

Marple Area Committee

17th April 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

<u>ITEM 1</u>	DC088161
<u>SITE ADDRESS</u>	Slack Hall Farm, Turf Lea Road, Marple, Stockport, SK6 7EZ
<u>PROPOSAL</u>	Demolition of existing agricultural barn building and erection of replacement building for light industrial use.
<u>ITEM 2</u>	DC089712
<u>SITE ADDRESS</u>	Chapel House Farm, 33 Brickbridge Road, Marple, Stockport, SK6 7BQ
<u>PROPOSAL</u>	Installation of a ground mounted array of 20 no. solar PV modules within existing field.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of

Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/088161
Location:	Slack Hall Farm Turf Lea Road Marple Stockport SK6 7EZ
PROPOSAL:	Demolition of existing agricultural barn building and erection of replacement building for light industrial use.
Type Of Application:	Full Application
Registration Date:	04/04/2023
Expiry Date:	30/05/2023 (Extension of Time until 19/05/2024 agreed)
Case Officer:	Mark Burgess
Applicant:	Mr G Maull
Agent:	Architectural Solutions Ltd

DELEGATION/COMMITTEE STATUS

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

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of an existing agricultural barn building and the erection of a replacement building for light industrial use at Slack Hall Farm, Turf Lea Road, Marple.

The proposed replacement building would have a maximum width of 19.0 metres, a maximum length of 10.5 metres and a maximum height of 6.0 metres with a gable roof. The proposed replacement building would be of predominantly two storey scale, with single storey elements to the North and East. The materials of external construction are specified as brick for the external walls and concrete interlocking tiles for the roof covering. Information submitted in support of the application states that the proposed light industrial use would comprise the maintenance and repair of pumps.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Daytime Bat Survey and Ecological Scoping Surveys.
- Daytime Bat Survey.

- Bat Emergence Survey.

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

SITE AND SURROUNDINGS

The application site is located on the North Eastern side of Turf Lea Road in Marple and forms the site of Slack Hall Farm, comprising an existing agricultural barn, agricultural building/storage shed and farm house, with associated farm yard, access and agricultural land. Vehicular access is taken via an existing access track from Turf Lea Road to the South West.

The site is adjoined to the North East, South West and, beyond the access track and a public right of way to the South East by agricultural land. The site is directly adjoined to the North West by residential uses at Turf Lea Farm, with further residential uses on Turf Lea Road and Turf Lea Fold on the opposite side of Turf Lea Road 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 17th March 2011.

The site is allocated within the Green Belt and a Landscape Character Area (Goyt Valley), as defined on the UDP Proposals Map. A Public Right of Way (174 Marple) runs to the South East of the site. The following policies are therefore relevant in consideration of the proposal :-

Saved UDP policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- NE1.2 : SITES OF NATURE CONSERVATION IMPORTANCE
- EP1.9 : SAFEGUARDING OF AERODROMES AND AIR NAVIGATION FACILITIES
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN THE GREEN BELT

- L1.7 RECREATION ROUTES : MAINTENANCE AND EXPANSION OF NETWORK
- L1.8 : STRATEGIC RECREATION ROUTES
- L1.9 : RECREATION ROUTES AND NEW DEVELOPMENT
- E1.1 : LOCATION OF NEW INDUSTRIAL DEVELOPMENT

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- SIE-5 : AVIATION FACILITIES, TELECOMMUNICATIONS AND OTHER BROADCAST INFRASTRUCTURE
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

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) :-*

- An economic objective*
- A social objective*
- 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

- DC083357 : Prior Approval for the change of use of an existing agricultural building to light industrial use for the maintenance and repair of pumps (Use Class E) : Prior Approval Approved – 26/01/2022.
- DC082060 : Demolition of existing dwellinghouse and erection of replacement dwellinghouse on enlarged footprint : Granted – 18/10/2022.
- DC070954 : Proposed portal framed agricultural shed; length 18.4m, breadth 13.8m, height to eaves 4.6m, height to ridge 6.7m : Prior Approval Not Required – 08/10/2018.
- DC066777 : Demolition of existing agricultural building and construction of new agricultural building : Prior Approval Required and Refused – 06/09/2017.

