

ITEM 2

Application Reference	DC/089576
Location:	153 Stanley Road Heald Green Cheadle Stockport SK8 6RF
PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling.
Type Of Application:	Full Planning Application
Registration Date:	29 th August 2023
Expiry Date:	3 rd May 2024 (extension of time agreed)
Case Officer:	Rebecca Whitney
Applicant:	Mr and Mrs Idrees
Agent:	Paul Butler Associates

DELEGATION/COMMITTEE STATUS

The application is considered to constitute a departure from the development plan. The application can therefore only be approved by the borough wide Planning and Highways Regulation Committee.

Should Cheadle Area Committee be minded to grant permission, under the Delegation Agreement, the application should be referred to the Planning & Highways Regulations Committee.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish the existing two storey, 3 bedroom, detached dwellinghouse, and to erect a 2.5 storey 4 bedroom detached dwellinghouse. Accommodation within the roof space would provide a study, play room, storage and bathroom.

The application provides justification for the proposed development, particularly the desire to accommodate the needs of an immediate family member. The submission includes details of their care needs, and the equipment and space required to meet these needs.

The proposed replacement dwelling would have three projecting bays to the principal elevation fronting Stanley Road, with a feature glazed gable. The roof would have a hipped form with an area to the centre of the roof being flat, with rooflights to serve the habitable space within the roof space.

The existing access from Staley Road would be retained, as would the landscaping at the site boundaries.

SITE AND SURROUNDINGS

The site is located on the south side of Stanley Road, within the Greater Manchester Green Belt and Heald Green Fringe Landscape Character Area. It is broadly rectangular in shape and approximately 0.13 hectares in size. The site is currently occupied by a two storey detached dwellinghouse, and is bound by residential development to the east and west, fronting Stanley Road. To the south of the site is a field, beyond which is the A555 Manchester Airport Relief Road, located approximately 90m to the south of the site. Stanley Road and the associated footway and verge run along the northern boundary of the site, beyond which is an open field.

The site is accessed from Stanley Road and the dwelling is set back from the highway by approximately 17m. The site is bound by fencing and hedges, and there is mature planting to the site boundaries.

RELEVANT PLANNING HISTORY

J/17222 - Conversion of garage to laundry and new car port. Granted 2nd October 1979.

POLICY BACKGROUND

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

The Statutory Development Plan includes:-

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

Saved policies of the SUDP Review

EP1.7: Development and Flood Risk

EP1.9: Safeguarding of Aerodromes and Air Navigation Facilities

EP1.10: Aircraft Noise

GBA1.2: Control of Development in the Green Belt

GBA1.5: Residential Development in the Green Belt

LCR1.1: Landscape Character Areas

MW1.5: Control of Waste from Development

LDF Core Strategy/Development Management Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-3 Delivering the Energy Opportunities Plans – New Development

SD-6 Adapting to the Impacts of Climate Change

CS2: HOUSING PROVISION

CS3 MIX OF HOUSING

CS4 DISTRIBUTION OF HOUSING

H-1: Design of Residential Development

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

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

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

The following are relevant to the determination of this application:

Open Space Provision and Commuted Payments SPD

Sustainable Design and Construction SPD

Sustainable Transport SPD

Design of Residential Development SPD

National Planning Policy Framework (NPPF)

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

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

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

Planning Practice Guidance

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

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

NEIGHBOUR'S VIEWS

2 neighbouring properties were consulted by letter, a site notice was displayed at the site, and a notice was published in the local press.

In response to the consultation on the initial plans, one objection has been received which raises concerns which can be summarised as follows:

- a. Proximity to neighbouring dwellings
- b. Impact of the scale of the proposed building compared to the neighbouring properties, and the impact upon the Green Belt
- c. The volume/mass of the replacement dwelling, noting that they have calculated the increase in mass to be 200.5% rather than 186%
- d. Demolition of the existing garage noting its relationship to the neighbouring property
- e. Application form states that the site is not at risk of flooding, however there is a natural pond formation in the field at the rear which has a long history of flooding into the garden.

Following amendments to the scheme, a further consultation was issued, and one objection was received which raises concerns which can be summarised as follows:

- a. The amendments exacerbate concerns previously raised
- b. The development remains oversized and in close proximity to neighbouring property
- c. The amended plan increases the size of the top storey, meaning the eaves and guttering would likely be above the boundary
- d. No attempts to address the concerns previously raised regarding the garage.

CONSULTEE RESPONSES

Consultee comments are summarised below, and the full comments are available to view on the Council's website using the following link:

<https://planning.stockport.gov.uk/PlanningData-live/simpleSearchResults.do?action=firstPage>

SMBC Planning Policy Officer (Green Belt)

No objection following the submission of amended details and additional information.

