

ITEM 5

Application Reference	DC/088501
Location:	Land Adjacent To Hall Moss Lane Woodford Stockport SK7 1RB
PROPOSAL:	Erection of two dwellings with landscaping and associated works
Type Of Application:	Full Application
Registration Date:	21.04.2023
Expiry Date:	28.03.2024
Case Officer:	Osian Perks
Applicant:	Mr Vincent Clayton
Agent:	Mr Julian Austin

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

Planning permission is sought for the erection of two, five bedroom, 1.5 storey dwellings. They would be built with dual-pitched roofs, side facing dormer windows and single storey outriggers to their side elevations. Gated entrances to the driveway of each dwelling would front Hall Moss Lane. Gardens would be provided to the front of each property and private amenity spaces to the rear. The dwellings would each have a height of approximately 6.2m, an eaves height of 3.5m, a depth of 24.5m and a maximum width of 13.0m.

The cumulative volume and footprint of both dwellings has been calculated as being approximately 2008.9m³ and 480m² respectively.

SITE AND SURROUNDINGS

The site is situated on Hall Moss Lane, Woodford. The site is approximately 0.35 hectares in size, and is currently vacant except for a HGV trailer, a mobile office building and two caravans. The majority of the site surfacing is hardstanding, having historically been occupied by buildings during parts of the 19th / 20th century.

Access into the site is taken via an existing access point from Hall Moss Lane which already benefits from the provision of a dropped kerb. The access leads to a pair of metal gates set back from the highway edge. The site is currently fenced off to the front with a timber fence. The existing boundary treatment to the eastern boundary is

a timber fence. The north-west boundary is formed by a conifer hedge behind a low brick wall beyond which is a residential property. To the rear of the site is a small area of woodland, beyond this is an unnamed watercourse and then the A555 Manchester Airport Eastern Link Road. To the south-east, the site shares a boundary with another residential property.

The site constitutes a gap between two residential properties. Opposite the site is a plant nursery attached to a residential property behind which permission was recently granted by committee, subject to conditions and a legal agreement, for the erection of four dwellings (ref: DC/085888). The site and surrounding area are in the Green Belt and Woodford Landscape Character Area.

The site has been used recently for airport parking (unauthorised and now ceased) and benefits from a Lawful Development Certificate for the storage and parking of up to 10 HGV trailers (ref: J/56796). Within the Design and Access statement submitted measurements and drawings for the HGVs which could be parked lawfully on the site have been given. Following verification by the case officer, these are calculated as having a volume and footprint of 2,058.8m³ and 511.5m² respectively.

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
- 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-1 Creating Sustainable Communities
- 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-3 Protecting, Safeguarding and Enhancing the Environment
- CS9 Transport & Development
- CS10 An Effective and Sustainable Transport Network
- T-1 Transport & Development
- T-2 Parking in Developments
- T-3 Safety & Capacity on the Highway Network
- AED-4 Employment Development in Rural Areas
- AED-6 Employment Sites Outside Protected Employment Areas

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

Woodford Neighbourhood Plan

- ENV3 Protecting Woodford's Natural Features
- ENV4 Supporting Biodiversity
- DEV1 Limited Infilling
- DEV4 Design of New Development
- EMP2 Loss of Employment

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 December 2023 replaced the previous NPPF (originally issued 2012, revised 2018, 2019, 2021 & September 2023). 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/025223 – Erection of close boarded fence. Approved 06/02/2008.

DC/024087 - Erection of close boarded fence (Retrospective). Refused 26/10/2006.

J/71825 - Erection of bungalow and construction of new vehicular access to Hall Moss Lane (outline). Refused 08/04/1999.

J/69059 - Erection of two detached dwellings and construction of vehicular access to Hall Moss Lane (outline). Refused 03/02/1998.

J/56796 - Certificate of Lawful Development for existing use for storage and parking of heavy goods vehicle trailers – Approved 22/07/1993.

J/56008 - Demolition of existing buildings and erection of three dwellings (outline), Refused 24/06/1993.