NEIGHBOUR'S VIEWS

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

Letters of objection from 3 properties have been received to the application. The main causes for concern raised are summarised below :-

- The existing barn is a nice building, in character with the area. The barn could be repaired rather than demolished.
- Slack Hall Farm has a very large modern unit on its land which could be utilised.
- A large barn has already been erected. There is no need for another building a lot taller when the large barn is unused.
- It is an unnecessary development, as there is a brand new barn which has never been used and could be used for this project.
- Unsure what is meant by light industrial use. This could mean heavy vehicles travelling up and down the narrow lane, causing damage to the stone walls and road.
- Concerns about access from Turf Lea Road.
- Manoeuvrability by large vehicles off Turf Lea Road to Slack Hall Farm road that would be necessary for the construction work is highly likely to cause damage to the stone walls of adjoining properties, which has happened in the past.

- The industrial use would cause a noise nuisance in a rural area which attracts holiday makers on canal boats and walkers looking for peace and relaxation.
- Noise levels would be a concern with two large buildings.

CONSULTEE RESPONSES

Highway Engineer

The development in itself would not result in any significant change in the volume or nature of traffic to the site except during the demolition and construction process. The floor area of the building in question does not increase.

The change of use from agricultural to light industrial is permitted with prior approval.

To mitigate against any potential impact on adjacent properties and the access road I recommend that a condition be applied to any approval requiring submission of a demolition and construction method statement.

- Recommendation : No objection subject to the following condition :-

No development shall take place until a method statement detailing how the development will be constructed (including any demolition and site clearance) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on phasing, access arrangements, turning / manoeuvring facilities, deliveries, vehicle routing, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, parking arrangements and mud prevention measures. Development of the site shall not proceed except in accordance with the approved method statement.

Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD. The details are required prior to the commencement of any development as details of how the development is to be constructed need to be approved prior to the commencement of construction activities.

Informative

A condition of this planning consent requires the submission of a Demolition and Construction Method Statement. In order to ensure that the statement includes all the required information the applicant / developer is advised to use the Council's templates. These can be obtained from the 'Highways and Transport Advice' section within the planning pages of the Council's web-site (www.stockport.gov.uk).

Environmental Health Officer (Noise)

This service has no objections to the proposal, in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the proposed development.

Environmental Health Officer (Land Contamination)

Given the current/former land use there is the potential for contamination to have occurred on-site relating to the following: Agricultural Building (barn)- Bulk storage of fuels and/or chemicals, small scale fuel and chemical spills (i.e., fuels used for heating/agricultural machinery/other vehicles, oils and lubricants, herbicides/pesticides, fertilisers, paints/thinners, creosote, etc.). There is also the potential for localised/historical deposition of agricultural waste materials and animal effluent from the housing of livestock within the on-site buildings. In addition to this Asbestos containing materials (ACM) may have been incorporated within the built structures in the past; the disturbance of any such materials may result in asbestos being present within the sub surface surrounding the buildings. Although there is no evidence that any such waste disposal or infilling activities have taken place on the site there is the potential for this to have occurred given the nature of the site use.

The developer would need to undertake a Phase 1 site walkover and desk study, this will determine if there is a requirement for an intrusive investigation to be undertaken. It is a phased approach, as such I would recommend the following conditions;

CTM1 : No development shall take place until an investigation and risk assessment into contamination at the site, in accordance with a scheme to be approved in writing by the local planning authority, has been carried out. The investigation and risk assessment shall include recommendations for remedial action and the development shall not be occupied until these recommendations have been implemented.

CTM2 : No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the specified use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall specify but not be limited to :-the proposed remediation objectives and remediation criteria (ii) all remedial works to be undertaken including the quantities of materials to be removed from and imported to the development site. (iii) the proposals for sourcing and testing all materials imported to the site including testing schedules, sampling frequencies and actual and allowable contaminant concentrations (as determined by appropriate risk assessment in accordance with the document "Model Procedures for the Management of Land Contamination" (CLR11)).

