

ITEM 1

Application Reference	DC/088616
Location:	Springcroft 45 Hall Moss Lane Woodford Stockport SK7 1RB
PROPOSAL:	Demolition of existing outbuildings and the construction of one bungalow with new access
Type Of Application:	Full Application
Registration Date:	05.05.2023
Expiry Date:	07.12.2023
Case Officer:	Osian Perks
Applicant:	Jon Matthews
Agent:	Mr Nick Smith

DELEGATION/COMMITTEE STATUS

This application is a departure from the Development Plan. Should the Bramhall & Cheadle Hulme South Area Committee be minded to grant permission under the Delegation Agreement, the application should be referred to the Planning & Highways Regulations Committee as the application relates to a Departure from the Statutory Development Plan.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks full planning permission for the demolition of the buildings to the rear of Springcroft, 45 Hall Moss Lane and the erection of a four bedroom bungalow. A new access into the site would also be created at the north west boundary of the site.

The bungalow would be built with a flat roof, would have a maximum height of 3.5m, a volume of 969m³ and a footprint of 321m².

SITE AND SURROUNDINGS

The application site is located on the north east side of Hall Moss Lane. It is populated by established trees, shrubs and outbuildings associated with a commercial dogs kennels which operates from the site.

There is an existing two storey dwelling to the front of the site. Permission is pending consideration for the replacement of this with a flat roofed dwelling, of a design which is sympathetic to the proposed development (ref: DC/088615).

Parts of the site appear very overgrown with thickets and trees. The buildings on site include a brick built kennels, built with mono-pitched roofs and additional buildings throughout the site built in timber and corrugated metal of a varying sizes, heights

and designs. The application advises that the maximum height of these buildings is 4 metres, they have a footprint of 286m² and a volume of 974m³.

The site is located within the Green Belt and the Woodford Landscape Character Area.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

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

Saved policies of the SUDP Review

- LCR1.1 Landscape Character Areas
- LCR1.1a The Urban Fringe Including the River Valleys
- GBA1.1 Extent of Green Belt
- GBA1.2 Control of Development in Green Belt
- GBA1.5 Residential Development in Green Belt
- L1.1 Land for Active Recreation
- L1.2 Children`s Play

<https://www.stockport.gov.uk/topic/current-planning-policies>

LDF Core Strategy/Development Management policies

- SD-3 Delivering the Energy Opportunities Plans – 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
- CS8 Safeguarding & 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 & Development
- T-1 Transport & Development
- T-2 Parking in Developments

- T-3 Safety & Capacity on the Highway Network

<https://www.stockport.gov.uk/topic/current-planning-policies>

Woodford Neighbourhood Plan

- ENV3 Protecting Woodford's Natural Features
- ENV4 Supporting Biodiversity
- DEV4 Design of New Development

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

- Sustainable Transport' SPD.
- Sustainable Design and Construction SPD
- Open Space Provision and Commuted Sum Payments SPD
- Transport in Residential Areas
- Design of Residential Development SPD

<https://www.stockport.gov.uk/topic/current-planning-policies>

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) in September 2023 replaced the previous NPPF (originally issued 2012, revised 2018, 2019 & 2021). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Planning Practice Guidance

The Planning Practice Guidance (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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

RELEVANT PLANNING HISTORY

DC/088615 - Demolition of an existing dwelling and construction of a replacement dwelling and new access.

DC/088610 - Certificate of Lawful Existing Use to confirm the lawful use of land and buildings comprising a dwelling and dog kennels. Granted 05.07.2023

NEIGHBOUR'S VIEWS

Local residents were consulted by way of site notice, neighbour letters and newspaper advertisement. One letter of support has been received and the following points have been made:

- The development constitutes high quality housing.
- Removing the outbuildings will improve the character of the area.
- The development will appear no larger than the buildings it replaces.