J/25122 – New Vehicular crossing – Approved 06/04/1982.

NEIGHBOUR'S VIEWS

Local residents were consulted by way of site notice, neighbour letters and newspaper advertisement. No comments were received.

CONSULTEE RESPONSES

Highways Officer:

The proposed development will not result in any increase in traffic of a scale to result in severe impact on the operation of the highway. The site plan provides space for vehicles to enter in forward gear, turn and subsequently exit in forward gear. Parking provision meets required standards. The proposal reuses, with some modification, an existing vehicular access to provide 2 accesses to dwellings. There is space for cars to wait off carriageway whilst access gates are opened or closed. Submitted plans confirm that appropriate vehicle visibility splays are to be provided to meet standards to each access. The driveways and hardstanding are to be constructed and drained to meet sustainable drainage requirements. Alteration to access will require some works on adopted highway, including permissions beyond any granted through the planning process. As a part of the works the existing footway should be extended across the site boundary to improve pedestrian access to the site and beyond, and to secure appropriate visibility splays. Full details required and to be secured by condition. EV charge points are required to each dwelling. To be secured by condition. Cycle storage is available within garages.

Conditions should be attached to any subsequent approval which require the following:

- A detailed drawing outlining a scheme to extend the existing footway that abuts part of the site to the full width of the site to form a continuous pedestrian link shall be submitted to and approved in writing by the Local Planning Authority.
- The approved development shall not be occupied until the approved driveway / extended driveway has been provided in accordance with the approved drawing/s, drained (to a soakaway / SuDS system) and is available for use.
- Charging points for the charging of electric vehicles shall be provided for each of the approved dwellings.

Woodford Neighbourhood Forum:

The site is located near to blind bends on Hall Moss Lane, so traffic safety will need to be assessed. The development complies with policy Woodford Neighbourhood Plan (WNP) Policy DEV1 (Limited Infilling).

WNP Policy ENV4 seeks the conservation, restoration and enhancement of biodiversity and development should, where viable and deliverable, achieve net gains in biodiversity. The site is close to woodland, ponds, streams, trees and hedgerows recorded in the Woodford Landscape and Environment Report and the Cheshire Wildlife Trust Report. Landscaping should include vegetation to improve the environment and enhance biodiversity, preferably focussed on native plant species that will support the local ecological network.

Nature Development Officer:

A certificate showing the site has been registered under Natural England's DLL scheme https://www.gmwildlife.org.uk/gcn_dll/ and a signed Impact Assessment and Conservation Payment Certificate to be submitted as part of the application.

The works are considered to be of very low risk to roosting bats. No evidence of a bat roost or any potential roosting opportunities were recorded during the ecology survey. Bats can roost in unlikely places however and can also regularly switch roost sites and so an informative should be used to state that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats or any other protected species be discovered on site, work should cease immediately and Natural England/a suitably experienced ecologist should be contacted.

In relation to nesting birds, the following condition should be used: No tree/hedgerow/vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of vegetation 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 (e.g. implementation of appropriate buffer zones to prevent disturbance

Reasonable Avoidance Measures (RAMS) to protect wildlife (such as badgers and hedgehogs) which may pass through the site are outlined in sections 4.4.4 and 4.4.5 of the ecology report and also within the Badger Monitoring Survey report. These measures should be implemented during works on site and can be secured by condition. This also includes an update walkover survey no more than 3 months in advance of commencement of works to confirm no active badger setts are present on site.

All retained trees should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

Mitigation for proposed tree/hedgerow loss will be required via new planting on site. Proposals submitted with the application indicate that new trees and hedgerows are proposed on site. Biodiversity enhancements and measurable gains for biodiversity are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Native tree and hedgerow planting should be maximised within the site and any landscape planting should comprise wildlife-friendly (preferably locally native species) and be selected to provide a nectar/berry resource across the seasons. Recommended enhancement measures are outlined within the ecology report and further details of these should be submitted to the LPA for review. This would be expected to include:

- Native tree and/or fruit tree planting (particularly along the northern boundary of the site to enhance this buffer habitat)
- Provision of mixed species native hedgerows at site and plot boundaries (currently cherry laurel is proposed, this should be replaced for a locally native species such as holly/yew if evergreen is desired).
- A minimum of one bat and/or bird box to be provided within/mounted on each dwelling – details of the proposed number, location and type to be submitted to the LPA / detailed on the landscape plan. Boxes should be integrated or be made from woodstone/woodcrete for greater longevity.