CTM3 : The development shall not be occupied until the approved remediation scheme required to be submitted by condition CTM2 has been carried out. Within 3 months of completion of remediation measures, a validation report assessing the effectiveness of the remediation carried shall be submitted to and approved in writing by the local planning authority. The report shall specify any further remediation measures necessary and indicate how and when these measures will be undertaken.

Reason : To ensure that any unacceptable risks from contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SIE-3 "Protecting Safeguarding and Enhancing the Environment", of the adopted Stockport Core Strategy DPD.

Nature Development Officer

Site Context

The site is located off Turf Lea Road in Marple. The application is for demolition of existing agricultural barn building and erection of replacement building for light industrial use.

Nature Conservation Designations

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain). Peak Forest Canal Site of Biological Importance (SBI) is located approx. 120m to the east and Peeres Wood SBI is located approx. 100m to the south. Given the localised nature of the proposals and the distance of the development area from the designated sites, I would not envisage any significant adverse impacts on the SBIs as a result of the proposals.

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

Legally Protected Species

Many buildings and trees have the potential to support roosting bats. In addition, the application site is located near to suitable bat foraging habitat, which increases the likelihood of bats being impacted by any proposed works. All species of bats, and their roosts, are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS). Under the Regulations it is an offence to :-

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.

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

A 2021 bat survey report was originally submitted with the current application (Rachel Hacking Ecology Ltd, October 2021). This survey is for the adjacent farmhouse (which formed part of application DC082060) and does not include the barn, which is subject to the current application. Trees on site were assessed as having negligible bat roost potential during the October 2021 survey.

Further bat survey work was subsequently submitted as part of the current application. A daytime inspection survey was carried out in 2023 (Rachel Hacking Ecology Ltd, July 2023 Daytime Bat Survey). An internal and external inspection was carried out to search for signs of bats within the barn and assess the potential for roosting bats to be present. During the inspection survey three bat droppings (thought to be pipistrelle sp.) were recorded within the barn on the upper floor. Numerous access points into the barn and potential roosting features are provided by lifted/slipped slates and tiles and gaps in internal brickwork. Internally the barn is well-lit.

Two emergence surveys were carried out on 31st August and 14th September 2023 (Rachel Hacking Ecology Ltd, Bat Emergence Survey report, September 2023). No bats were recorded to emerge from the building during the emergence surveys. The bat emergence report concludes a roost is not currently present since no bat emergence was recorded during the two dusk surveys. However, the surveys were carried out very late in the season and so given the presence of confirmed droppings within the building, the lack of emergence is not considered sufficient evidence to conclude that the barn/workshop is no longer a roost. Bats are highly itinerant in their roosting habits and so may have not been present at the time of survey but may well have used the building earlier in the season: it would therefore be legally protected as a roost site.

A subsequent email from Joel Hacking of Rachel Hacking Ecology Ltd, on 21 March 2024 states that *“the small number of bat droppings found in the workshop do not suggest that a roost of conservation concern, such as a maternity roost, is present. The additional survey effort was undertaken on the premise that the gaps between the concrete tiles could potentially offer roosting opportunities for small numbers of pipistrelles, but that a maternity roost is not reasonably likely. The barn is in a poor material condition, with few thermal properties that would be considered typical for a breeding roost. The workshop is in perpetual use as a commercial space”*.

Given the above, it is therefore reasonable to consider that the barn would be a roost site of site importance (following guidance in Table 3.2 of the Bat Mitigation Guidelines, 2023) used by individual /low numbers of non-breeding pipistrelle bats.

The buildings and trees/shrubs/hedges on site offer potential nesting habitat for breeding birds. All breeding birds and their nests are legally protected by the Wildlife and Countryside Act 1981 (as amended). Some species of birds (e.g. barn owl) receive additional protection through inclusion on Schedule 1 of the Act. From

review of the photos within the submitted bat reports, the barn is not considered to be suitable for use by barn owl but other bird species may potentially nest in the barn.