CONSULTEE RESPONSES

Highways Officer

No objection subject to conditions which require:

- The proposed access to be built in accordance with the approved plan.
- Details of the method of closure of the existing access to be submitted.
- Details of the driveway and parking, including drainage to be submitted.
- EV Charging points to be installed.
- Gates to the site to be set back from the carriageway as indicated on plan and no additional obstruction positioned between them and the carriageway.

Woodford Neighbourhood Forum

- The planning statement submitted doesn't appear to accord with the description of development given.
- There is a long history of planning applications on the site.
- Evidence should be submitted to demonstrate the existing business is no longer viable.
- Pre-application proposal was not accepted by the Council.
- Compliance with the following Woodford Neighbourhood Plan Policies should be demonstrated: EMP2, EMP3, DEV4, ENV3, ENV4.
- Compliance with Saved UDP Policy LCR1.1 should be demonstrated.
- Compliance with Core Strategy DPD policies AED-6 should be demonstrated.
- Consideration should be given to paragraphs 137, 147, 148 and 149 should be made.

Nature Development Officer

No objection subject to conditions which:

- Require the submission of a Construction Environmental Management Plan to ensure the protection of local wildlife and habitats.
- Require the submission of a landscaping plan which increases biodiversity, habitat areas and details bird and bat boxes to be provided on site.
- Require an invasive non-native species protocol to be submitted detailing the containment, control and removal of giant hogweed on site.
- Require the avoidance of demolition within bird nesting season unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of buildings/vegetation for active birds' nests immediately before (no more than 48 hours before) such works commence and confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- Require the submission of an updated Ecology Survey if the works proposed have not commenced within two survey seasons.

Arboricultural Officer

No objection subject to conditions which require the following:

- Compliance with the root protection plan.
- An enhanced landscaping plan which shows mitigating planting sufficient to offset the proposed loss of trees, provides replacement and enhancement of lost hedging and increases biodiversity on site.
- Protection of trees due to be retained.

Environmental Health Officer

Intrusive site investigations should be undertaken given the proposed sensitive residential use to test for the presence of contaminants on the land. An appropriate remediation strategy should then be submitted and following its approval implemented. Following implementation of the remediation strategy a validation report shall be submitted demonstrating compliance with it.

ANALYSIS

Principle of Development

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up-to-date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing,

situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless:

- the application of policies in the Framework that protect areas or assets of importance (that includes those specifically relating to the protection of the Green Belt) provides a clear reason for refusing planning permission or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless:

- there are compelling reasons in relation to the impact of the development upon the Green Belt to refuse planning permission or
- the adverse impacts of approving planning permission (such as the loss of the recreational land or impact on residential amenity, highway safety etc) would significantly and demonstrably outweigh the benefits.

This assessment is explored below.

- *Loss of Existing Use/Housing Delivery*

The Woodford Neighbourhood Plan stipulates that the objective of its employment policies is *'To seek to protect and support local employment'*. Policy EMP2 states

'Proposals for the change of use of employment land should be supported by evidence that the existing land use is no longer viable.'

In the glossary of the adopted Core Strategy DPD 'employment land' is defined as follows:

'Land for the development of light industry and business premises (use class B1), general industry (use class B2) and warehouses (use class B8).'

The commercial kennels on the site do not fall under any of these use classes (their use is considered *sui generis*). As such, it does not constitute employment land and policy EMP2 is not applicable.

Employment policy EMP3 (Use of rural buildings) of the Woodford Neighbourhood Plan (WNP) states the following:

'Proposals for the re-use of redundant buildings and the replacement of buildings, provided the new building is in the same use and not materially larger than the one it replaces, will be supported. Such development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

It is important that this policy is read in the context of its objective to protect and support local employment. Given the existing commercial kennels do not fall within

the category of 'employment use', it is not considered appropriate for this policy to be applied. There are policies in the neighbourhood plan, local plan and National Planning Policy Framework which have the objective of ensuring the permanence and openness of the Green Belt is maintained. The proposed development is assessed in relation to those relevant to the current application in the 'Impact upon the Green Belt & Landscape Character Area' section, below.

