

Marple Area Committee

31st July 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

<u>ITEM 1</u>	DC089427
<u>SITE ADDRESS</u>	Land off Middlewood View, High Lane, Stockport
<u>PROPOSAL</u>	Erection of 1 no. dwellinghouse with proposed access from Windlehurst Court with associated parking and private amenity space.
<u>ITEM 2</u>	DC090869
<u>SITE ADDRESS</u>	2 Cross Lane, Marple, Stockport, SK6 6DJ
<u>PROPOSAL</u>	Change of use from dwellinghouse (Use Class : C3) to supported residential care home (Use Class : C2) for up to 3 children (Retrospective)
<u>ITEM 3</u>	DC091420
<u>SITE ADDRESS</u>	Marple Library, Memorial Park, Marple, Stockport, SK6 6BA
<u>PROPOSAL</u>	Demolition of existing Marple Library, Marple Clinic and Marple Police Station buildings and erection of leisure and community building (Use Class E, F1, and F2) with associated parking, landscaping, drainage, pedestrian and highways improvements and other supporting infrastructure

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/089427
Location:	Land Off Middlewood View High Lane Stockport
PROPOSAL:	Erection of 1 no. dwellinghouse with proposed access from Windlehurst Court with associated parking and private amenity space.
Type Of Application:	Full Application
Registration Date:	07.08.2023
Expiry Date:	02.10.2023
Case Officer:	Mark Jordan
Applicant:	Luxury Developments Ltd
Agent:	Atelier Two

DELEGATION/COMMITTEE STATUS

Marple Area Committee – 13 objections received, contrary to Officer recommendation to grant planning permission.

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the construction of a single detached, 3 bed dwelling on a vacant parcel of land.

The proposed dwelling would be two storey in scale and would comprise a ridged roof design, incorporating solar pv panels. External materials of construction include brickwork, roofing slates, timber cladding and stone detailing. The dwelling has been designed to meet high standards of energy efficiency construction and includes a 'Fabric First' approach designed to meet Passivhaus standards.

Vehicular access to the proposed dwelling would be taken via Windlehurst Court and 1 parking space would be provided on site.

The drawings attached to this planning report represent the best way for Members to appreciate and consider the physical impact of the proposal seeking full planning permission, in terms of its layout, scale, appearance, means of access and landscaping.

In addition to the submitted drawings, the proposal has also been accompanied by a number of supporting reports which are listed below:-

- Design & Access Statement
- Drainage Strategy
- Ecological Appraisal
- Tree Survey / Assessment
- Coal Mining Risk Assessment

SITE AND SURROUNDINGS

The site currently comprises a parcel of scrubland positioned to the rear of a terraced row of houses, which themselves front onto Buxton Road (A6).

To the north of the site exist open fields, whilst a 3 storey apartment block and associated garages fall to the east off Windlehurst Court. Land immediately to the west appears to be used for domestic storage and includes vehicle parking.

The site is enclosed by a variety of boundary treatments including a stone wall, walls of adjacent buildings / structures and wire / timber fencing.

A number of semi-mature trees exist within the site along the northern and eastern boundaries, some of which are covered by Tree Preservation Orders (Middlewood View, High Lane 2022). Ground levels slope gradually across the site from east to west.

POLICY BACKGROUND

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

The Development Plan includes-

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

Saved policies of the SUDP Review

EP1.7 Development & Flood Risk

L1.1 Land for Active Recreation

L1.2 Children’s Play

MW1.5 Control of Waste from Development

LDF Core Strategy/Development Management policies

CS1 Overarching Principles: Sustainable Development – Addressing Inequalities & Climate Change

SD1 Creating Sustainable Communities

SD3 Delivering the Energy Opportunities Plan

SD6 Adapting to the Impacts of Climate Change

CS2 Housing Provision

CS3 Mix of Housing

CS4 Distribution of Housing

H1 Design of Residential Development

H2 Housing Phasing

H3 Affordable Housing

CS8 Safeguarding & Improving the Environment

SIE1 Quality Places

SIE2 Provision of Recreation & Amenity Open Space in New Developments
SIE3 Protecting, Safeguarding & Enhancing the Environment
CS9 Transport & Development
CS10 An Effective & Sustainable Transport Network
T1 Transport & Development
T2 Parking in Developments
T3 Safety & Capacity on the Highways Network