- Any close board boundary fencing to incorporate gaps (130m x 130mm) to maintain habitat connectivity for wildlife (e.g. hedgehogs)
These measures would be particularly welcomed given the designation of the site as an opportunity area within the LNRS for Greater Manchester.

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/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released> and the recommendations in section 4.4.3 of the ecology report). Any proposed lighting strategy should be submitted to the LPA for review.

Ecological conditions can change over time. In the event that works have not commenced within two survey seasons of the most recent ecology survey (by end of April 2025) or if works having started are suspended for more than 12 months, update survey work should be 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.

Arboricultural Officer:

No objection subject to conditions being attached to ensure protection of trees and ensure adequate landscaping on site to secure visual amenity and biodiversity net gains.

Environmental Health Officer (Contaminated Land):

I have no objection to the proposed two dwellings, however given the current/former land use there is the potential for contamination to have occurred on-site relating to the following: the storage of containers, caravans, vehicles etc. Bulk storage of fuels and/or chemicals, small scale fuel and chemical spills (i.e., fuels used for heating/agricultural machinery/other vehicles, oils and lubricants, herbicides/pesticides, fertilisers, paints/thinners, creosote, etc.). Although there is no evidence that any such waste disposal or infilling activities have taken place on the site there is the potential for this to have occurred given the nature of the site use.

Given the sensitive residential receptor end use, the developer will need to need appoint an Environmental Consultant to undertake a Phase 1 desktop study/site walkover to determine if a Phase 2 site investigation and subsequent remediation and validation is required. Conditions requiring this undertaking should be attached to any subsequent approval.

Drainage Officer:

The LLFA will suggest that this application be given a pre-commencement condition on the basis that the applicant undertakes infiltration testing, based on the agreement that the construction of LM22324-DYSE-XX-ZZ-DR-C-1001 P01 is followed.

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 would significantly and demonstrably outweigh the benefits.

This assessment is explored below.

Loss of Existing Use/Housing Delivery

Policy AED-4 of the Core Strategy states the following:

'The Council will encourage employment development in rural areas where it is of an appropriate type and scale. This will include the encouragement of new economic development and the need for existing employment sites to be used for employment purposes rather than non-employment uses, thus maintaining the supply of employment sites in these areas.'

Policy AED-6 of the Core Strategy states the following:

'Proposals for the change of use or redevelopment of employment sites outside designated employment areas which result in the loss of that use will not normally be permitted unless:

- a. it can be demonstrated that the site is no longer viable as an employment use;*
- b. the proposal will not adversely affect the operations of neighbouring premises;*
- c. the loss of employment land would not lead to significantly longer journey to work patterns; and*
- d. the development does not conflict with other policies.'*

Policy EMP2 of the Woodford Neighbourhood Plan states the following:

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

The properties immediately adjacent to the application site are in residential use. It is considered that the proposed use of the site is likely to cause less harm by way of noise disturbance to the neighbouring properties than the existing lawful use. Historic Google Earth Satellite Imagery indicates that the storage of HGVs on the site had ceased from at least December 2000 and as such the loss of this employment use is unlikely to lead to significantly longer journey to work patterns. In addition, it is acknowledged that the lawful use of the site, by its nature, would provide employment for only a very small number of staff. Whilst evidence has not been submitted to demonstrate that the existing use is no longer viable, and as such there is a conflict with policies AED-6 and EMP2, other considerations need to be taken into account, including those given above, in order to come to a balanced view as to whether despite this the development is acceptable. Such an exercise is carried out in the conclusion of this report.

