rear extension could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- A Lawful Development Certificate for the erection of the detached outbuilding to the rear, as shown on the submitted plans, was granted by the Council on

the 5th April 2023 (Reference : DC088008). This confirms that the detached outbuilding could be erected without the requirement for planning permission, under the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the detached outbuilding does not form part of the current planning application as it does not require planning permission.

- The total volume of extensions to the existing dwelling that could be undertaken without the requirement for planning permission, as confirmed by the above Lawful Development Certificate and Prior Approval applications would be 1224 cubic metres.
- As such, the volume of the proposed replacement dwellinghouse for which planning permission is sought (1221 cubic metres) would be slightly less than the volume of development that could be undertaken to the existing dwellinghouse (1224 cubic metres) without the requirement for planning permission

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

Policy Principle – Residential

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

Impact on Visual Amenity and Landscape Character

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

The application site is situated within a relatively isolated location, with the wider Sandhill Lane street scene comprising properties of varied scale, height and design. As such, no concerns are raised to the two storey scale of the proposed development, coupled with the siting of the proposed development which would be substantially set back from the Sandhill Lane site frontage, thus reducing its visual prominence.

The size, scale, contemporary design and materials of the proposed dwellinghouse are noted and the objection raised to the application is acknowledged. Clearly the acceptability of a particular design is a subjective matter, however in the opinion of Officers and on balance, the siting, scale and contemporary design and materials are considered acceptable in this location in this particular case. There is evidence of two storey development of contemporary design at 'Brownlow', immediately adjacent to the application site to the West. Members should also note the extant Prior Approval for the creation of an additional storey above the existing bungalow (Reference : DC086284). This development, which is capable of implementation without the requirement for planning permission, would be, in the opinion of Officers, of a reduced design quality in comparison to the current scheme.

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 would be unchanged from existing which is considered acceptable within a Green Belt location. Ample private amenity space to serve the proposed dwellinghouse would be provided, comfortably in excess of 100 square metres recommended by the Design of Residential Development SPD. On this basis, the quantum of development proposed is not considered to result in an unacceptable over-development of the site.

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

Impact on Residential Amenity

The site is adjoined to the Eastern side by open fields, with further open fields on the opposite side of Sandhill Lane to the front (South). The proposed development would be well separated from the residential properties at 'The Homestead' and 'Greengate Farm' to the rear (North) of the site, comfortably in excess of the required minimum separation/privacy distance of 25.0 metres as defined by the Design of Residential Development SPD.

Whilst it is acknowledged that the siting of the proposed development would be relatively close to the Western site boundary of the neighbouring residential property at 'Brownlow', the proposed development would be well separated from the habitable room windows and private amenity space of this property.

In view of the above, it is considered that the proposed replacement dwellinghouse could be accommodated on the site without causing undue harm to the residential amenity of surrounding properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. 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 application from the Council Highway Engineer are contained within the Consultee Responses section above.

The Highway Engineer considers that the proposal should not result in a material increase in vehicle movements or change in the character of traffic on Sandhill Lane or other roads within the vicinity of the site. Although it is acknowledged that the site is accessed via Sandhill Lane which is sub-standard in nature and a designated 'Quiet Lane', it is noted that the proposal comprises a replacement of an existing dwellinghouse with no increase in residential units at the site. Similarly, although the site is in a location that has a poor level of accessibility in relation to public transport, services and pedestrian/cycle infrastructure, the fact that the proposal comprises the replacement of an existing dwelling house with no net increase in residential units at the site, a refusal of the application on the grounds of accessibility grounds could not be justified.

An adequate level of car parking is proposed to be provided in accordance with adopted parking standards and expected demand. The site layout would enable vehicles to turn within the site. No changes are proposed to the sites access arrangements. The proposed boundary wall along the site frontage would be set a distance from the highway so as not to affect visibility at the access. The proposed gates at the access drive would be set back an adequate distance from the highway. Appropriate bin storage, cycle parking and Electric Vehicle charging facilities would be secured by condition.

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, 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

An Arboricultural Impact Assessment and proposed Landscaping Scheme have been submitted in support of the application. The detailed comments received to the application from the Council Arboricultural Officer are contained within the Consultee Responses section above.