High Lane Village Neighbourhood Plan & Design Codes

H1 Housing Scale and Mix
NH1 Protecting Local Landscape Character in the High Lane Area
NH3 Protecting and Enhancing Local Wildlife
HD2 High Quality Design and Design Codes

Design Codes

T1: Maximising Connectivity
T4: Providing Cycle Storage
T5: Providing Appropriate Car Parking
H1: Energy and Resource Efficiency
H2: Water Efficiency
H3: Renewable Energy
E1: Trees
E2: Biodiversity
LC1: Local Character

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.

Open Space Provision and Commuted Payments SPD
Design of Residential Development SPD
Sustainable Transport SPD
Sustainable Design and Construction SPD

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th December 2023 replaced the previous NPPF (originally issued 2012 & subsequently revised thereafter). 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”.

Relevant paragraphs within the NPPF include:-

Para. 1-2: Introduction

Para. 7-14: Achieving Sustainable Development

Para. 38, 47, 55-58: Decision Making

Para. 60, 64-66, 70, 77: Delivering a Sufficient Supply of Homes

Para. 96, 102: Promoting Healthy & Safe Communities

Para. 108, 109, 114-117: Promoting Sustainable Transport

Para. 123, 124, 127, 128: Making Effective Use of Land

Para. 131, 135-136, 139-140: Achieving Well Designed Places

Para; 157, 159, 162-163, 165, 173,174: Meeting the Challenge of Climate Change, Flooding & Coastal Change

Para. 180, 186, 188-194: Conserving and Enhancing the Natural Environment

Para. 224, 225: Implementation

[National Planning Policy Framework](#)

Planning Practice Guidance

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

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

RELEVANT PLANNING HISTORY

There is no relevant planning history relating to this site.

NEIGHBOUR'S VIEWS

The application has been advertised via 33 neighbour letters, with the deadline for responses having now expired.

At the time of report preparation 13 letters of representation, including one from the Marple Civic Society, have been received objecting to the application on the following summarised grounds:-

- 1) There is already an established access to the proposed property via the rear of the cottages which front the proposed development. Has this alternative access, along with potential access off the A6 next to the Royal Oak PH, been considered?
- 2) The proposed access off Windlehurst Court would create a thru-road and would adversely affect public safety and the amenity / tranquillity of local residents, many of whom are elderly;
- 3) There is already a serious shortage of parking space at Windlehurst Court with only 12 spaces serving 18 apartments, meaning the road is used for overflow parking by residents, visitors, deliveries and waste collection. This,

along with access to the garage block, would be impacted on / prevented, if the proposed access is taken off Windlehurst Court;

- 4) There is a garage block which adjoins the site. If through traffic to a new development is allowed, there is a danger that vehicles may well collide at this location;
- 5) Dispute over the ownership and maintenance of an existing boundary fence and strip of land that would be affected by the proposed development and in particular the proposed access off Windlehurst Court;
- 6) There is universal opposition to the planning application from local residents;
- 7) Access to the existing garage block off Windlehurst Court could be blocked during the construction of the proposed development;
- 8) Concerns over noise levels that may affect local residents during any construction works and increased noise levels from the A6 resulting from loss of trees on the site
- 9) The proposed dwelling would overlook nearby residential properties;
- 10) Loss of protected trees, local wildlife and biodiversity contrary to the Council's rewilding initiative;
- 11) Visual impact;
- 12) The proposal is not a replacement dwelling;
- 13) The increased traffic associated with the proposed dwelling would place extra wear and tear on local roads, which are already poorly maintained;
- 14) If allowed other properties may be built in the vicinity;
- 15) The Green Belt should be protected;
- 16) Further details should be provided in order to allow a further assessment of the proposal and more informed comments;
- 17) The proposal would result in over-development, with the cramming in of a dwelling;
- 18) The site is not scrubland, but forms the garden to No. 10 Middlewood View;
- 19) The proposal would be contrary to the Council's aims of building on brownfield sites;

CONSULTEE RESPONSES

Highway Engineer:

The proposed access should be clearly indicated including the provision of appropriate visibility splays where the proposed access meets any highway, and how

dropped kerb access is formed. Drainage for proposed dwelling and hardstanding to be designed in accordance with SuDS policies and to agreement of LLFA.