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 2 dwellings will assist in a limited way in addressing that shortfall and weight should be given to this aspect of the proposed development.

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.

Paragraph 142 of the NPPF states:

'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 143 of the NPPF lists five purposes of the Green Belt:

'a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

The NPPF also confirms that inappropriate development is harmful to the Green Belt and should not be approved other than in 'very special circumstances' (para 152). A local planning authority should regard the construction of new buildings as 'inappropriate' in the Green Belt; an exception to this is given in paragraph 154g as follows:

'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

It is not considered that the development satisfies the exception given above. However, in their comments on the application, the Woodford Neighbourhood Forum have indicated that the development does constitute limited infilling. In order to explain why it is not considered that this is the case, it is necessary to turn to the Woodford Neighbourhood Plan Policy which provides instruction and guidance on this matter (Policy DEV4): The policy states:

'Limited infilling in the Neighbourhood Area, comprising the development of a relatively small gap between existing dwellings for one or two dwellings, will not be inappropriate development in the Green Belt, subject to such development respecting local character. Limited infilling should comprise the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene where the scale of development is compatible in character to that of adjoining properties. Limited infilling should be built along similar building lines as adjoining properties.'

It is acknowledged that the development would be built along similar building lines as and would be of a scale compatible in character to that of adjoining properties. However the development would be positioned between only two dwellings which do not form an otherwise continuous and largely uninterrupted built frontage of several dwellings visible in the street scene. For this reason, the proposal would not comprise limited infilling as defined by the policy and does not satisfy the exception given in the NPPF.

As such, as advised by para 152 of the NPPF, the development should only be permitted in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In support of the case for very special circumstances, the Local Authority cannot currently demonstrate a 5 year housing land supply, with the current supply being 3.78 years. The proposed development would, in a small way, contribute to addressing the existing shortfall. Furthermore, the lawful use of the site would allow for the parking of up to 10 HGVs on the site which would have a cumulative volume and footprint of approximately 2,058.8m³ and 511.5m² respectively. The proposed dwellings would have smaller volumes and footprints which are approximately 97.6% (2008.9m³) and 93.8% (480m²) of that of the HGVs, respectively. Despite their greater height, it is considered that by virtue of their volume and footprint, the dwellings would have a lesser impact upon the openness of Green Belt than the existing lawful use. Other harms and benefits of the scheme are discussed throughout the report and a final assessment as to whether very special circumstances exist is provided in the conclusion of this report.

To prevent any extensions or outbuildings associated with the dwellings having a negative impact upon the openness of the Green Belt in the future, it is considered that permitted development rights which allow such developments without planning permission should be removed if this application is approved.

In relation to the Landscape Character Area, Saved UPD policy LCR1.1 confirms 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 have a well-balanced, contemporary design and would use exterior materials found nearby in the street scene. Opportunities for planting are to be utilised on site which will serve to further enhance the character of the site and wider Landscape Character Area. In light of the above, it is considered that the development will serve to enhance the appearance of the Landscape Character Area and would accord with policy LCR1.1.

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 131 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 135 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.'

Paragraph 139 of the NPPF advises that development that is not well designed should be refused.

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 dwellings would appear substantially different in their design from the other properties nearby. However, given 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, visually attractive and would not be a dominant feature of the street scene. As such, it is considered that it would comply with the policy considerations given above.

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 in most respects, however, both proposed dwellings would be within 6m of the boundaries shared with the dwellings immediately adjacent, plot A being a minimum of approximately 3.3m from the boundary and plot B being a minimum of approximately 2.7m from the boundary. As a consequence of this, the roof lights to the first floor landings which face the adjoining neighbours could overlook and cause a loss of privacy to the occupiers of the neighbouring dwellings. To prevent this, it is considered appropriate to attach a condition to any subsequent approval which requires these windows to be obscurely glazed. Ground floor windows/doors within side elevations would offer similar views of the neighbouring properties as are currently available on site. It is considered that they would not cause an unacceptable loss of privacy.