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN). GCN have the same level of legal protection as bats (outlined above). From review of mapping/aerial imagery at least two ponds appear to be present within 250m of the application site (approx. 110m to the northwest and 120m to the northeast). No records for GCN exist but this is not necessarily confirmation of GCN absence and may just be a reflection of a gap in the baseline data. Although GCN can travel up to 500m from a pond research shows that they are typically found within 100m of a pond (within 50m is termed 'core habitat'). A lined ornamental pond was also identified within the garden during the 2021 ecology survey.

The ponds and terrestrial habitats were assessed for their suitability to support GCN as part of the October 2021 ecology survey. The proposed development footprint appears to be confined to an area of existing hard standing/building (which is suboptimal terrestrial habitat for GCN). The pond on site had no aquatic vegetation and was considered unsuitable as GCN breeding habitat. Given the localised nature of the works, the habitats present and the distance of the development area from ponds in the wider landscape, it is considered that the risk of GCN being present within the application area and impacted by the proposals is likely to be low. Reasonable Avoidance Measures (RAMS) can be adopted during works as a precautionary measure to further minimise this risk.

No other evidence of or significant potential for any other protected species (such as badger) was identified during the October 2021 survey.

Invasive Species

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded during the October 2021 survey.

Planning Policy Framework

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

Recommendation

Pipistrelle bat droppings were recorded within the barn but no bats were recorded to emerge from the building during the bat activity surveys. The bat emergence report concludes a roost is not currently present since no bat emergence was recorded during the two dusk surveys. However, since surveys were carried out very late in the season (and given the presence of confirmed droppings within the building), the lack of emergence is not considered sufficient evidence to conclude that the barn/workshop is no longer a roost. Bats are highly itinerant in their roosting habits and so may have not been present at the time of survey but may well have used the building earlier in the season: it would therefore likely be legally protected as a roost site.

Information has been provided as to why the barn is considered unsuitable for use by breeding bats and that the potential presence of a maternity roost is thus considered unlikely. Given the above it is therefore reasonable to consider the barn would be a roost site used by individual/low numbers of non-breeding pipistrelle bats (and would be of site importance following guidance in the Bat Mitigation Guidelines, 2023).

The proposals would result in the destruction of the barn with the potential to kill or injure bats/ and damage their habitat without appropriate mitigation and compensation measures. As a result it is advised that applicant take advice from their ecologist as to the requirement for a European Protected Species Licence (EPSL) or a Bat Mitigation Class Licence from Natural England. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats (this has been transposed into UK legislation post Brexit).

When determining applications which impact European Protected Species, it is advised that the Council has regard to the 3 Habitats Regulation derogation tests :-

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

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

Natural England standing advice states that the LPA must be confident that Natural England would issue a licence before planning consent can be granted: <https://www.gov.uk/guidance/bats-advice-for-making-planning-decisions#assess-the-effect-of-development-on-bats> (although there is currently no case law to support this and current case law refers to the LPA needing to 'have regard' to the 3 tests).

The first two tests are outside my area for comment. In terms of the favourable

conservation status test there is considered to be sufficient information available to allow assessment of ecological impacts (and thus inform determination) and with implementation of a Bat Mitigation Strategy, potential harm to bats can be avoided and the Favourable Conservation Status of the local bat population be maintained.

The following should be secured by condition: Prior to commencement of works a Bat Mitigation Strategy will be submitted to the LPA for approval. This document will contain details of: a tool box talk; pre-works inspection by suitably experienced ecologist; soft-strip/sensitive demolition techniques to be employed; supervision of works by a licensed bat ecologist; protocol should any bats be discovered on site and details of minimum two bat boxes to be provided within the development.