1m x 1m pedestrian visibility splays are required at each side of drive where meeting highway within which nothing obstructs visibility above 600mm from ground level. This would also provide inter-visibility with users of garages adjacent to proposed access. I recommend that a condition be attached to preserve this provision.

Proposal provides one in-curtilage parking space.

New dwelling to have charge point for electric vehicle. Details required.

As a new dwelling secure covered cycle parking required for a minimum of 1 cycle. Details required.

Recommendation: no objection subject to conditions relating to 1) construction method statement; 2) access details and visibility; 3) gate opening; 4) driveway drainage; 5) EV charging, and 6) cycle parking

Arboriculture Officer:

Original comments:

Legislative and Policy Framework

Conservation Area Designations

The proposed development is not within or affected by a conservation Area.

Legally Protected Trees

There are legally protected trees within this site or affected by this development (Middlewood View, High Lane 2022).

Recommendations:

The proposed demolition and construction works is shown at this time within the informal grounds/former hard standing areas of the existing site and it is assumed the proposed new development location will potentially impact on the trees as the site currently has a fair level of vegetation.

A full tree survey has been supplied as part of the full planning application to show the condition and amenity levels of the few remaining trees in or around the red edge and where applicable which trees could be retained to increase the amenity levels of the site with retained mature trees, this is agreed to be a true representation of the tree stock on site.

A detailed landscaping scheme is being conditioned as part of the full planning application submitted which clearly shows enhancements along the road frontage and side of the site to improve the amenity through native species planting. However this area needs to be reviewed and increased tree planting shown for the red edge site for this application specifically to show how they will off-set the loss of trees in this application.

Consideration should also need to be given to the level of planting within the proposed car park areas making sure adequate levels are detailed but using appropriate species and planting pits to guarantee success rates, improve SUDs

potential through options such as tree pits and perpetuity tree cover for the surrounding environment to improve the local biodiversity and amenity of the area.

In its current format the scheme proposes further tree loss which is accepted as long as they show further enhancements to the site through increased native trees, hedgerows and fruit trees at every opportunity as they propose the removal of mature trees with health issues but still have high level of amenity and biodiversity for the local area.

The following conditions would be relevant to any planning application relating to the site:- TREE 1 (tree retention), TREE2 (tree protection measures) and TREE3 (tree planting).

Update:

Further planting details have been provided by the applicants' agent which are considered to be acceptable in principle.

Nature Development Officer:

Legislative and Policy Framework

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).

Legally Protected Species

A Preliminary Ecological Appraisal has been completed for this site by Pennine Ecological in April 2023.

Bats

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.

There is a line of semi-mature trees within this site. All trees were surveyed for bat roost potential as part of the April 2023 PEA surveys (Pennine Ecological 2023). All trees were assessed as having negligible bat roost potential. Further recommendations have been made.

Great-crested Newts (GCN)

GCN are afforded the same legal protection as bats (detailed above).

There are a number of ponds within 500m of the site, although the nearest pond is 300m to the south east, separated by the A6 and agricultural pasture. A single pond with confirmed GCN presence (2014) is 420m south west on the opposite side of a railway line and main road. The site itself has no waterbodies and, given the distance to known GCN populations and barriers to dispersal, no further surveys are recommended.

Badgers

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.

There was no evidence of badger found during the badger survey undertaken.

Nesting Birds

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. Further recommendations have been made.

Hedgehog

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. Further recommendations have been made.

Invasive Species

Certain invasive plant species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to grow this invasive species in the wild.

Cotoneaster, which is listed on Schedule 9 of the WCA 1981 (as amended), was noted on site during the 2023 survey. Further recommendations have been made.

