

ITEM

Application Reference	DC/090281
Location:	Wybersley Hall Farm 25 Wybersley Road High Lane Stockport SK6 8HB
PROPOSAL:	Minor-Material Amendment/Variation of Condition 1 of planning permission DC079812 for four residential units and associated works, to comprise a single storey extension to Unit 1 and formation of a ground floor guest suite and external door to Unit 1. Variation to Section 106 Agreement in respect of removal of required open space contribution.
Type Of Application:	Minor-Material Amendment
Registration Date:	15/11/2023
Expiry Date:	10/01/2024
Case Officer:	
Applicant:	J&C Wybersley Ltd
Agent:	Bramhall Town Planning Ltd

DELEGATION/COMMITTEE STATUS

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

BACKGROUND

Section 73 of the Town and Country Planning Act, which depends on the existence of a relevant condition which can be amended, allows for minor material amendments to planning permissions/approved plans. If amendments are more significant than a non-material amendment, there is a requirement to make an application for a minor material amendment, which creates a new permission, but does not extend the period for implementation. Conditioning a list of approved plans and other documents, enables the condition to be varied where appropriate to allow a minor material amendment to a planning permission.

On the 29th April 2022, full planning permission was granted for the partial demolition, redevelopment and change of use of existing buildings to form four residential units with curtilage, including the provision of car parking and garaging, additional access and associated landscaping at Wybersley Hall Farm, 25 Wybersley Road, High Lane (Reference : DC079812). The planning permission was granted following a resolution by both Marple Area Committee and the Council Planning and Highways Regulation Committee and following the completion of a Section 106 Agreement to secure a contribution towards open space to meet the cost of a public/stakeholder exercise to enable 'Quiet Lane' signage and features to be provided.

DESCRIPTION OF DEVELOPMENT

The current application seeks a minor-material amendment to/variation of condition 1 of planning permission DC079812, under Section 73 of the Town and Country Planning Act 1990, for the provision of four residential units at the site. The proposed amendments would comprise the erection of a single storey extension to Unit 1 and the formation of a ground floor guest suite and external door to Unit 1.

The proposed single storey extension would be sited to the North Western elevation of Unit 1 and would have a width of 3.5 metres, a length of 3.5 metres and a height of 2.9 metres with a flat roof. The proposed extension would accommodate a hall/boot room, utility and W.C, with similarly approved internal accommodation within Unit 1 proposed to be amended to a guest suite.

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

The application also seeks a variation to the Section 106 Agreement attached to planning permission DC079812, in respect of a proposal to remove the requirement for the open space contribution. A Development Viability Appraisal has been submitted in support of the application.

An application (Reference : DC090282), under the provisions of Section 19 of the Listed Building and Conservation Areas Act 1990, to vary the associated listed building consent (Reference : DC079813) has been submitted alongside the application to amend/vary the planning permission.

SITE AND SURROUNDINGS

The 0.218 hectare application site is located on the Western side of Wybersley Road in High Lane and comprises a part two storey, part single storey carriagehouse building which forms part of the wider Grade II Listed Wybersley Hall complex. Vehicular access to the site is taken from Wybersley Road to the North East.

Development of the site, comprising the partial demolition, redevelopment and change of use of existing buildings to form four residential units with curtilage, including the provision of car parking and garaging, additional access and associated landscaping, approved as part of planning permission DC079812/listed building consent DC079813 has been implemented and is at an advanced stage.

The site is adjoined to the North West by an agricultural building, together with various buildings containing loose boxes, storage, stables and a manege, which are used as part of the agricultural and equestrian functions at Wybersley Hall Farm. To the North East of the site is Wybersley Road, with open fields and 'The Dower House' beyond. Adjoining the site to the South East is Wybersley Hall and Wybersley Hall Farm. Open fields/agricultural land adjoin the site to the South West.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 1^{7th} March 2011.