It is considered that, whilst finely balanced, the weight afforded to the factors set out

in favour of the proposal (in particular, meeting the healthcare needs of the applicant's immediate family member) should be considered significant enough as to clearly outweigh the potential harm to the Green Belt. Decision makers are reminded that before reaching a conclusion on whether the high bar has been overcome they must also have regard to any other harm identified in their determination of the application, ascribing it due weight as appropriate.

Manchester Airport Safeguarding Officer

No objection subject to conditions to restrict permitted development rights regarding lighting, to require bird hazard management, and construction management in respect of dust and smoke. Informatives are also requested regarding lighting emitting upwards, radio frequency emitting devices and tall equipment.

SMBC Highway Engineer

No objection subject to conditions to require the submission of a construction method statement, upgraded access, driveway, electric vehicle charging facilities and cycle parking facilities.

SMBC Nature Development Officer

No objection subject to conditions to require that the development is carried out in accordance with Reasonable Avoidance Measures (RAMs) in respect of badger and Great Crested Newts (GCN), nesting birds, biodiversity enhancements, and updated ecological survey work. Informatives are recommended with regard to the legislation in place to protect biodiversity, lighting in respect of impacts on bats.

SMBC Environmental Health Officer (Amenity)

No objection, informatives are recommended regarding hours of demolition and construction, and pile foundations.

SMBC Environmental Health Officer (Contaminated Land)

No objection, informative recommended to secure a watching brief for any unexpected contamination.

ANALYSIS

Principle of Residential Development in the Green Belt

As the application site is within in the Green Belt, the main issues are:

- a. Whether the proposal is inappropriate development for the purposes of the framework and the effect of the proposal on the openness of the Green Belt, and
- b. If the proposal is inappropriate development, whether the harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Planning Policy Context

Saved UDP Policy GBA1.2 sets out a presumption against the development of new buildings in the Green Belt unless it is for one of a number of specified purposes, including (most relevant to this application) allowing for the *“limited extension, alteration or replacement of existing dwellings (in accordance with Policy GBA1.5).”* GBA1.2 also sets out that development falling within these categories will be permitted only where it will not act to make adjoining Green Belt areas less defensible against encroachment.

The more detailed provisions in ‘saved’ UDP Review policy GBA1.5 ‘Residential Development in Green Belt’ set out that the *“rebuilding or replacement of an existing habitable dwelling”* may be permitted *“where the new dwelling is of similar size and would not be more intrusive in the landscape than the one demolished.”*

However, whilst GBA1.2 is considered up-to-date in broad terms it is not absolutely consistent with national policy on Green Belt set out in Chapter 13 of the National Planning Policy Framework (NPPF). In seeking to provide more detailed local considerations GBA1.5 is also not consistent with the NPPF. The more recently adopted provisions of Chapter 13 are considered to provide a more suitable framework for the determination of this application.

Paragraph 142 of the NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the NPPF sets out that the Green Belt serves 5 purposes, including to check unrestricted sprawl of large built up areas, to safeguard the countryside from encroachment and to preserve the setting and special character of historic towns.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF sets out that a Local Planning Authority should consider the construction of new buildings within the Green Belt to be inappropriate, with a number of stated exceptions (which are similar but not identical to those set out under GBA1.2). Most relevant to this application is exception d) which allows for *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”* The NPPF does not seek to define this in more detail.

Paragraph 225 of the NPPF sets out that local policies should be given weight according to their degree of consistency with the NPPF. Given the variance between

it and the NPPF, it is advised that GBA1.2 should be given limited weight. Whilst GBA1.5 provides useful context it seeks to impose a slightly different test than the NPPF and so should be given only very limited weight.

Assessment

The Planning Policy Officer has assessed the proposal, and their comments are taken into account in the assessment below.

The key Green Belt test that should be applied in determining this application, therefore, arises from Paragraph 154 of the NPPF and is whether the replacement dwelling is “materially larger” than the existing dwelling (noting that they are in the same use).

The NPPF does not define “materially larger.” Local policy does give some local context to this definition but should be afforded, at most, limited weight.

The Areas and Volumes drawing submitted as part of the application identifies that the area of the proposed building would be 186% that of the existing. The drawing contends that as the existing dwelling could be more than doubled in volume (by 512sqm from the existing 485sqm) under permitted development rights, the proposed dwelling would be only 39.5% greater in volume than a fully extended existing dwelling. The Planning Policy Officer considers that there is nothing to suggest that making full use of the permitted development rights is anything other than a merely theoretical prospect. Indeed, given the information set out in the application seeking to justify why replacement of the dwelling is required, it is unclear that a scheme seeking to make full use of permitted development rights as suggested would be capable of realising the benefits that the applicant seeks. On this basis, the use of permitted development rights to extend the dwelling is not accepted as a realistic fallback position and on this basis, the test must be whether the proposed dwelling would be materially larger than the dwelling it would replace, not whether it is materially larger than one that might theoretically exist where permitted development rights were used to their fullest extent.