Employment policies AED-4 and AED-6 of the Core Strategy DPD also seek to ensure land in existing employment use is retained for that purpose. Given the existing kennels do not fall under the definition of an 'employment use', it is not considered that these policies are relevant.

Policy CS2 of the Core Strategy seeks to ensure that a wide range of homes are provided to meet the needs of existing and future Stockport households. The focus will be on providing housing through the effective and efficient use of land within accessible urban areas.

Policy CS4 of the Core Strategy directs new residential development towards the more accessible parts of the Borough identifying 3 spatial priority areas (Central Housing Area; Neighbourhood Priority Areas and the catchment areas of District/Large Local Centres; and other accessible locations). Policy H-2 confirms that when there is less than a 5 year deliverable supply of housing (as is currently the case) the required accessibility scores will be lowered to allow the deliverable supply to be topped up by other sites in accessible locations. This position has been regularly assessed to ensure that the score reflects the ability to 'top up' supply to a 5 year position. However, the scale of shortfall is such that to genuinely reflect the current position in that regard the score has been reduced to zero. As such the accessibility of the application site is considered to be acceptable and the proposal accords with policies CS4 and H-2 of the Core Strategy. The provision of 1 dwelling will assist in a limited way in addressing that shortfall and weight should be given to this aspect of the proposed development.

In light of the above the demolition of the existing kennels and erection of a new dwelling is considered acceptable in principle. Other issues are explored below.

Impact upon the Green Belt and Landscape Character Area

Policy GBA1.2 of the UDP Review confirms that there is a presumption against the construction of new buildings in the Green Belt unless it is for one of 4 purposes (agriculture & forestry; outdoor sport & recreation; extension, alteration or replacement of existing dwellings; limited infilling or redevelopment of Major Existing Developed Sites). The proposed development does not fall within any of these exceptions and therefore for the purposes of policy GBA1.2 must be considered 'inappropriate'.

Policy GBA1.5 of the UDP Review confirms that new residential development in the Green Belt will be restricted to dwellings for the purposes of agriculture; re-use of buildings and development that meets the requirements of policy GBA1.7 in relation to Major Existing Developed Sites. The proposed development does not fall within

any of the exceptions and therefore for the purposes of policy GBA1.5 must be considered 'inappropriate'.

The NPPF was published in 2012, recently revised in 2023 and post-dates the UDP Review. The NPPF sets out the Government's most up to date policy position in relation to development in the Green Belt and as such greater weight should be afforded to this Framework than the Green Belt policies in the UDP Review.

The NPPF confirms that inappropriate development is harmful to the Green Belt and should not be approved other than in 'very special circumstances'. (para 148). A local planning authority should regard the construction of new buildings as 'inappropriate' in the Green Belt; an exception to this (amongst other matters) is the redevelopment of previously developed land (PDL) provided the proposed development has no greater impact on openness than that it replaces (para 149g).

The glossary to the NPPF defines PDL as 'land which is or was occupied by a permanent structure, including the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agriculture or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built up areas such as residential gardens, parks, recreation grounds and allotments' and land that was previously developed but where the remains of the permanent structure or fixed surface infrastructure have blended into the landscape.'

In response to this it is noted that the application site comprises land which is occupied by permanent structures. The lawful use of the site does not fall within any of the exclusions listed in the glossary to the NPPF and as such it is considered that the site comprises previously developed land.

The main issue for consideration in assessing the proposal against para 149g is whether the proposed development would have a greater impact upon the openness of the Green Belt than that existing.

The existing buildings sprawl across the site, have a volume of 974m² and a cumulative footprint of 286m².

The proposed dwelling would have a greater footprint (approximately 321m²) than the existing buildings on site but would have a volume which is slightly smaller than the existing buildings. As the proposed dwelling is concentrated in one area of the site, rather than sprawling as the existing development, its impact upon openness and views within the site is considered to be more limited. In addition to this, by virtue of its low height, the proposed development's impact upon openness outside the site will be very limited. In light of the above, it is considered that the proposed development would have no greater impact upon the openness of the green belt than that it replaces and would therefore accord with paragraph 149g of the NPPF.