The site is allocated within the Green Belt and a Landscape Character Area (Hazel Grove – High Lane), as defined on the UDP Proposals Map. The site is also located within the boundaries of the High Lane Village Neighbourhood Development Plan Area. The existing building is a Grade II Listed Building. The following policies were relevant in consideration of the previous planning application at the site (DC079812) and are therefore relevant in consideration of the current Section 73 Application :-

Saved UDP policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- EP1.7 : DEVELOPMENT AND FLOOD RISK
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN THE GREEN BELT
- GBA1.5 : RESIDENTIAL DEVELOPMENT IN GREEN BELT
- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDRENS PLAY
- TD2.2 : QUIET LANES
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy DPD policies

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

High Lane Village Neighbourhood Development Plan (HLVNDP)

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

- T1 : MITIGATING LOCAL TRAFFIC IMPACTS OF DEVELOPMENT AND IMPROVING AIR QUALITY
- T2 : LIVEABLE NEIGHBOURHOODS AND SUSTAINABLE TRAVEL
- H1 : HOUSING SCALE AND MIX
- R1 : PROTECTING AND ENHANCING PARKS AND RECREATIONAL AREAS
- NH1 : PROTECTING LOCAL LANDSCAPE CHARACTER IN THE HIGH LANE AREA
- NH3 : PROTECTING AND ENHANCING LOCAL WILDLIFE
- HD1 : PROTECTING BUILT HERITAGE ASSETS AND THEIR SETTINGS
- HD2 : HIGH QUALITY DESIGN AND DESIGN CODES

Supplementary Planning Guidance and Documents

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

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

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in December 2023 by the Department for Levelling Up, Housing and Communities, sets out the Government's planning policies for England and how these are expected to be applied.

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

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

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

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

Paragraph 8 states '*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be*

pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-

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

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

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

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

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

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

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

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

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

Paragraph 225 states 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

National Planning Practice Guidance (NPPG)

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

RELEVANT PLANNING HISTORY

- DC089587 : Discharge of conditions 9 and 23 of planning permission
DC079812 : Pending Consideration.
- DC089550 : Discharge of condition 9 of Listed Building Consent DC079813 :
Discharged – 14/09/2023.
- DC086754 : Discharge of conditions 5 and 6 of Listed Building Consent
DC079813 : Discharged – 16/05/2023.
- DC086753 : Discharge of conditions 5, 6, 22 and 25 of planning permission
DC079812 : Discharged – 16/06/2023.
- DC086114 : Discharge of conditions 2(d), 3 and 4 of listed building consent
DC079813 : Pending Consideration.
- DC086113 : Discharge of conditions 2(d), 3, 4, 24 and 33 of planning
permission DC079812 : Pending Consideration.
- DC085679 : Discharge of condition 2 of Listed Building Consent DC079813 :
Discharged – 08/08/2022.
- DC085678 : Discharge of conditions 2, 27, 30, 32, 35 and 36 of planning
permission DC079812 : Granted – 23/08/2022.
- DC085610 : Discharge of condition 31 of planning permission DC079812 :
Granted – 08/07/2022.
- DC085414 : Discharge of conditions 16 and 38 of planning permission
DC079812 : Discharged – 06/07/2022.
- DC079813 : Partial demolition, redevelopment and change of use of existing
buildings to form 4 no. residential units with curtilage, including the provision
of car parking and garaging, additional access and associated landscaping
(Listed Building Consent Application) : Granted – 29/04/2022.
- DC079812 : Partial demolition, redevelopment and change of use of existing
buildings to form four residential units with curtilage, including the provision of
car parking and garaging, additional access and associated landscaping (Full
Planning Application) : Granted – 29/04/2022.
- DC081009 : Erection of 4 no. horse stables (Re-Submission of planning
application DC078791) : Withdrawn – 06/07/2021.
- DC078791 : Erection of 4 no. horse stables : Withdrawn – 08/02/2021.
- DC054616 : Change of use of existing field into a manege : Granted –
11/06/2014.
- DC048883 : Renovation and change of use of existing Carriage House to
agricultural and equine feed and supplies business (retail); renovation of
Shippon to accommodate horses in connection with equine breeding;

demolition of existing barn and outbuildings and replacement with a multi-use agricultural shed and sheep pens (Full Planning Application) : Granted – 03/10/2012.