Following the approach established in *R (Heath & Hampstead Society) v. Camden LBC & Vlachos* [2007] [EWCA Civ 193], it is necessary to undertake a comparison of the design, massing and disposition on the site of the existing and proposed dwellings.

The mass of the proposed dwelling, as already mentioned in volumetric terms, is substantially (186%) greater than the existing dwelling. The proposed dwelling would have a footprint area some 64.5% greater than the existing dwelling. It has a ridge line that is approximately 0.8m higher, is almost 3m wider than the existing dwelling (around 72.5% of the plot width compared to 58.2% currently) and with a depth almost 8m greater (although this does not have regard to the existing separate, single-storey garage building that would be demolished as part of the proposed development). The proposed dwelling also appears to sit around half a metre further forward on the plot. The design features initially proposed also included windows that were substantially taller than those of the existing dwelling, especially at first floor level, and a roof that was around 1.5 times the

height (eaves to ridge) of the existing one, although it is noted that amendments have sought to mitigate this to a degree through amendments to the size and proportions of the fenestration, and a reduction in roof height of approximately 300mm. The proposed building is likely to be substantially more prominent within the site, the streetscene and the wider area of Green Belt.

On balance, having regard to whether the proposed dwelling would be materially larger than the existing one, it is only possible to conclude that it would be, as it would be substantially larger. It follows, therefore, that the proposal would not accord with the requirements of Paragraph 154(d) of the NPPF and should not be considered to be appropriate development, i.e. the proposal would amount to inappropriate development in the Green Belt.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

To assess a proposal under Paragraph 153 it is firstly necessary to establish what harm would be potentially caused to the Green Belt by reason of inappropriateness and any other harm. This harm should be given substantial weight.

Caselaw has determined that openness has both a spatial and a visual aspect.

In purely spatial terms it is necessary to contrast the volume of the existing building(s) with that of the proposed building. As already established above, the proposed dwelling has a significantly greater volume. It occupies a larger footprint area which is both wider and deeper than the existing dwelling. It is significantly taller than the existing dwelling and positioned slightly further forward on the plot. With openness taken to be the absence of development, by introducing a significantly greater quantum of development there would be a clear and fairly substantial degree of harm to the spatial aspect of openness.

In visual terms it is necessary to consider the visual amenity arising from the site. It is necessary to consider both the immediate visual value of the site as well as factors such as whether any long-distance or wider views might be affected or cut-off. In this case it is notable that, because of its current boundary treatments, visibility of the site is very limited. The existing buildings on the site are visible from the road to the front (Stanley Road) and act to cut off potential views through the site looking southwards but, to a considerable degree, any such potential views are already (or would otherwise be) limited by the mature planting that exists at the boundary of the site and in the open field to its south. There would seem to be no other publicly accessible vantage points from which the site might be viewed or looked through. The site is, of course, visible from neighbouring properties but any visual amenity that might be gained is only limited as, from either side, any longer distance views

are impacted by the boundary planting and/or other properties on the opposite side. The larger mass of the proposed building would have a greater impact on visual amenities but this too should be seen in the context of the boundary treatments and mature planting in neighbouring properties which limit those visual amenities substantially in the first place. The submitted Planning and Green Belt Statement, at paragraph 6.11, confirms that the existing trees and shrubs within the site and at its boundaries are to be retained. In relation purely to the visual aspect of openness the degree of harm likely to be caused is likely to be relatively minor.

In overall terms it is reasonable to conclude that the scheme would cause a fairly substantial degree of harm to openness, principally in relation to spatial considerations rather than visual.

Very Special Circumstances

The applicant has put forward a case that there are very special circumstances which outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, in order to comply with Paragraph 153 of the NPPF.

Whilst neither local nor national policy specify what demonstrating a case for 'very special circumstances' should entail there is considerable case law which suggests that adhering to the following approach is likely to be suitable:

1. Identify (with evidence) an essential objective that the proposal is intended to meet;
2. Demonstrate that that essential objective could not reasonably be met in a less harmful way (i.e. consideration of other sites outside of the Green Belt or alternative sites within the Green Belt but where less harm would be caused or which would amount to a form of development excepted by Paragraph 154 of the NPPF);
3. Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal (this should include demonstrating that the essential objective could not be achieved less harmfully by an alternative scheme at the same site).