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 each property is considered to be more than sufficient for the proposed occupation level proposed and are considered to provide occupants with an adequate level of amenity.

By virtue of the height, eaves height, massing and siting of the dwellings within the site, it is considered that the proposed development would not have an oppressive impact upon, nor cause an unacceptable loss of privacy or light to the occupants of neighbouring dwellings.

In light of the above, it is considered that the proposal would be in accordance with the residential amenity aims of the policies given above.

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 which also advises that developers should provide cycle parking within developments. 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.

Paragraph 108 of the NPPF advises that opportunities to promote walking, cycling and public transport should be identified and pursued.

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 consultation with the Council's Highways Officer, it is considered that the proposed development will not result in any increase in traffic of a scale to result in severe impact on the operation of the highway. The site provides space for vehicles to enter in forward gear, turn and subsequently exit in forward gear and parking provision meets required standards. There is space for cars to wait off carriageway whilst access gates are opened or closed and appropriate vehicle visibility splays are provided to meet standards to each access.

Cycle storage facilities and EV charge points should be available for the occupiers of the proposed dwellings. Conditions requiring details of these to be submitted to and agreed by the local planning authority should be attached to any subsequent approval.

The existing footway should be extended across the site boundary to improve pedestrian access to the site and beyond, and to secure appropriate visibility splays. This should be secured by condition.

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.

On the basis of the above the proposal is considered compliant with the above policy considerations.

Trees, Landscaping and Ecology

Paragraph 180 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.'

It 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.'

A detailed planting plan has been submitted which shows substantial planting within the site, securing biodiversity net gains and improving the character and appearance of the site and wider locale. It is considered that appropriate conditions should be attached to any subsequent approval which require agreed appropriate planting to be undertaken on site and managed. In addition, appropriate conditions should be attached to any subsequent approval which ensure the protection of trees present on the site currently which will be retained.

Turning specifically to ecological implications, A Preliminary Ecological Assessment has been carried out and submitted on behalf of the applicant by a suitably experienced ecologist. No bat roosting features nor active badger setts were identified on the site. Great Crested Newts (GCN) and Toads are known to use ponds near to the site and the site offers a potential terrestrial habitat for GCN. To mitigate potential harm, the developer has registered the site with Natural England's District Level Licensing scheme which uses developer contributions to enable habitat creation/restoration, management and monitoring. It is considered that this suitably addresses potential harm caused by loss of habitat.

Precautionary measures should be undertaken as scrub on site may offer a suitable habitat for hedgehogs. In line with the comments from the Nature Development Officer, appropriate conditions should be attached to any subsequent approval to ensure Biodiversity net gains on site and measurable enhancements and the suitable protection for birds, bats, badgers and trees.

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 appropriate drainage on site as indicated within the Drainage Officer's comments, given above.

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

As discussed in the 'Impact upon the Green Belt and Landscape Character Area' section of the report, the development constitutes inappropriate development in the

Green Belt and should not be approved except in 'very special circumstances'. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The potential harm of the development other than inappropriateness includes a small loss of potential employment on the site. The benefits of the development are listed below:

- The development, by virtue of its smaller volume and footprint, will have a lesser impact upon the openness of the Green Belt than the 10 HGVs authorised to park on the site currently.
- The development will make a small contribution to addressing the housing land supply shortfall in the borough.
- The development provides an opportunity to secure biodiversity net gains and improve the character of the street scene.
- The development would provide employment for a limited period during its construction phase.

Given all the above, it is considered that the potential harm is clearly outweighed by other considerations. As such very special circumstances do exist and the proposal is acceptable in regards to Green Belt policy.

Having regard to the tilted balance in favour of the residential development of this site as set out at para 11 of the NPPF once more, it is considered that despite the loss of a potential low level of employment on the site and the lack of evidence demonstrating that the lawful employment use is unviable, the benefits of the scheme listed above clearly and demonstrably outweigh the harms and 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 others 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.