LDF Core Strategy

Core Policy CS8 Safeguarding and Improving the Environment

Green Infrastructure

3.286

Biodiversity and Nature Conservation

3.296

DEVELOPMENT MANAGEMENT POLICY SIE-3

A) Protecting the Natural Environment

Protecting, Safeguarding and Enhancing the Environment

3.345 3.346 3.347 3.361

3.362 3.363 3.364 3.365 3.369

Recommendations:

There is sufficient ecological information available to inform determination of the application. The ecology surveys were completed by Pennine Ecological in April 2023. Having reviewed the available information, I am satisfied that no further surveys are required. Further recommendations are detailed below.

It should also 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, amphibians 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.

Lighting

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/our-work/buildings-planning-and-development/lighting> (note update 2023)).

Badgers

Condition

To protect badgers, hedgehog etc which may pass through the site and prevent potential disturbance during works, the following reasonable avoidance measures (RAMS) should be implemented and secured by condition. This shall include:

- If at any time during works evidence of badger (or any other protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice.
- Any works which involve the creation of trenches or with pipes shall be undertaken following measures to protect badgers from being trapped in open excavations and/or pipework:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Nesting Birds

In relation to nesting birds, the following condition should be used: No tree/hedgerow/vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (no more than 48 hours before) such works commence and confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

Habitats / Biodiversity Enhancements

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

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 should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review. Suitable measures include;

- provision of 2 no. bat boxes on the building or mature trees around the site and 2 no. bird nesting facilities, e.g. a sparrow terrace, are also installed either on the building or trees. Integrated boxes are available as an alternative to externally mounted boxes (e.g. Habitat boxes) which can be faced with different materials to match the building façade if preferred. The proposed type, location and number of bat/bird boxes should be submitted to the LPA for review (this can be secured via condition).
- It is recommended that as many trees are retained as possible. If any trees are removed (the Proposed Site Plan: drawing 2430 PL101 indicates that T13, T11 and T6 are removed as well as G12) then they should be replaced at a minimum of 1:2 ratio, (removal: replacement).
- Buffer planting on the northern boundary as part of additional landscape planting should be incorporated into the design and shown on the submitted Landscape and Biodiversity Enhancements Plan. Planting should comprise a range of wildlife friendly species (locally native where possible).
- Native species hedgerow should be planted at site boundaries (rather than using close-board timber fencing). Where the use of close-board fencing is unavoidable, gaps should be provided at the base (130mm x 130mm – minimum one gap per elevation) to maintain habitat connectivity for wildlife such as hedgehog.

Ecology shelf-life comment:

Ecological conditions can change over time. In the event that works have not commenced within two years of the survey it is advised that 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. This can be secured by condition.

Update:

Further details have been provided by the applicants' agent which are considered to be acceptable in principle, subject to the following:-

- Bat boxes and bird boxes quantity and make/model are acceptable, provide locations should be provided.
- Native hedgerow and tree planting constraints noted. Provide species details for native hedgerows – this should include a mix of species should be provided that are chosen to provide a year-round nectar/berry resource for invertebrates and birds.
- Hedgehog gaps where wooden fence unavoidable are noted.

Contaminated Land Officer:

Whilst the site has not been identified as potentially contaminated on the Councils review of potentially contaminated sites. The area of land is in a poor state and appears to have been used for commercial purposes to store plant equipment such as tractors and JCBs. Given the current land use there is the potential for contamination to have occurred on-site relating to the following: 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.).

As such the developer will need appoint an Environmental Consultant to undertake a Phase 1 desktop study/site walkover to determine if a Phase 2 site investigation and

subsequent remediation and validation is required, especially in the proposed garden areas. This is a phased approach and I would recommend the following conditions for the decision notice;

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:-

(i) 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 [XXXX] 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.

LLFA / Drainage Engineer:

Having reviewed the documentation for this application. The LLFA recommends that the application is acceptable in principle subject to a detailed design, with the following conditions:

- * Provide the figures for how much water will be reused through water harvesting.
- * include an assessment and calculation for 1 in 1yr, 30yr and 100yr + 40% climate change figure critical storm events showing flood exceedance routes.
- * shall include details of ongoing maintenance and management.