The 'very special circumstances' presented in the original submission include the following:

- a. The existing dwelling does not meet the requirement of the applicants and their family. One of the key aspects of the proposal is to provide suitable accommodation for an immediate family member.
- b. Planting would be retained.
- c. The dwelling would not be unusually large or out of keeping, and would not have an intrusive impact upon the Green Belt.
- d. Improved energy performance when considered against the existing dwelling.
- e. The scheme would not conflict with the purposes of including land within the Green Belt.
- f. Development could be undertaken using permitted development rights to increase the volume of the dwelling to 997sqm, over which the proposed dwelling would represent only a 39.5% increase.

- g. The applicant is willing to agree to the removal of future permitted development rights.

These considerations were not, individually or cumulatively, considered to outweigh the substantial harm identified above.

In response, the applicant has provided detailed evidence in relation to the healthcare needs of the applicant's immediate family member. The evidence includes a letter explaining the background and care needs of the family member, photos of their current living/care arrangement, a medical note (setting out their diagnosis, medication and care plan) and a letter from their medical practice. These documents have been made available to Officers to aid in assessment, but are not available in the public domain. The justification provided also outlines the alternative ways of meeting these needs that the applicant has also considered, and explains why the proposed new dwelling is considered to be the preferable option. The additional information also sets out that the scale and external design of the proposed new dwelling has been amended, slightly, to reduce its impact; whilst this is considered to have only limited effect, it does demonstrate intention to ensure that the impact of the proposal is minimised. Concern raised by Officers regarding whether the significantly larger dwelling is necessary to meet the family member's healthcare needs has not been directly addressed but it is clear, overall, that meeting the applicant's immediate family member healthcare needs is the primary, most significant driver of the scheme.

Notwithstanding the slight amendments to the proposed dwelling, it remains the case that the proposal would cause a fairly substantial degree of harm to openness, principally in relation to spatial considerations rather than visual. Officers consider that this should be given substantial weight, as directed by Paragraph 153 of the NPPF. In respect of the 'very special circumstances' presented, Officers consider that these should, cumulatively, be attributed significant weight in the planning assessment as the applicant has now provided clear evidence as to the validity of the most significant factor presented.

The test set by Paragraph 153 of the NPPF should be considered a high bar and should not be one which an application is capable of easily clearing. It is, as ever, for decision makers to reach their own conclusions but it is the view of Officers that, whilst finely balanced, the weight afforded to the factors set out in favour of the proposal (in particular meeting the healthcare needs of the applicant's immediate family member) should be considered significant enough as to clearly outweigh the potential harm to the Green Belt. Decision makers are reminded that before reaching a conclusion on whether the high bar has been overcome they must also have regard to any other harm identified in their determination of the application, ascribing it due weight as appropriate. This will be revisited in the 'Planning Balance' section of this report in order that any other harm resulting from the proposal can be taken into account.

Impact upon the Character and Appearance of the Area

The site is located within the Heald Green Fringe Landscape Character Area. Appendix 12 of the UDP review states that the pressure for urban and semi-

urban development is likely to be considerable in this area, and care will be needed to protect the remaining open and agricultural character of the area. Tree planting should be encouraged, particularly in and around the institutional grounds and along the major road lines.

Saved UDP Policy LCR1.1 states that “development in the countryside will be strictly controlled, and will not be permitted unless it protects or enhances the quality and character of the rural areas. Where it is acceptable in principle, development should:

- (i) be sensitively sited, designed and constructed of materials appropriate to the landscape character area in which it is located; and
- (ii) be accommodated without adverse effect on the landscape quality of the particular character area.”

For the purposes of Policy LCR1.1, the proposed development is taken to be acceptable in principle (noting the “Planning Balance” section at the end of this report). The description of the Landscape Character Area in Appendix 12 of the UDP has been taken into account, and it is considered that the proposed redevelopment of the site can be accommodated without adverse impact on the landscape quality of the area, and that the development is sensitively sited in this regard. As set out later in this assessment, the proposed design is considered to be acceptable, and conditions are to be attached to any planning permission granted to require details of materials and detailing in order to ensure that they are suitable.

Saved UDP Policy LCR1.1 states that “development proposals in the countryside should meet the following requirements, where relevant:

- (iii) protect or improve existing recreational land, so as to maintain or enhance the predominantly informal recreational role of the countryside around Stockport;
- (iv) not impede, and where possible, improve public access for all to the countryside;
- (v) protect or enhance the natural environment in accordance with policies in Chapter 3;
- (vi) conserve or enhance buildings, structures or remains which contribute to the history or character of the area, in accordance with policies in Chapter 4; and
- (vii) improve the appearance of the countryside, notably by removing or screening unsightly existing development, by making waterside areas more attractive or through additional landscaping.”