The Arboricultural Officer confirms that existing trees on 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 site could effectively be worked to or removed without the requirement for consent.

As acknowledged by the Arboricultural Officer, the proposal would clearly have an impact on existing trees on the site, with 8 C-category trees, 6 C-category groups, 1 C-category hedge, part of a B-category group and 1 U-category tree required to be

removed as part of the proposed development. In order to mitigate the proposed tree loss and enhance the site from a visual amenity and biodiversity perspective, extensive new tree planting is proposed which would be secured by condition. Further conditions are recommended to ensure that no retained tree is worked to and to require the provision of tree protection measures during construction.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Impact on Protected Species and Ecology

A Protected Species Survey has been submitted in support of the application. The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above. The Nature Development Officer considers that a sufficient level of ecology survey work has been carried out to inform determination of the application.

In terms of Nature Conservation Designations, the Nature Development Officer confirms that the site lies partially within the Brown Low Site of Biological Importance (SBI), within a Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) and has been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester.

The existing building and trees on the site have the potential to support nesting birds, a protected species. 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.

Ponds in proximity to the site have the potential to support amphibians such as Great Crested Newts (GCN), a protected species. The small pond on the site has been eDNA tested and found to be negative in respect of GCN presence.

Badgers and their setts are legally protected under the Protection of Badgers Act 1992. Badger Survey work has been submitted in support of the application, the contents of which are confidential and not for public viewing. Members are advised that the submitted Surveys have been assessed by the Nature Development Officer, who considers that subject to the imposition of a condition to require the implementation of Reasonable Avoidance Measures during development, potential impacts to any badgers that may be present on the site could be appropriately mitigated.

Buildings have the potential to support roosting bats, a protected species. The submitted Surveys confirm that the existing building was found to support a pipistrelle bat roost and indicate that this is likely to be an occasional day roost for a

low number of 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 proposal would comprise a sustainable form of development with less impact on the Green Belt than the developments that could be lawfully implemented without the requirement for planning permission, as highlighted within previous sections of the report.
2. It is considered that there is no satisfactory alternative solution to the proposed development. If the development was not approved, the developments that could be undertaken without the requirement for planning permission, as highlighted within previous sections of the report, could be lawfully implemented.
3. The Nature Development Officer notes the contents of the submitted Bat Report, which recommends the pre-demolition installation of a bat box on an adjacent tree, along with the adoption of sensitive measures during works to minimise disturbance. Implementation of these 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 Bat Mitigation Class License (BMCL) from Natural England, which will be secured by condition.

Subject to the above controls, it is considered that any potential impacts on bats could be appropriately mitigated and compensated.

Himalayan balsam, Japanese knotweed and Montbretia crocosmia, all of which are Invasive Non-Native Species, have been recorded within the Northern portion of the site. As such, a condition is recommended to require the submission, approval and implementation of Construction Environmental Management Plan (CEMP), to ensure that the spread of such species is avoided.

Further conditions are recommended by the Nature Development Officer to require biodiversity enhancements within the development, including the provision of bat and bird boxes and native planting within the proposed landscaping scheme; 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 and compensated. As such, the proposal complies with saved UDP policy NE1.2 and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Flood Risk and Drainage

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

A Drainage Scheme has been submitted in support of the application and the detailed comments received to the application from the Council Drainage Engineer are contained within the Consultee Responses Section above.

The Drainage Engineer is supportive of the principle of the submitted Drainage Scheme, subject to clarification regarding matters of detail which is subject to discussions between the applicant and Drainage Engineer at the time of report preparation. Members will be updated verbally in relation to these ongoing discussions. Nevertheless, subject to agreement of the matters detail and conditional control, 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.

The detailed comments received to the application from United Utilities are contained within the Consultee Responses section above. Objections were raised to the original proposal from United Utilities on the grounds of the proposed development being located in proximity to a water main. In an attempt to address this objection, amended plans have been submitted and the comments of United Utilities on the amended plans had not been received at the time of report preparation. Members will be updated verbally in respect of any further comments received from United Utilities. Nevertheless, the objection received from United Utilities relates to a private assets matter rather than a material planning consideration.