To prevent any extensions or outbuildings associated with the dwelling having a negative impact upon the openness of the Green Belt in the future, it is considered that permitted development rights should be removed if this application is approved.

In relation to the Landscape Character Area, policy LCR1.1 confirms that that development in the countryside will be strictly controlled and will not be permitted unless it protects or enhances the quality and character of the rural areas. Where it is acceptable in principle, development should be sensitively sited, designed and constructed of materials appropriate to the area and be accommodated without adverse impact on the landscape quality of the area. The development will be discretely sited and of low height and as such it is considered that its impact upon the LCA will be minimal. A detailed material palette can be secured by condition along with appropriate landscaping.

Impact on Character

Policy DEV4 of the Woodford Neighbourhood Plan advises that all new development should achieve a high standard of design.

Policy SIE-1 (Quality Places) stipulates the following:

'Development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment within which it is sited, will be given positive consideration.'

Paragraph 126 of the National Planning Policy Framework states:

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

Paragraph 130 states:

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Core Strategy DPD Policy H-1 (Design of Residential Development) stipulates the following:

The design and build standards of new residential development should be high quality, inclusive, sustainable and contribute to the creation of successful communities. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance, and should consider the need to deliver low carbon housing. Good standards of amenity, privacy, safety / security and open space should be provided for the occupants of new housing and good standards of amenity and privacy should be maintained for the occupants of existing housing.

The Design of Residential Development SPD advises that the Council encourages development that respects local character.

The proposed dwelling would appear substantially different in its design from the other properties nearby. However, given the distance of separation between the proposed dwelling and nearby dwellings and the lack of uniformity in character of these other properties, it is not considered that the proposal would appear incongruous or harmful to the established local character. The development would appear modern and visually attractive and it is considered that it would comply with policies DEV4, SIE-1 and H-1 and the NPPF.

Impact on Amenity

No harmful impact.

Core Strategy policy H1 confirms that good standards of amenity and privacy should be provided for the occupants of new and existing housing. Policy SIE-1 of the Core Strategy DPD indicates, amongst other things, the importance of the provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents.

The *Design of Residential Development* SPD sets out minimum space standards which should be adhered to ensure adequate levels of amenity for residents within new developments and those adjacent to them. They are given in the following table:

DWELLING HEIGHT	STANDARD
For 1-2 storey dwellings:	
Between habitable room windows on the public or street side of dwellings	21 metres
Between habitable room windows on the private or rear side of dwellings	25 metres
Between habitable room windows and a blank elevation, elevation with non-habitable rooms or with high level windows	12 metres
Between habitable room windows and site boundary (with special design, ground floor kitchen windows may be considered more flexibly)	6 metres
For 3 + storeys:	Add 3 metres per storey to the above distances

These distances are a useful guide for assessing the impact of any development, however it is acknowledged that depending upon the design of a development proposed and the topography, landscaping and layout of a site, development within closer proximity may be acceptable or greater distances of separation may be required.

The proposed development would exceed the requirements of this guidance and as such, it is considered that neither the occupants of the property nor the occupants of the neighbouring dwellings would suffer from an unacceptable loss of privacy. It is also considered that, given the distance of separation between the proposed dwelling and the nearby dwellings (including that proposed through application DC/088615), the development would not suffer or cause other residents to suffer from an unacceptable loss of light nor have an overbearing impact.

The Design of Residential Development SPD provides private amenity space sizes which should typically be met by any development. These are as follows:

DWELLING SIZE	STANDARD
1 bed flat	Balcony area of 5sqm and/ or adequately screened communal amenity space with minimum provision of 18sqm per unit
2+ bed flat:	35 sqm communal amenity space per unit
Small family housing - 2/3 beds	75 sqm (50 for terraced) preferably to the rear of the property
4/5 beds	100sqm

The private amenity space provided would exceed these SPD requirements.