An informative should be attached to any planning permission granted so that the applicant is aware that bat droppings have been recorded within the barn and that bat roost sites are legally protected. The granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. The applicant should be aware of the shelf-life of survey data meaning update bat activity survey work and/or update walkover survey will likely be required to inform any licence application to Natural England, pursuant to Regulation 53 of the Conservation of Habitats & Species Regulations 2019 (refer to Bat Conservation Trust Bat Surveys for Professional Ecology Good Practice Guidelines 2023 for further information). If at any time during works, evidence of bats or any other protected species is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice

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

The risk of GCN being impacted by the proposals is considered to be low. To further minimise the potential of amphibians being adversely impacted by the proposals (e.g. construction activities may result in creation of suitable refuge areas for amphibians), precautionary Reasonable Avoidance Measures (RAMS) should be implemented in full during works :-

- If at any time during works GCN are found on site, all works must stop and a suitably experienced ecologist be contacted for advice.
- Any building products which need to be stored on site for more than a day will be stored on raised pallets or retained in bags on pallets to ensure that refuges are not created that will potentially be used by GCN and other amphibians
- Excavations created during the construction period (e.g. to lay foundations or pipework) will be filled in and finished on the same day so as not to leave any 'pitfall' traps. OR an escape route will be provided overnight from the excavation which can be in the form of a wooden plank OR the excavation

will be completely covered by a heavy stone slab or piece of plywood and the edges sealed with sand or soil, or the slab/plywood be left completely flush to the surrounding ground, so no amphibians can become trapped.

- Any spoil resulting from any excavations will be removed from the construction area on the same day and will be taken off site or placed on raised pallets/in skips to be removed at a later date.

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>)

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Enhancement measures would be particularly welcome given the identification of the site within the pilot LNRS for GM. Suitable measures include provision of bat roosting and bird nesting facilities within the replacement building, and a wildlife-friendly landscaping scheme and pond enhancement, should any landscaping be proposed. A minimum of two bat boxes and two bird boxes should be provided on site (either integrated into the new building or externally mounted woodstone/woodcrete boxes) – details to be submitted to the LPA for review and this can be conditioned.

Ecological conditions can change over time. In the event that works have not commenced within two survey seasons of the 2023 surveys (i.e. by May 2025) it is advised that a suitably experienced ecologist undertakes update survey work. This is 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.

Public Rights of Way Officer

The barn in this application is immediately adjacent to a PRow (174 Marple), to the south of the site).

It is likely that demolition will incur the need for safety measures, including possible closure for the relevant period. It must be made clear to the applicant that any closure must be applied for before work begins.

Manchester Airport

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection. The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see : <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

Coal Authority

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

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

ANALYSIS

Impact on Green Belt

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

Saved UDP policy GBA1.2 states that there is a presumption against the construction of new buildings within the Green Belt unless it is for one of four purposes (agriculture and forestry; outdoor sport and recreation; limited extension or alteration of existing dwellings; or limited infilling or redevelopment of Major Existing Developed Sites (MEDS)). It is clear that the proposed building for light industrial use does not fall within any of the forms of development identified within saved UDP policy GBA1.2 and must therefore be considered to be inappropriate development within the Green Belt when assessed against saved UDP policy GBA1.2.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 142 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'. Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances. Such circumstances include as an exception to inappropriate development within the Green Belt within Paragraph 154d :-

- '*The replacement of a building, provided that the building is in the same use and not materially larger than the one it replaces*'.

Whilst saved UDP policy GBA1.2 is broadly consistent with the NPPF, Paragraph 225 of the NPPF requires weight to be afforded to Local Plan policy, according to its degree of consistency with the NPPF. On this basis, Members are advised that the NPPF, which was introduced after adoption of the UDP, offers the most up to date policy position in relation to development in the Green Belt. As such, greater weight should be afforded to the NPPF in consideration of the application.

In assessment of the proposal against the requirements of Paragraph 154d of the NPPF, it is acknowledged that the proposed building (light industrial) would not be in the same use as the existing building (agricultural). However, consideration must be taken of the fact that the site benefits from an extant Prior Approval for the change of use of the existing agricultural use to a proposed light industrial use, which was approved on the 26th January 2022 (Reference : DC0833357). Members are advised that this extant Prior Approval comprises a genuine fallback position, capable of implementation.