The development shall be completed and maintained in full accordance with the approved details.

The Coal Authority

Material Consideration

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

You will recall that we previously objected to the proposal in our initial consultation response letter of 17 August 2023 due to the lack of a Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy. We are therefore pleased to note that the applicant has now submitted a Coal Mining Risk Assessment report (September 2023, prepared by Earth Environmental & Geotechnical Ltd) in support of their application. Based on a review of coal mining and geological information, the report identifies a potential risk of historical unrecorded shallow workings being present beneath the development area. Accordingly, it goes on to recommend the carrying out of an intrusive borehole investigation to prove or disprove the existence of historical workings.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of site investigations. These should be designed and carried out by competent persons and should be appropriate in terms of assessing the ground conditions at the site in order to establish the coal mining legacy present and the risks it may pose to the development.

The report does not outline what measures may be required in the event that mine workings are encountered within influencing distance of the surface. The results of the investigations should therefore be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permissions & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of

the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

United Utilities

DRAINAGE

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below. Water pipelines United Utilities will not allow building over or in close proximity to a water main. Wastewater pipelines United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details). Important information regarding water and wastewater pipelines and apparatus It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service, including United Utilities (see 'Contacts' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to United Utilities assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See 'Contacts' Section below. United Utilities Water will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any

necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include sustainable drainage features, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets, including any assets or infrastructure that may be located outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is available on our website. The applicant, and/or any subsequent developer should note that our 'Standard Conditions' guidance applies to any design and construction activities in close proximity to water pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational. It is the applicant's responsibility to ensure that United Utilities' required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

To promote sustainable development United Utilities offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design <https://www.unitedutilities.com/buildersdevelopers/your-development/planning/building-sustainable-homes/>

Business customers can find additional information on our sustainable drainage incentive scheme at <https://www.unitedutilities.com/Business-services/retailers/incentive-schemes/>

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity.

High Lane Neighbourhood Forum:

As representatives of the HLVNF we have reviewed the planning application and would advise that in this instance we believe it is solely for consideration of the neighbours, therefore we have no further comments to make on this proposal.

ANALYSIS

Policy Principle

In terms of housing delivery Members are advised that the NPPF requires the Authority to have a 5 year housing land supply. As Members will be aware the Authority has experienced a shortfall in meeting that requirement for many years with the supply at present standing at 3.78 years.

Core Strategy policy CS4 seeks to deliver housing within the Borough by adopting spatial priorities including 'other accessible locations'. In accordance with policy H2, a score is applied to any site, calculated having regard to its accessibility to services and public transport. Residential development may then be considered acceptable if the site in question achieves the required accessibility score. This policy confirms that when there is less than a 5 year deliverable supply, accessibility scores will be lowered so as to bring more sites forward for consideration.

Members are advised that given the significant and long-standing shortfall in housing supply in the borough, the accessibility score referred to in H2 is set to zero across the entire Borough. The impact of that is that if there are no other adverse land use policy implications arising from the redevelopment of any site within Borough, then the principle of residential development will be considered acceptable from a housing supply perspective.

The density of development proposed equates to 48 dwellings per hectare, which is supported by policy CS3 (Mix of Housing).

Comprising minor development (less than 10 dwellings) there is no requirement for affordable housing (as confirmed by para 65 of the NPPF).

Consequently, the proposal meets the locational requirements of Core Strategy DPD policies CS4 and H2, as well as adding to the housing numbers and mix in line with Core Strategy DPD policies CS2 and CS3.

The site is located within a Predominantly Residential Area, and therefore, in light of the above, the principle of residential development can be supported, subject to all other material planning considerations as assessed below.

Design, Scale & Appearance

The proposed development would be two storey in scale and would comprise a ridged roof design, incorporating solar pv panels. External materials of construction would include brickwork, roofing slates, timber cladding and stone detailing.