The proposed development would not result in a loss of recreational land or impede public access to the countryside, addressing points (iii) and (iv). Through the imposition of conditions recommended by the Nature Development Officer, the proposed development would result in enhancements to biodiversity, providing enhancement to the natural environment when considered against the sites current form, addressing point (v). The existing dwelling does not make a significant contribution to the history or character of the area such that point (vi) would require its retention. In relation to point (vii) it is noted that in its current form, the site does not make a positive contribution to the character and appearance of the area, nor the wider countryside, due to its use as a

dwellinghouse and associated curtilage. In light of the above, the proposed development is considered to be acceptable when assessed against Saved UDP Policy LCR1.1.

The proposed development is considered to be acceptable in respect of its scale, layout and appearance. The replacement dwelling would have three projecting bays to the front elevation and a feature glazed gable. Through the course of the application the fenestration and roof form have been amended to address Officer concerns, and are now considered to better reflect the surrounding context. The proposed dwelling would be broadly in line with the existing building line, set forward of the existing dwelling by approximately 0.5m. The roof form would appear hipped, however a flat area of roof to the centre would facilitate rooflights to serve the habitable space within the roof.

The proportionality of the proposed dwelling, in respect of its projections and fenestration, and the inclusion of design features such as a chimney and hipped roof, assist in assimilating the development within the local area, and existing and proposed streetscene images have been provided for assessment to demonstrate this.

It is acknowledged that the proposed dwelling is of significant scale, however the increase in height and overall bulk is not considered to result in undue prominence within the streetscene. This is in part due to the dwelling being set back from the highway by approximately 17m, and the retention of the existing landscaping which provides effective screening. It is noted that there is some similarity to the dwelling at No.157 Stanley Road.

It is noted that neighbour comments raise objections due to the scale of the proposed dwelling, particularly noting the increase in volume and the resultant mass. Following the submission of the amended details, further comments were received which raised concerns that the amended plan increases the size of the top storey, meaning the eaves and guttering would likely be above the boundary. The plans do not indicate that the roof would be larger, rather the height would be reduced by 300mm, however, the shallowing of the roof pitch to accommodate this could cause the impression of increased width. The submitted proposed roof plans show that the roof would be separated from the boundary with No.155 by approximately 0.5m and from the boundary with No.151 by approximately 3.4m at the closest point (noting that the layout is not linear).

The applicant has advised that the existing landscaping is to be retained, however it is considered likely that minor changes will be required to facilitate the proposed development, both in terms of hard and soft landscaping planting. It is recommended that conditions are attached to any planning permission granted to require the submission a scheme for hard and soft landscaping, and boundary treatments.

It is noted that neighbour comments raise concerns regarding the proximity to neighbouring properties and the loss of views through the site. Whilst the dwelling would extend closer to the neighbouring boundaries, there would be clear separation to allow permeability of views from Stanley Road to the

countryside beyond, however it must be noted that these views are currently obscured by the significant landscaping, and that this is to be retained.

In addition, the dwelling would be set back from the highway by approximately 15m and the rear garden would have an area exceeding 350sqm, so the existing sense of spaciousness would not be unduly impacted.

In light of the above, the proposed development is considered compliance with Core Strategy Policies H-1, SIE-1 and SIE-3, and the guidance set out within the Design of Residential Development SPD.

Impact upon Residential Amenity

Development Management policy SIE-1 advises, “development that is designed and landscaped to the highest contemporary standard, paying high regard to the built and/or natural environment within which it is sited, will be given positive consideration. Specific account should be had of...” a number of factors including, “the site's context in relation to surrounding buildings and spaces (particularly with regard to the height, density and massing of buildings);” “Provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents; The potential for a mixture of compatible uses to attract people to live, work and play in the same area, facilitating and encouraging sustainable, balanced communities.”

Regard has also been paid to the Design of Residential Development SPD. This SPD provides guidance as regards the implementation of Core Strategy Policy H-1 regarding new housing design and standards.

Privacy and Overshadowing

The Council's Design of Residential Developments SPD confirms that the design and layout of a development should minimise overlooking and should not impose any unacceptable loss of privacy on the occupiers of existing dwellings.

The proposed dwelling would not have side elevation windows serving habitable rooms to the upper floors, and the land rear of the site is agricultural. Ground floor openings are proposed, however these would have views curtailed by the existing boundary treatments and serve non-habitable spaces or be secondary openings. The proposed development is not considered to result in overlooking impacts or a loss of privacy such that this would result in significant harm to the amenity of the neighbouring occupiers.

It is noted that neighbour objections have been received which raise concerns regarding the proximity to neighbouring dwellings. The existing dwelling is currently separated from the neighbouring dwelling at No.151 by approximately 7.5m and from the neighbouring dwelling at No.155 by approximately 5.3m to the side elevation, and approximately 2.4m from the car port. The proposed dwelling would be separated from the neighbouring dwelling at No.151 by approximately 5.9m and from the neighbouring dwelling at No.155 by approximately 4.8m to the side elevation, and approximately 1.5m from the car port. It should be noted that

the layout with the neighbouring dwellings is not linear. The increased proximity is not considered to result in a loss of light or overbearing impacts such that this would result in significant harm to the amenity of the neighbouring occupiers.