- DC048749 : Renovation and change of use of the existing Carriage House to an agricultural and equine feed and supplies business (retail); renovation of Shippon to accommodate horses in association with equine breeding; demolition of existing barn and outbuildings and replacement with a multi-use agricultural shed and sheep pens (Listed Building Consent Application) : Granted – 03/10/2012.
- DC041229 : Erection of multi use agricultural shed and sheep pens : Withdrawn – 31/03/2009.

NEIGHBOUR'S VIEWS

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

A letter of representation has been received to the application from High Lane Residents Association, which asserts the following :-

- No objection to the minor alterations proposed.
- However, the original Section 106 Agreement should be upheld and the commuted sum should be paid in full.

CONSULTEE RESPONSES

Conservation Officer

The amendments to the external envelope of the building have been developed following pre-application discussion with the architect and involve a number of minor changes to the previously approved ground floor plan and elevations at the rear of Unit 1, comprising the Grade II listed former coachhouse at Wybersley Hall. The proposals will have no harmful impact upon the significance of this designated heritage asset and therefore I have no objections to approval on the basis of the submitted plans.

High Lane Village Neighbourhood Forum

As representatives of the HLVNF we have reviewed the above planning application and Listed Building Consent and would advise that in this instance we have no comment to make on these applications.

ANALYSIS

It is acknowledged that the NPPF has been revised in December 2023 since the consideration and approval of the original planning application (DC079812) in April 2022. However, Members are advised that this national planning policy has not emerged in a less favourable form in relation to the proposed development and, on this basis, the principle of the proposed residential use at the site remains acceptable.

The amended proposal, effectively comprising a small single storey extension to the North Western elevation of Unit 1, raises no substantive issues than were considered and approved as part of the original planning application (DC079812) in respect of traffic generation, parking, accessibility and highway safety; impact on residential amenity; impact on trees; impact on protected species and ecology, flood risk and drainage; land contamination; and energy efficiency. Relevant conditions in respect of these matters recommended by Consultees and imposed as part of the previous planning application (DC079812), some of which have been agreed and discharged as part of subsequent discharge of conditions applications, will be carried forward and imposed as part of the current Section 73 application.

In view of the above, the main issues of consideration as part of the current Section 73 application are the potential impacts of the amended proposal on the Green Belt, the potential impact of the amended proposal on the Grade II Listed Building/Heritage Asset and in respect of Developer Contributions.

Policy Principle – Green Belt

The application site is allocated within the Green Belt as defined on the UDP Proposals Map. As such, similar to the previous planning application at the site (DC079812), assessment of the amended proposal against the provision of saved UDP policies GBA1.2, GBA1.5 and GBA1.6 and the NPPF is required.

In consideration and subsequent determination of the previous planning application at the site (DC079812), Members considered that the proposed conversion and associated extensions and external alterations could be undertaken without causing undue harm to the openness of the Green Belt, in accordance with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It was recognised that the proposal did not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria was in direct conflict within and inconsistent with (former) Paragraph 150 (d) of the NPPF, it was considered to be outdated and should not be apportioned any weight, in accordance with the requirements of (former) Paragraph 219 of the NPPF. On this basis, in granting planning permission for the previous planning application at the site (DC079812), Members considered that the proposal represented a Green Belt exception for the purposes of (former) Paragraph 150 (d) of the NPPF, did not amount to inappropriate development in the Green Belt and was considered to be fully justified as a departure from the development plan.

As with the previous planning application at the site (DC079821), the current amended proposal remains compliant with the requirements of criteria's (iii), (vi) and (vi) of saved UDP policy GBA1.6. In respect of criteria's (ii - *Would maintain openness and would not conflict with the purposes of including land in the Green Belt*) and (iv - *Accommodating the new use without the need for major rebuilding or extension*), it is acknowledged that the proposed single storey extension would result in additional volume over and above the original building and the scheme approved as part of the previous planning application at the site (DC079812). However, the proposed additional volume of 35 cubic metres, in addition to previous extensions approved as part of the previous planning application at the site (DC079812), would amount to a 29% increase in the volume of the original building, comfortably within the 'about one third' increase in volume guideline considered acceptable by saved UDP policy GBA1.5. As such, it is considered that the amended scheme would maintain the openness of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would accommodate the new use without

the need for major rebuilding or extension. As such, the amended proposal remains compliant with criteria's (ii) and (iv) of saved UDP policy GBA1.6.