The internal space within the property, measured at 282m² is considered to be more than sufficient for the proposed occupation level proposed and is considered to provide occupants with an adequate level of amenity.

In light of the above, it is considered that the proposal would be in accordance with the residential amenity aims of policies H-1 & SIE-1 of the Core Strategy.

Impact on Highways

No harmful impact.

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduces the need to travel by car and development will be required to consider the needs of the most vulnerable road users first (those being pedestrians). This position is followed through in policy T1. Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The NPPF notes that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Following the receipt of amended plans, the visibility splays at the access to the site are considered to be acceptable. The parking provision on site is also considered to be sufficient.

Cycle storage facilities and an EV charge point should be available for the occupiers of the proposed dwelling. A condition requiring details of these to be submitted to and agreed by the local planning authority should be attached to any subsequent approval.

It is also necessary that details of the surfacing and drainage of the driveway and parking areas are provided, demonstrating compliance with sustainable drainage policies. This should be secured by condition.

Further conditions are also proposed by the Highways Officer consulted to ensure the safety of the development. These are considered necessary and seek the following:

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

On the basis of the above the proposal is considered compliant with Core Strategy policies CS9, T1, T2 and T3 along with advice contained in the NPPF and Councils SPDs.

Trees, Landscaping and Ecology

Paragraph 174 of the NPPF indicates that development should minimise impacts on and provide net gains for biodiversity.

Core Policy CS8 of the Adopted Core Strategy DPD states:

'Development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity and geodiversity. Sites, areas, networks and individual features of identified ecological, biological, geological or other environmental benefit or value will be safeguarded.'

Core Policy CS8 of the Adopted Core Strategy DPD stipulates the following:

'Development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment will be given positive consideration.'

In goes on to state:

'Development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity and geodiversity. Sites, areas, networks and individual features of identified ecological, biological, geological or other environmental benefit or value will be safeguarded.'

And

'Proposals which seek to sustainably manage areas of nature conservation value as a resource, including for purposes of recreation, education and/or the small-scale harvesting of woody matter as a fuel, will be given positive consideration so long as they are not harmful to the environmental value of the area.'

Policy SIE-3 (Protecting, Safeguarding and enhancing the Environment) states:

'Development proposals affecting trees, woodland and other vegetation which make a positive contribution to amenity should make provision for the retention of the vegetation unless there is justification for felling, topping or lopping to enable the development to take place. Even where there is a strong justification for a proposal the design should maximise the potential for retaining some mature planting, and replacement planting of appropriate species and covering a similar area should be provided within the site or nearby.'

Policy ENV3 of the Woodford Neighbourhood Plan states:

'The protection and/or enhancement of Woodford's natural features... will be supported.'

Policy ENV4 of the Woodford Neighbourhood Plan states:

'The conservation, restoration and enhancement of biodiversity, including that found in open spaces, trees and hedgerows, in order to promote and support wildlife and other forms of biodiversity will be supported. Development should, where viable and deliverable, achieve net gains in biodiversity.'

The development proposes the removal of four individual trees, a part of a group of trees within the site, two full groups of trees along with two areas of hedging. The trees and hedging vary in quality. None have been designated as being high quality (category A) but they have been designated as being moderate quality (category B), low quality (category C) or very poor quality Category (U).

The root protection plan submitted details a restrictive zone around the trees due to be retained. In accordance with the Arboricultural Officer's comments, it is considered that a condition should be attached to any subsequent approval which requires this to be implemented to ensure the protection of trees on site, during construction. Additional conditions requiring the fencing off of trees due to be retained in accordance with relevant building standards and the preventing the unauthorised removal of trees, hedges and other vegetation within 5 years of the development commencing should also be attached to any subsequent approval.

Both the Arboricultural Officer and Nature Development Officer have advised that an improved landscaping scheme is required to improve amenity and produce biodiversity netgain following the felling of trees and removal of vegetation. As such, and in accordance with policy, a landscaping plan should be required by condition. In addition to including additional tree and vegetation planting, this should include bird and bat boxes to be present on site.