In addition, the proposed plans demonstrate compliance with the 45-degree rule of thumb whereby a 45-degree line is drawn from the centre of the closest neighbouring windows to the proposed development, and where the development does not cross this line, it is indicated that the proposed development is unlikely to result in significant overshadowing or overbearing impacts.

The replacement dwelling would have garden space measuring approximately 385sqm, exceeding the 100sqm sought for large dwellings within the Design of Residential Developments SPD.

It is therefore considered that the proposed development would accord with the NPPF and the Development Plan, including Core Strategy Policy SIE-1, regarding designing quality places and residential amenity.

Noise and Disturbance

The Environmental Health Officer for Amenity has assessed the application and raises no objection.

The Environmental Health Officer has assessed the application in respect of new and existing noise sensitive receptors. According to a desk based assessment, the site is not located within road, rail or aviation, transportation noise contour mapped areas. Therefore, no additional noise mitigation measures are considered necessary, for the proposed residential development, at this location.

Informatives are recommended with regard to demolition and construction site operating hours, and pile driven foundations.

In respect of the impacts upon neighbouring properties, the informatives above are considered to address the demolition and construction phases. During occupation, the proposed dwelling is not considered to result in significant noise or disturbance to neighbouring properties beyond that which may be expected of a large family home.

In light of the above, the proposed development is considered compliance with Core Strategy Policies H-1, SIE-1 and SIE-3, and the guidance set out within the Design of Residential Development SPD.

Highway Safety, Traffic Generation and Parking

Core Strategy policy CS9 supported by Policy T-1 requires development to be in locations which are accessible by walking, cycling and public transport. Policy T-2 requires developments to provide car parking in accordance with the maximum standards and confirms that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that causes harm to highway safety. Developments are expected to be of a safe and practical

design (Policy T-3). The NPPF confirms at Paragraph 115 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highways Engineer has assessed the proposal and raises no objection subject to conditions. It is commented that the construction of a replacement dwelling would not result in any change in the nature or volume of traffic to the site other than during the construction period. The existing access is to be retained, however in order to support the new development, it should be brought up to the current standards in respect of visibility. Similarly, the driveway and parking areas should meet sustainable drainage policy standards.

Therefore, it is recommended that conditions are attached to any planning permission granted to require the submission of a construction method statement, upgraded access, driveway, electric vehicle charging facilities and cycle parking facilities.

Subject to the recommended conditions, the proposal is considered to comply with Core Strategy Policies SD-6, SIE-1, SIE-3, T-1, T-2, T-3 and the NPPF.

Trees and Landscaping

The proposed development is not within a Conservation Area and there are no legally protected trees within this site or affected by this development.

The existing planting to the site boundaries makes a significant positive impact upon the streetscene, and the applicant has confirmed that the existing landscape features are to be retained.

It is recommended that conditions are attached to any planning permission granted regarding the protection and retention of existing trees, and to require details of any new planting in order to ensure compliance with Core Strategy Policy SIE-3 and the NPPF.

Ecology and Biodiversity

Protected Species

Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal.

The proposals involve the demolition of the existing building. Therefore there is potential for bats to be impacted by the works. The daytime bat roost assessment of the building was undertaken in July 2023. A number of minor gaps were identified on the building externally but no evidence of bats was observed during the external or internal inspections of the roof space. The building was assigned a low bat roost potential classification and a single emergence survey undertaken in August 2023. No bats were observed emerging from the building and only low levels of bat activity were recorded in the surrounding area. No further surveys are recommended.

Great Crested Newts (GCN) are afforded the same legal protection as bats. There are no ponds on-site, however there are GCN records within 250m of the site, the nearest being 85m north from 2015. It is noted that all GCN records are separated from the site by sub-optimal habitats (open grazed farmland), a main 'B' road or residential housing. Therefore, the likelihood of GCN being impacted by the works is low.

Badgers are protected under the Protection of Badgers Act, 1992. This makes it an offence to kill or injure a badger or to damage, destroy or obstruct access to a sett. It is also an offence to disturb a badger while it is in a sett. Although the works are unlikely to impact badgers directly, they may pass through the site.

The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). Trees and other vegetation on-site have the potential to support nesting birds.

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

Assessment

The Nature Development Officer has assessed the proposal and raises no objections subject to the imposition of conditions to require that the development is carried out in accordance with Reasonable Avoidance Measures (RAMs) in respect of badger and Great Crested News (GCN), nesting birds, biodiversity enhancements, and updated ecological survey work. Informatives are recommended with regard to the legislation in place to protect biodiversity, lighting in respect of impacts on bats.