From Officer calculations, the existing building to be demolished has a volume of 538 cubic metres and the proposed building would have a volume of 607 cubic metres, representing a 13% increase on the volume of the existing building. Coupled with the minimal increase in height of 0.5 metres, the proposed building is not considered to be materially larger than the building it would replace and, as such, is considered to comply with Paragraph 154d of the NPPF.

In view of the above and in summary of Green Belt considerations, it is recognised that the proposal does not comply with the requirements of saved UDP policy GBA1.2. However, due to the fact that this policy is inconsistent with Paragraph 154d of the NPPF, which was introduced after adoption of the UDP, greater weight should be afforded to the NPPF in consideration of the application. The proposal, comprising the replacement of a building within the same use (taking into account of the extant Prior Approval referred to above) and not materially larger than the building it would replace, is considered to represent a Green Belt exception for the purposes of Paragraph 154d 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 Visual Amenity and Landscape Character

Whilst it is acknowledged that the existing building is an attractive traditional building, consideration must be taken of the fact that it does not comprise a designated nor undesignated heritage asset and, on this basis, demolition of the existing building is considered to be justified.

The proposed building would be sited on an almost identical footprint to the existing building to be demolished. Whilst it is acknowledged that the proposed building would be slightly larger and 0.5 metres higher than the existing building to be demolished, it would be viewed against the backdrop of the existing agricultural building/storage shed to the North and the existing farmhouse to the West in order to appropriately assimilate within the wider surroundings and landscape context.

Similar to the existing building to be demolished, the proposed building would be of part two storey, part single storey scale, of traditional design and constructed of traditional materials, which would be secured by condition.

In view of the above, it is considered that the siting, scale, size, height, design and materials of the proposed development could be accommodated on the site without causing harm to the visual amenity of the area or the character of the Goyt Valley

Landscape Character Area within which the site is located. As such, the proposal is considered to comply with saved UDP policies LCR1.1, LCR1.1A and E1.1 and Core Strategy DPD policy SIE-1.

Impact on Residential Amenity

The existence of residential uses directly adjacent to the North West at Turf Lea Farm and on Turf Lea Road and Turf Lea Fold on the opposite side of Turf Lea Road to the South West is acknowledged. However, consideration must be taken of the fact that the site benefits from an extant Prior Approval for the change of use of the existing agricultural use to a light industrial use, which was approved on the 26th January 2022 (Reference : DC0833357). As part of this Prior Approval application, in raising no objections on the grounds of noise impact, the Council Environmental Health Officer noted that the site is located within an agricultural area and such operational noise is expected as part of the character of the area and, as such, the proposal for light industrial use comprising the maintenance and repair of pumps is not considered unacceptable in this particular location. Members are advised that the Environmental Health Officer raises no objections to the current proposal in relation to impact on the environmental quality of life to existing sensitive receptors in proximity to the site. On this basis, it is considered that the proposed light industrial use would not result in unacceptable noise and disturbance impacts.

The proposed replacement building would be sited in an almost identical position to the existing agricultural building to be demolished, albeit with a slight increase in height of 0.5 metres above that of the existing agricultural building. As such, and in view of the retained separation of the proposed building from the nearest residential properties, it is considered that the proposed development would not result in undue overshadowing, overdominance, visual intrusion, loss of outlook, overlooking or loss of privacy impacts.

In view of the above, it is considered that the proposed development and proposed light industrial use could be accommodated on the site without causing undue harm to the residential amenity of surrounding properties, in accordance with saved UDP policy E1.1 and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Highways Considerations

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

The Highway Engineer acknowledges that the site benefits from Prior Approval for the change of use of the existing agricultural building to light industrial use, which was approved on the 26th January 2022 (Reference : DC0833357). On the basis that the proposed development would not increase the floor area of the building, the Highway Engineer considers that the proposed use would not result in any significant change in the volume and nature of traffic to the site.