Land Contamination

A Phase 1 Preliminary Risk Assessment has been submitted in support of the application. The detailed comments received to the application from the Council

Environmental Health Officer are contained within the Consultee Responses section above.

The Environmental Health Officer notes that the submitted Phase 1 Preliminary Risk Assessment recommends that a Phase 2 investigation is undertaken. As such, it is recommended that conditions are imposed, 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 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

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

Energy Efficiency

As the proposed development would not exceed 10 residential units, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Nevertheless, an Energy Statement has been submitted in support of the application, to confirm that energy efficiency measures would be incorporated within the fabric of the building, in order to comply with current Building Regulations. In terms of low and zero carbon technologies, the Energy Statement confirms that air source heating, solar PV and mechanical ventilation heat recovery systems could be included within the proposed development, with the use of wind power, micro-hydro power, district heating, solar thermal, ground source heat pumps and biomass discounted on the grounds of technical feasibility and/or financial viability. On this basis, the proposed Energy Statement complies with the requirements of Core Strategy DPD policy SD-3.

Developer Contributions

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

Whilst the requirements of saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG are noted,

the proposed replacement dwelling would not result in any increased population capacity over and above the 'Permitted Development' fall-back position granted as part of the Lawful Development Certificate (Reference : DC086281) for a single storey side extension, the Prior Approval (Reference : DC086308) for a single storey rear extension and the Prior Approval (Reference : DC086284) for a first floor extension to the existing bungalow. As such, there is no requirement for a contribution for the provision and maintenance of formal recreation and children's play space and facilities within the Borough in this particular case.

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 demolition of an existing detached bungalow and the erection of a replacement detached two storey dwellinghouse at Larkhill, Sandhill Lane, Marple Bridge.

Whilst the scale, size, height and contemporary design of the proposed development is acknowledged, on balance it is considered that the proposed development could be accommodated on the site without causing undue harm to the visual amenity of the area, the character of the Ludworth Moor Landscape Character Area or the residential amenity of 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, 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.

It is acknowledged that the proposal would comprise inappropriate development within the Green Belt by way of a disproportionate addition to the original and existing dwelling, contrary to saved UDP policies GBA1.2 and GBA1.5 and the NPPF. However, it is considered that a genuine fall-back position exists in terms of a larger volume of development that could be built at the site under 'Permitted Development Rights' without the requirement for planning permission. Such 'Very Special Circumstances' are considered to justify approval of the application in this particular case as a departure to the Development Plan.

In view of the above, in considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, notwithstanding the objection raised, 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 be minded to agree the recommendation to grant planning permission, the application should be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

MARPLE AREA COMMITTEE (18TH OCTOBER 2023)

The webcast of the meeting can be viewed using the following link –
https://stockport.public-i.tv/core/portal/webcast_interactive/812277/start_time/4310000

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 substantial increase in volume over and above that of the original/existing dwelling, impact on the Green Belt and the applicants case for Very Special Circumstances; the objection raised by United Utilities in respect of the relationship of the proposed development to their infrastructure; the potential impact on bats and how impacts could be mitigated by way of condition and the Natural England Licensing regime; and in respect of conditions relating to bat and bird box provision. The Planning Officer provided clarification to the matters raised by Members.

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

The agent spoke in support of the application. It was proposed to provide an exemplar home within the Green Belt, which would replace a low value and inefficient existing property with no visual value. The proposal design was considered to be unique, using natural materials and providing an energy efficient and sustainable design and construction, adopting the principle of passive-haus. Various designs had been considered for the site and the proposal had been designed to have a positive impact on the landscape, with no greater height or volume that what could be achieved under permitted development rights.

Members debated the proposal. The sustainable and energy efficient nature of the proposal was commended and the proposed design was considered to be impressive. Concerns were raised to the volume of the proposed development and the permitted development approach taken to justify the scheme.

Following the debate, it was proposed, seconded and resolved to refer the application to the Planning and Highways Regulation Committee with a recommendation to grant.