Suitable badger habitat is present adjacent to the application area. To protect badgers (and other protected species such as Great Crested Newt) which may pass through the site and prevent potential disturbance during works, the Reasonable Avoidance Measures (RAMs) should be implemented and secured by condition. Examples of suitable measures include ceasing work should protected species be found on site and seeking advice from an ecologist, managing trenches and excavations to ensure that animals are not trapped, and managing storage of materials.

In relation to breeding birds, the Nature Development Officer recommends that a condition should be attached to any planning permission granted to ensure the

protection of breeding birds and the management of works during bird breeding season. Officers agree that protection is necessary, however note that this protection is provided via the relevant legislation and therefore the condition is not necessary. Wording to this effect should instead be attached to any planning permission granted for the attention of the applicant.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). In addition to a sensitive landscaping scheme, it is expected that bat and bird boxes are provided on site (a minimum of two bat and two bird boxes to be integrated within the new dwelling), and that any proposed close board boundary fencing shall incorporate gaps to maintain habitat connectivity for wildlife. A condition should be attached to any planning permission granted to require that details of proposed biodiversity enhancements (including the proposed number, type and location of bat and bird boxes) is submitted to the Local Planning Authority for assessment.

Ecological conditions can change over time. It is recommended that a condition is attached to any planning permission granted to require that, in the event that works have not commenced within two years of the 2023 survey (i.e. by July 2025) an update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme.

An informative should be attached to any planning permission granted to state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of roosting bats (or any other protected species) is discovered on site, works must cease and a suitably experienced ecologist contacted for advice.

Any proposed lighting should follow the principles outlined in Bat Conservation Trust guidance in conjunction with careful landscape planting to further protect sensitive habitats from light disturbance. An informative to this effect should be attached to any planning permission granted, for the attention of the developer.

Subject to imposition of conditions to ensure habitat enhancement and protection of protected species, the proposed development is considered acceptable in relation to Core Strategy Policy SIE-3, and the NPPF.

Drainage and Flood Risk

The site is located within Flood zone 1 (low risk of flooding). Outline drainage details have been provided on the proposed site plan, however the details provided are not sufficiently detailed, and therefore it is recommended that a condition is attached to any permission granted to require the submission of a detailed surface water drainage scheme prior to the commencement of development in accordance with Policy SD-6 of the Core Strategy, the NPPF and the Planning Practice Guidance. It

should be noted that planning policy requires that, should infiltration not be viable, that an assessment of the pre-development run-off rates should be provided and the proposed rates reduced by a minimum of 50% (for brownfield sites). For a greenfield site, run-off rates should be maintained post-development. All areas of hardstanding should be of a permeable construction.

Foul and surface water shall not be drained other than on separate systems. It is recommended that a condition is attached to any permission granted in order to ensure that the site is drained in an acceptable manner in accordance with Policy SIE-3 of the Core Strategy.

Neighbour comments note that the application form states that the site is not at risk of flooding, however there is a natural pond formation in the field at the rear which has a long history of flooding into the garden. This may have an impact upon surface water drainage proposals for the site, and should be reflected in the scheme to be required by condition.

Other Matters

Permitted Development

Should planning permission be granted, it is recommended that a condition is attached to restrict permitted development rights in relation to alterations and extensions, roof additions and alterations, porches, outbuildings, hardstanding and means of enclosure. This is considered reasonable and necessary to ensure that the impact of any future developments on the Green Belt can be assessed against the relevant planning policies. This condition would also serve a purpose in relation to residential amenity where outbuildings and extensions are concerned.

Manchester Airport Safeguarding

The Safeguarding Officer for Manchester Airport has been consulted on the proposal. No objections are raised subject to conditions to restrict permitted development rights regarding lighting, to require bird hazard management, and construction management in respect of dust and smoke. Informatives are also requested regarding lighting emitting upwards, radio frequency emitting devices and tall equipment.

The application is therefore considered to be acceptable in terms of safeguarding aerodromes and aviation facilities, pursuant to saved policy EP1.9 and Core Strategy policy SIE-5.

Recreational Open Space Provision/Maintenance Contributions

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 is a requirement for the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the need of residents of the proposed development.

In accordance with the SPD, developer contributions of £1,496 will be required based on the number of bedrooms and therefore the number of predicted occupants

(an increase in one occupant as the existing 3 bedroom dwelling would be replaced with a 4+ bedroom dwelling). A monitoring fee of £500 will also be required.

Energy

The application is supported by an Energy Statement which confirms that the proposed development would meet the energy requirements of Part L of the Building Regulations 2022, which exceed the requirements of Core Strategy Policy SD-3. On this basis, the proposed development is considered to be acceptable having regard to Policy SD-3.