The nature of the access road to the site is noted and in order to mitigate against any potential impact on adjacent properties and the access road during demolition and construction, a condition is recommended by the Highway Engineer to require the

submission, approval and implementation of a demolition and construction Method Statement.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from a traffic generation, access, parking and highway safety perspective, in accordance with saved UDP policy E1.1 and Core Strategy DPD policies SIE-1, CS9, T-1, T-2 and T-3.

Impact on Public Rights of Way

The application site is directly adjoined to the South East by a Public Right of Way (174 Marple). It is noted that the siting of the proposed building would not restrict or impact on the Public Right of Way, therefore the proposal does not conflict with saved UDP policies L1.7, L1.8 and L1.9. The Council Public Rights of Way Officer notes that demolition will likely incur the need for safety measures, including the possible closure of the Public Right of Way for the relevant period. The applicant will therefore be advised of the requirement to apply for temporary closure of the Public Right of Way prior to commencement of development should this be required, separate to the planning system, by way of informative.

Impact on Protected Species and Ecology

A Daytime Bat Survey and Ecological Scoping Survey, Daytime Bat Survey and a Bat Emergence Survey have been submitted in support of the application. The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

The Nature Development Officer confirms that the site has no nature conservation designations, legal or otherwise. Peak Forest Canal Site of Biological Importance (SBI) is located approximately 120.0 metres to the East and Peeres Wood SBI is located approximately 100 metres to the South. However, given the localised nature of the proposals and the distance from the designated sites, no significant adverse impacts on the SBI's as a result of the proposal are envisaged. Part of the site has been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester.

Buildings and trees have the potential to support roosting bats, a protected species, and a suite of Bat Surveys have been submitted in support of the application and assessed by the Nature Development Officer. In summary, the Nature Development Officer considered that the building would be a roost site used by individual/low numbers of non-breeding pipistrelle bats. As such, the proposals would result in the destruction of the bat roost with the potential to kill or injure bats and damage their habitat without appropriate mitigation and compensation measures. When determining planning applications, legal cases demonstrate that the Local Planning Authority has a requirement to have regard to the 3 Habitats Regulation derogation tests :-

- Imperative reasons of Over-riding Public Importance (IROPI);
- No satisfactory alternative solution;

- Maintenance of the favourable conservation status (FCS) of the species.

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

- It is considered that the proposed development would be for a reason of over-riding public importance. The existing barn proposed to be demolished is in a poor state of repair and not suitable for its proposed use due to lack of energy efficiency. The proposed replacement building would be constructed to modern energy efficient standards and would therefore comprise a sustainable form of development.
- It is considered that there is no satisfactory alternative solution to the proposed development. Consideration must be taken of the fact that the site benefits from an extant Prior Approval for the change of use of the existing agricultural building to a light industrial use, which was approved on the 26th January 2022 (Reference : DC0833357). This Prior Approval could be lawfully implemented without the requirement for the protected species mitigation and biodiversity enhancements as recommended by the Nature Development Officer which would be secured should planning permission be granted.
- The Nature Development Officer considers that sufficient information is available to allow assessment of ecological impacts and thus determination of the application. Subject to the imposition of a condition to require the submission, approval and implementation of a Bat Mitigation Strategy, potential harm to bats can be avoided and the Favourable Conservation Status of the local bat population be maintained.

The applicant will also be advised by informative to take advice from their Ecologist as to the requirement for a European Protected Species Licence or a Bat Mitigation Class Licence from Natural England, in view of the fact that bat droppings have been recorded within the building and that bat roost sites are legally protected.

The existing building and trees/shrubs/hedges on the site offer potential nesting habitat for breeding birds, a protected species. As such, a condition is recommended to ensure that no vegetation clearance, demolition or roof works take place within the bird breeding season, unless pre-development checks of vegetation/buildings have been carried out and confirmation is provided that no birds would be harmed and/or that there are appropriate measures in place to protect nesting bird interest on the site. A further condition is recommended to require the provision of bird boxes within the development.