The Nature Development Officer has advised that the Preliminary Roost Assessment submitted indicated no evidence of the presence of bats on site but evidence of nesting birds was recorded in one of the buildings on site during the PEA survey.

Ponds are present adjacent to the application site boundary, and the PEA report states that there are nine ponds located within 250m of the application site boundary. Records for Great Crested Newts (GCN) exist in some of these ponds and in the wider pond-scape. The woodland, grassland, and hedgerow habitats on site offer suitable terrestrial habitat for GCN. The Preliminary Ecological Assessment (PEA) report states that the site will be registered under Natural England's District Level Licencing (DLL) scheme. This involves a financial sum being paid and spent on GCN conservation work in Greater Manchester and no further survey work would be required as part of the application. It has now been confirmed that a GCN Natural England DLL has been obtained for the site and site plan and signed copy of the Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted to the LPA. It is considered that this will suitably address potential GCN habitat loss on site.

Reasonable Avoidance Measures should be adopted during works to minimise the risk of hedgehogs, amphibians and other wildlife being impacted should they be present/ pass through the site. Including sensitive site clearance, provision of sloping escape ramps for wildlife in any trenches/excavations, and ensuring any open pipes

are capped off/covered – these measures can be secured by condition and detailed within a Construction Ecological Management Plan.

Whilst two potential badger setts were identified on site, during a monitoring period which included camera monitoring for 21 consecutive days in May and weekly activity surveys no evidence of badgers was recorded. It was therefore concluded that the mammal holes are not used by badgers/ are not badger setts. The precautionary measures detailed in section 4.3 of the Badger Activity Survey report (UES, 2023) should be implemented in full. This can be secured by condition and includes an update badger walk over survey prior to commencement of works along with sensitive working measures to prevent harm to any badgers which may pass through the site.

The PEA report states that giant hogweed is located adjacent to the application site. Giant hogweed is 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. By condition, an invasive non-native species protocol should be submitted to and approved by the local planning authority, detailing the containment, control and removal of giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

To protect local plants and animals during the development phase, a Construction Ecological Management Plan shall be required prior to commencement which details the following:

- a) risk assessment of potentially damaging construction activities
- b) identification of 'biodiversity protection zones'
- c) measures and sensitive working practices to avoid or reduce impacts during construction
- d) location and timing of sensitive works to avoid harm to biodiversity
- e) times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required
- h) use of protective fences, exclusion barriers and warning signs

and shall include details of measures to:

- Avoid the impact on nesting birds
- Avoid the spread and details of treatment (where appropriate) of invasive species listed on Schedule 9 of the WCA (giant hogweed)

- Avoid negative impact on sensitive ecological features during construction (such as woodland, trees, hedgerows etc) and protect all retained features of biodiversity interest.
- Sensitive working measures and RAMS to be adopted when felling trees working near ponds/clearing vegetation (amphibians) and relating to badgers and hedgehogs.
- pre-works survey for badger (e.g. to identify any newly created setts)

To avoid undue harm to birds on site, demolition and tree/hedgerow vegetation clearance should be restricted and not take place during bird nesting season unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of buildings/vegetation for active birds' nests immediately before (no more than 48 hours before) such works commence and confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. This should be required by condition.

As ecological conditions change with time, in the event that works have not commenced within two survey seasons of the most recent ecology survey, updated survey work should be undertaken by a suitably experienced ecologist. Any required amendments to proposed mitigation should then be incorporated in to the scheme. A condition requiring this should be attached to any subsequent approval.

Other matters

Policy SD-6 requires new development to consider ways in which carbon emissions arising from the construction and occupation of the development can be reduced. The application does not include an Energy Statement in this respect however this can be secured by condition.