Contaminated Land

The Environmental Health Officer for Contaminated Land has assessed the proposal. The proposed development site has not been identified as potentially contaminated under the Council's review of potentially contaminated land sites. Furthermore, the existing gardens are in a well-kept condition and will remain post development.

The developer will need to keep a watching brief for any unexpected contamination when breaking ground for the replacement dwelling and if any is found or suspected, this must be reported to the Local Planning Authority. An informative to this effect should be attached to any planning permission granted, for the attention of the developer.

As such, the development is considered to be acceptable having regard to Core Strategy Policy SIE-3.

Other Matters

Neighbour comments advise that they have calculated the increase in mass to be 200.5% rather than 186%. This comment is noted, however Officers are satisfied that the harm to the openness of the Green Belt has been appropriately assessed in respect of the spatial and visual considerations.

Neighbour objections also raise concern regarding the demolition of the existing garage, noting its relationship to the neighbouring property. In subsequent comments it was noted that the amended information provided did not address the concerns previously raised in respect of the garage. Officers note the concerns and suggest that an informative is attached to any planning permission granted to advise that care should be taken during demolition, for the attention of the applicant.

CONCLUSION

Planning Balance

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

As the application site is within in the Green Belt, the main issues are:

- a. Whether the proposal is inappropriate development for the purposes of the framework and the effect of the proposal on the openness of the Green Belt, and
- b. If the proposal is inappropriate development, whether the harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF sets out that a Local Planning Authority should consider the construction of new buildings within the Green Belt to be inappropriate, with a number of stated exceptions including "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*" The proposed dwelling would have an increase in volume of 186% over the existing dwelling, and is considered to be materially larger. Therefore, the development is considered to be inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt. In addition, the assessment above concludes that the proposal would cause a fairly substantial degree of harm to openness, principally in relation to spatial considerations rather than visual. Officers consider that this should be given substantial weight, as directed by Paragraph 153 of the NPPF.

The applicant has put forward a case that there are very special circumstances which weigh in favour of the proposal, most significantly the needs of an immediate family member. The very special circumstances presented, taken together, are considered to outweigh the identified harm to the Green Belt and the other minimal harm identified in the assessment above.

Subject to the recommended conditions, the proposed development is considered to be acceptable in respect of highway safety, aerodrome safeguarding, impact upon the character and appearance of the area and residential amenity, trees and biodiversity, flood risk and land contamination, as well as the other matters considered in the assessment above.

The National Planning Policy Framework (NPPF) advises that "the purpose of the planning system is to contribute to the achievement of sustainable development." It is considered that the proposed development serves to balance the three overarching economic, social and environmental objectives of the planning system, to achieve a sustainable form of development.

Summary

In considering the planning merits against the NPPF, the proposal would, as a whole, represent a sustainable form of development; and therefore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 would require that the application be granted subject to conditional control and a Section 106 Agreement to secure developer contributions toward open space.

RECOMMENDATION

Grant subject to conditions and a Section 106 Legal Agreement to secure developer contributions toward open space.

UPDATE FOLLOWING CHEADLE AREA COMMITTEE MEETING ON 17th APRIL 2024

The Planning Officer introduced the application. Members asked about the query from an interested party regarding the mass of the building, noting that they found it to be 200.5% rather than 186%. The Planning Officer commented that the proposed mass is considered to be acceptable having regard to the significant weight attached to the very special circumstances.

Members asked if Permitted Development Rights would be removed, and the Planning Officer confirmed that the report recommends a condition to remove Permitted Development Rights for extensions, alterations, dormers, porches, hardstanding, boundary treatments, etc.

Members asked how powerful the removal of Permitted Development Rights is. The Planning Officer advised that the removal of Permitted Development Rights does not mean that there will never be future development, it means that any proposals would require a planning application rather than being something that the applicant could do without any interaction with the planning process.

Members asked about a typing error regarding the monitoring fee required as a part of the legal agreement. The Planning Officer advised that the monitoring fee would be £500 and would not be reduced if paid within one month of the sealing of the legal agreement. The report previously advised that the monitoring fee of £500 would be reduced to £500 if paid within one month of the signing of the agreement, and this has now been amended in the report above to avoid confusion.

No interested parties spoke against the proposal, and the Planning Agent spoke in favour. Members did not ask any questions of the speaker.

Members debated the application. Members asked the Planning Officer to comment on the apparent conflict with the 45-degree line shown on the proposed roof plan on the Existing and Proposed Streetscene drawing. The Planning Officer commented that this is due to the roof overhang, and the site/floor plans indicate that there would be no conflict with the elevations of the proposed dwelling. Notwithstanding this, due to the separation distances, the relationship is considered to be acceptable.

Members unanimously voted to refer the application to the Planning and Highways Regulation Committee with a recommendation for approval.