Ponds in proximity to the site and their surrounding terrestrial habitat have the potential to support amphibians such as Great Crested Newts (GCN), a protected species. Given the localised nature of the proposed works, the habitats present and the distance of the site from ponds, the Nature Development Officer considers that the risk of GCN being present on the site and impacted by the proposals is likely to be low. This would be subject to the imposition of a condition to require

the adoption of Reasonable Avoidance Measures (RAMS) during works as a precautionary measure to further minimise risk.

Further conditions are recommended by the Nature Development Officer to require biodiversity enhancements within the development, to include the provision of bat and bird boxes and wildlife-friendly planting; the submission of update Ecology Surveys should the development have not commenced within two years of the submitted Surveys; and to ensure that any proposed lighting is sensitively designed so as to minimise impacts on wildlife.

In view of the above, on the basis of the submitted information, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interest of the site and any potential impacts could be appropriately mitigated and compensated. As such, the proposal complies with saved UDP policy NE1.2 and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Land Contamination

The detailed comments received to the proposal from the Council Environmental Health Officer are contained within the Consultee Responses section above.

The Environmental Health Officer notes that, given the current/former land use, there is the potential for contamination to have occurred on site, in the form of fuels, chemicals, agricultural waste material, animal effluent and asbestos containing materials.

As such, a Phase 1 site walkover and desk study will be required, to determine if there is a requirement for an intrusive investigation to be undertaken and to ensure that the site is safe for its intended end use. This would be secured by suitably worded planning conditions, which should be applied as a phased approach, to require the submission, approval and implementation of an investigation, risk assessment, remediation scheme, remedial action and validation report into potential contamination at the site. Subject to compliance with such conditions, it is considered that the proposed development would not be at risk from land contamination, in accordance with Core Strategy DPD policies CS8 and SIE-3.

Other Material Considerations

No objections are raised to the proposal from the Coal Authority, who note that the site is located within the defined Development Low Risk Area and, as such, there is no requirement for a Coal Mining Risk Assessment to be submitted in support of the application. On this basis, the proposal is not considered to be at risk from coal mining legacy, in accordance with Core Strategy DPD policy SIE-3.

No objections are raised to the proposal from Manchester Airport. As such, the proposal is considered acceptable from an aerodrome safeguarding perspective, in accordance with saved UDP policy EP1.9 and Core Strategy DPD policy SIE-5.

SUMMARY

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

Full planning permission is sought for the demolition of an existing agricultural barn building and the erection of a replacement building for light industrial use at Slack Hall Farm, Turf Lea Road, Marple.

It is considered that the siting, scale, size, height, design and materials of the proposed development could be accommodated on the site without causing harm to the visual amenity of the area or the character of the Goyt Valley Landscape Character Area

On the basis of the submitted information, in the absence of objections from relevant Consultees and subject to conditional control, the proposal is considered acceptable in respect of the issues of impact on residential amenity; traffic generation, parking and highway safety; impact on the adjacent Public Right of Way; impact on protected species and ecology; land contamination; coal mining legacy; and aerodrome safeguarding.

The site is located within the Green Belt and it is recognised that the proposal does not comply with the requirements of saved UDP policy GBA1.2. However, due to the fact that these policies are inconsistent with Paragraph 154d of the NPPF, which was introduced after adoption of the UDP, greater weight should be afforded to the NPPF in consideration of the application. The proposal, comprising the replacement of a building within the same use (taking into account the extant Prior Approval) and not materially larger than the building it would replace, is considered to represent a Green Belt exception for the purposes of Paragraph 154d of the NPPF, does not amount to inappropriate development in the Green Belt and is considered to be fully justified as a departure from the Development Plan.

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

Given the conflict with saved UDP policy GBA1.2, 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 agree the Officer recommendation to grant planning permission, the application should be referred to the Planning and Highways Regulation Committee as a Departure from the Development Plan.