In view of the above and in summary of Green Belt considerations, as with the previous planning application at the site (DC079812), the amended proposal remains to comply with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It is recognised that the proposal does not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria is in direct conflict and inconsistent with (former) Paragraph 150 (d)/current Paragraph 155 (d) of the NPPF which was introduced after adoption of the UDP, it is considered to be outdated and should not be apportioned any weight, in accordance with the requirements of (former) Paragraph 219/current Paragraph 225 of the NPPF. On this basis, the amended proposal remains to represent a Green Belt exception for the purposes of Paragraph 155 (d) of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure from the development plan.

Impact on Heritage Assets

The existing buildings within the Wybersley Hall Farm complex, including Wybersley Hall Farm, Coachhouse and Barns, are Grade II Listed Buildings. The detailed comments received to the application from the Council Conservation Officer are contained within the Consultee Responses section above.

Members will recall as part of the consideration of the previous planning application at the site (DC079812), the Conservation Officer noted the very poor condition of the building and risk of it falling into further decay. The principle of the proposed conversion of residential use was wholly supported by the Conservation Officer, who considered that the proposed use would represent the optimal viable use of the building and provide a mechanism to achieve its long-term preservation.

In respect of the current amended proposal, no objections are raised from the Conservation Officer, who notes that the proposal would involve minor changes to Unit 1 which would have no harmful impact upon the significance of the Listed Building/designated heritage asset. Relevant conditions in respect of architectural details, materials and finishes recommended by the Conservation Officer and imposed as part of the previous planning application (DC079812), some of which have been agreed and discharged as part of subsequent discharge of conditions applications, will be carried forward and imposed as part of the current application.

In view of the above, in the absence of objections from the Conservation Officer and subject to conditional control, it is considered that the amended proposal would not cause undue harm to the heritage significance or special historic/architectural interest of the Grade II Listed Building. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3, HLVNDP policy HD1 and the advice contained within the NPPF.

Developer Contributions

Members will recall that in granting planning permission for the previous planning application at the site (DC079812), in accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there was a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the

Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development (3 no. 3 bedroomed/4 person dwellings and 1 no. 4 bedroomed/5 person dwellings = 17), this required a commuted sum payment of £25,432, which was secured by way of a Section 106 Agreement.

The payment of the open space commuted sum was agreed by the applicant by way of the Section 106 Agreement secured as part of the previous planning application at the site (DC079821). Members are advised that development of the site commenced in November 2022 and is currently at an advanced stage, nearing completion. In redeveloping of a Listed Building, it is not unusual for timescales for completion and construction costs to increase dramatically, as has been the case with development of the site, especially bearing in mind the previous poor condition of the building. Crucially however, at a relatively advanced stage of the development, the applicant has been advised of the requirement for the payment of design fees of £41,136.20 for the proposed highway works as part of an agreement under Section 278 of the Highways Act 1980. Information submitted as part of the current planning application states that the applicant was unaware of the requirement for such fees at the outset and when agreeing to the payment of the £25,432 open space commuted sum. Members are advised that, due to uplift, the required commuted sum payment, in addition to the required financial contribution to meet the cost of a public/stakeholder exercise to enable 'Quiet Lane' signage and features to be provided, has now increased to a total of £32,792.24. On this basis, the applicant has stated that with the requirement for the open space contribution in addition to the highway design fees, there is a danger that they would be unable to complete the development.

In this instance, the current application is supported by a Development Viability Appraisal, which seeks to justify the request for the open space contribution to be waived. The Development Viability Appraisal contains detailed information in respect of purchase price, actual professional fees, actual finance fees, actual development costs, expected sales prices and expected development net profit.