The application site is located within Flood Zone 1. That being the case and noting the small scale of the proposed development there is no requirement for a Flood Risk Assessment. To accord with policy SD-6 a condition should be imposed to secure details of the drainage of the site which should adopt the hierarchical approach set out in the NPPF (that being the discharge of water in the following order of priority: to an adequate soakaway or some other form of infiltration system; to an attenuated discharge to watercourse or other water body, an attenuated discharge to public surface water sewer and finally an attenuated discharge to public combined sewer).

Following revisions to the national planning guidance 'planning obligations' tariff style payments can now be sought on 'minor' applications. As such the provisions of UDP Review policies L1.1 and L1.2 together with Core Strategy policy SIE-2 apply.

L1.1 "Land for Active Recreation" confirms that the Council will seek to achieve an overall minimum standard for the Borough of 2.4 hectares per thousand population for active recreation. Provision of land for formal sports is below the desired level. Within this standard, 0.7 hectares per thousand population should be available within easy access of homes for children's play. The Council will seek to achieve and

maintain these standards however calculations will also be made in response to particular proposals.

L1.2 “Children’s Play” confirms that in considering development proposals the Council will take account of children’s play needs and will require where appropriate the provision of suitable and accessible space and facilities to meet these needs. This policy will be applied through the use of standards and through the detailed consideration of development proposals.

SIE2 “Provision of Recreation and Amenity Open Space in New Development” confirms that development is expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants. In those parts of the Borough with a deficiency in recreation and amenity open space, small new residential developments will be required to contribute towards the provision of open space for formal and casual recreation and children’s play in locations which are accessible to future occupiers.

In order to address the shortfall of children’s play and formal recreation within the Borough, these policies seek to ensure that residential development makes a contribution towards the provision and maintenance of such facilities. Whilst contributions towards formal recreation are secured on all applications for new residential development those in relation to children’s play are only sought when there is an existing facility within the threshold distances of the site as set out in para 3.340 of policy SIE2. In this instance there are no children’s play areas within the threshold distances and as such the proposal is only required to make provision in respect of formal recreation. This contribution will be secured by way of a S106 in the event that the recommendation to grant planning permission is agreed.

The Environmental Health Officer consulted has advised that the land on site may be contaminated as consequence of previous activity on the site. Intrusive site investigations should be undertaken given the proposed sensitive residential use to test for the presence of contaminants on the land. An appropriate remediation strategy should then be submitted and following its approval implemented. Following implementation of the remediation strategy a validation report shall be submitted demonstrating compliance with it.

CONCLUSION

The delivery of residential development on this site is considered acceptable in principle. The development is considered to comprise the redevelopment of PDL that will have no greater impact on the openness of the Green Belt than that existing. As such the development is appropriate in the Green Belt and compliant with para 149g of the NPPF. The scale, layout and appearance of the development will cause no harm to the Landscape Character Area or the locality in general. The layout of the proposed development accords with and exceeds the guidance set out in the Council’s SPD and therefore will cause no harm to the amenities of existing or future residential occupiers in accordance with Core Strategy policies H1 and SIE1. The development provides for safe access and parking in accordance with the Council’s maximum standards and will not give rise to conditions prejudicial to the free flow of

traffic on the adjacent highway network. It is considered that appropriate landscaping can be carried out to address loss of visual amenity and biodiversity on site and the ecological impact of the development can be appropriately curtailed.

Subject to the imposition of conditions and informatives there will be no harm arising in relation to biodiversity, drainage or contamination.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF, it is considered that planning permission as set out in the application submitted should be approved. The application of policies in the Framework that protect areas or assets of importance (that includes those specifically relating to the protection of the Green Belt) do not provide a clear reason for refusing planning permission nor will there be any adverse impacts arising from the grant of planning permission that would significantly and demonstrably outweigh the benefits.

As such the application is recommended for approval subject to the conditions referenced in this report together with other considered reasonable and necessary together with a S106 agreement to secure compliance with policies in the UDP Review and Core Strategy that seek to secure contributions to formal recreation.

RECOMMENDATION

Grant – subject to conditions and S106.