In assessment of the submitted Development Viability Appraisal, the Council has appointed a specialist consultant to undertake an independent assessment of the submitted information. This assessment concludes that, the special consultant confers with the details contained within the submitted Development Viability Appraisal, namely that the overall scheme cannot support the required open space commuted sum payment which would render the scheme unviable and the open space commuted sum payment should be waived in this particular case in order to ensure that the redevelopment of this Grade II Listed Building can be completed and ultimately delivered.

SUMMARY

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

On the 29th April 2022, full planning permission was granted for the partial demolition, redevelopment and change of use of existing buildings to form four residential units with curtilage, including the provision of car parking and garaging, additional access and associated landscaping at Wybersley Hall Farm, 25 Wybersley Road, High Lane (DC079812). The planning permission was granted following a resolution by both Marple Area Committee and the Council Planning and Highways

Regulation Committee and following the completion of a Section 106 Agreement to secure a contribution towards open space to meet the cost of a public/stakeholder exercise to enable 'Quiet Lane' signage and features to be provided.

The current application seeks a minor-material amendment to/variation of condition 1 of planning permission DC079812, under Section 73 of the Town and Country Planning Act 1990. The proposed amendments would comprise the erection of a single storey extension to Unit 1 and the formation of a ground floor guest suite and external door to Unit 1.

It is acknowledged that the NPPF has been revised in December 2023 since the consideration and approval of the original planning application (DC079812) in April 2022. However, Members are advised that this national planning policy has not emerged in a less favourable form in relation to the proposed development and, on this basis, the principle of the proposed residential use at the site remains acceptable.

The amended proposal, effectively comprising a small single storey extension to the North Western elevation of Unit 1, raises no substantive issues than were considered and approved as part of the original planning application (DC079812) in respect of traffic generation, parking, accessibility and highway safety; impact on residential amenity; impact on trees; impact on protected species and ecology, flood risk and drainage; land contamination; and energy efficiency. Relevant conditions in respect of these matters recommended by Consultees and imposed as part of the previous planning application (DC079812), some of which have been agreed and discharged as part of subsequent discharge of conditions applications, will be carried forward and imposed as part of the current Section 73 application.

In the absence of objections from the Conservation Officer and subject to conditional control, it is considered that the amended proposal would not cause undue harm to the heritage significance or special historic/architectural interest of the Grade II Listed Building.

The application site is located within the Green Belt. As within the previous planning application at the site (DC079812), the amended proposal remains to comply with the requirements of criteria (ii), (iii), (iv), (v) and (vi) of saved UDP policy GBA1.6. It is recognised that the proposal does not comply with the requirement of criteria (i) of saved UDP policy GBA1.6, being for a wholly residential use. However, due to the fact that this criteria is in direct conflict and inconsistent with (former) Paragraph 150 (d)/current Paragraph 155 (d) of the NPPF which was introduced after adoption of the UDP, it is considered to be outdated and should not be apportioned any weight, in accordance with the requirements of (former) Paragraph 219/current Paragraph 225 of the NPPF. On this basis, the amended proposal remains to represent a Green Belt exception for the purposes of Paragraph 155 (d) of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure from the development plan.

Members will recall that in granting planning permission for the previous planning application at the site (DC079812), in accordance with the requirements of saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, a commuted sum payment of £25,432 for the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development was secured by way of a Section 106 Agreement. However, due to increased professional fees, finance fees and development costs, along with a requirement for

the payment of design fees of £41,136.20 for the proposed highway works as part of an agreement under Section 278 of the Highways Act 1980, a Development Viability Appraisal has been submitted in support of the applicant, seeking the open space commuted sum payment to be waived in this particular case for these reasons. Assessment of the submitted Development Viability Appraisal by the Councils appointed specialist consultant concludes that the scheme cannot support the required open space commuted sum payment which would render the scheme unviable. As such, it is recommended that the open space commuted sum payment should be waived in this particular case in order to ensure that the redevelopment of this Grade II Listed Building can be completed and ultimately delivered.

In view of the above, in considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, the application is recommended for approval.

Given the conflict with criteria (i) of saved UDP policy GBA1.6, along with the failure to provide the open space commuted sum payment as required by saved UDP policy L1.2 and Core Strategy DPD policy SIE-2, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

RECOMMENDATION

Grant.

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

Should the Planning and Highways Regulation Committee agree the Officer recommendation and resolve to grant planning permission, the decision should be deferred and delegated to the Head of Planning, pending the applicant entering into a Deed of Variation of the Section 106 Agreement to meet the cost of a public/stakeholder exercise to enable 'Quiet Lane' signage and features to be provided but to remove the requirement for the previous financial contribution towards open space.

MARPLE AREA COMMITTEE (6TH MARCH 2024)

The webcast of the meeting can be viewed using the following link –

https://stockport.public-i.tv/core/portal/webcast_interactive/855134/start_time/1666000

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

Members sought clarification from the Planning Officer on a number of matters, including whether the submitted plans showed the previous scheme or the current scheme; whether or not the scheme would impact on the window of the adjacent Unit; whether or not some reduced commuted sum contribution could be sought; whether or not the submitted Viability Appraisal could be further assessed; and whether or not the applicant was aware of the required highway design fees at the outset. The Planning Officer confirmed that the plans appended to the report related to the submitted

amended scheme and in view of the fact that the adjacent Unit had a single storey outrigger to the North Western elevation, the proposed extension would not unduly impact on the window of this property. The Planning Officer explained that the submitted Viability Appraisal had been independently assessed by an appointed Surveyor, who concluded that there was no scope for any commuted sum contribution, which would have been sought if there had have been any scope. The Planning Officer advised Members that it was understood that the applicant was unaware of the required highway design fees when they originally agreed to the commuted sum contribution and advised that the highway design fees were non-negotiable, as if they highway could not be designed, it could not be built to serve the development.

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

The Agent spoke in support of the application. It was noted that the development had been a labour of love and had been extremely challenging. Works commenced in 2022 and should have been completed in 2023. All guidance provided by Council Officers and conditions imposed had been complied with. Despite the submission of numerous surveys, unforeseen issues had resulted as part of the build, resulting in a number of variations, increased professional fees and development costs which had nearly doubled in price. The additional fees could result in the development not being able to be completed. Whilst the applicant was aware of the highway design fees, they had been advised that the applicant could provide their own highway design which was ultimately rejected by the Highway Authority and had resulted in the requirement to pay the highway design fees.

Members sought clarification from the applicant on a number of matters as to whether or not they were aware of difficulties in developing listed buildings and the requirement for additional costs and financial contributions; whether or not they were able to offer any commuted sum contribution to benefit the community; and on what basis was their submitted highway design turned down. The applicant advised Members that they were aware that the development would be a challenge and a significant contingency had been built in which went immediately. Whilst numerous surveys were produced, a number of additional unforeseen issues were discovered during development. In respect of the commuted sum contribution, the applicant stated that there was no profit for them as a result of the development and the development had cost the applicant a significant amount of money. The applicant was unaware why the submitted highway design was turned down and was happy to develop the design to make it acceptable which was not agreed by the Highway Authority. The applicant was surprised when they received the quoted highway design fees, which was not factored into the costs at the outset. The applicant advised Members that the figure quoted for the design fees does not include undertaking the highway works.

Members sought further clarification from the Planning Officer as to why the applicants submitted highway design had not been accepted and why this was not considered as part of the originally submitted planning application. The Planning Officer advised that the submitted highway design was considered by the Highway Authority rather than the Local Planning Authority under sperate legislation to what was considered by the Local Planning Authority as part of the planning application.

Members debated the application. It was acknowledged that the scheme had brought a vacant listed building back into use which needed to be weighed against the failure to provide the commuted sum contribution that would benefit the wider community. Members noted that the information contained within the submitted Viability Appraisal were on the basis of actual fact rather than perceived figures. Whilst it was acknowledged that the works undertaken were good and benefits had been secured,

Members expressed their extreme disappointment that the commuted sum contribution was proposed to be waived as this was expected by the community to provide improvements to parks.

Following the debate, it was proposed and seconded that the application be recommended for approval. A vote was taken (5 for, 0 against) and it was therefore resolved that the application be referred to the Planning and Highways Regulation Committee with a recommendation to grant.