The two storey scale of the proposed dwelling, is smaller in scale and mass than the terraced houses that exist to the south of the site on the opposite side of Middlewood View, fronting onto Buxton Rd (A6). Furthermore buildings of greater scale and mass also exist further to the east in the form of a 3 storey apartment block on Windlehurst Court. In this respect the scale and mass of the proposed dwelling is considered to be appropriate in this location given the varied character of its surroundings.

The design and appearance of the proposed dwelling is derived from the desire to respect both the local character of the sites immediate surroundings, which sees the introduction of design features such as a gabled elevation and chimney stack, together with the aim to create an exemplar, sustainable home with low energy use.

The external materials of construction include a traditional palette of hardwearing and robust materials, consisting of a predominantly brickwork envelope, with a vertical dark timber cladding wrapping around the building at first floor, under a matching dark grey slate tiled roof with dark window frames and stone detailing to the eastern elevation. The use of contrasting cladding to parts of the upper floor elevations also assists with breaking up the visual scale of the development and avoids an expanse of oppressive brickwork when viewed from nearby dwellings. Overall these materials are considered to be in keeping with surrounding dwellings and the varied character of the local area.

On balance, it is considered that the proposed built form would satisfactorily respond to the constraints of the site and would appear as an acceptable form of development within the surrounding area which is of varied character. Taking account of the above and the proposed siting, design, scale, massing, materials and context of the scheme, the development is considered to be in accordance with relevant development plan policies and the NPPF.

Residential Amenity

Core Strategy policy H1 confirms that good standards of amenity and privacy should be provided for the occupants of new and existing housing. This is reinforced by policy SIE1 which confirms that satisfactory levels of amenity and privacy should be maintained for future and existing residents. The NPPF confirms that development should create places that promote health and wellbeing, with a high standard of amenity for existing and future users.

The Design of Residential Development SPD sets out minimum space standards which should be adhered to ensure adequate levels of amenity for residents within new developments and those adjacent to them. These distances are a useful guide for assessing the impact of any development, however it is acknowledged that depending upon the design of a development proposed and the topography, landscaping and layout of a site, development within closer proximity may be acceptable or greater distances of separation may be required.

The closest existing residential properties fall to the south of the site on the opposite side of Middlewood View, fronting onto Buxton Rd (A6). The layout of the proposed development has been designed such that it uses various measures including obscure glazing, planting and boundary treatments to safeguard the privacy of surrounding residential properties, ensuring that the amenity afforded to these and potential future occupiers of the site will not be unduly affected.

The proposed dwelling would be provided with adequate amenity space, in the form of a terraced garden. In this respect it can therefore be concluded that any future occupiers would benefit from a satisfactory level of amenity.

Members are therefore advised that the proposed development would accord with relevant development plan policies and the NPPF.

Highway Safety & Parking

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. The Council will support development that reduced the need to travel by car. This position is followed through in policy T1 which seeks to focus development in designated centres as these are the most accessible and development within them will facilitate a reduction in the need to travel. New development, notably that generating significant number of trips, will be required to be sustainably accessible by public transport, walking and cycling.

Policy T2 requires parking in accordance with the maximum standards and policy T3 confirms that development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design.

The detailed response of the Council's Highway Engineer to the proposal as originally submitted, is included within the Consultees section of this report and should be cross-referenced as part of the analysis of this application.

Whilst the concerns of local residents are noted over the potential for conflict of traffic resulting from the proposed access being taken off Windlehurst Court, material weight should be given to the comments of the Council's Highway Engineer. In this respect the Highway Engineer considers that the proposed access arrangements and level of traffic generation associated with the development would not result in an unduly detrimental impact on highway or pedestrian safety on the local road network and is acceptable, subject to conditions.

In terms of car parking, the proposal would provide 1 parking space within the development site. Officers are satisfied that this level of parking is appropriate

and as such there is no reason or justification to consider that the development will give rise to overspill parking and consequent highway operational and safety concerns.

Comments from interested 3rd parties as to the ownership and maintenance of some of the land / boundaries adjacent to the application are noted. Such disputes are however private, civil matters and do not prevent the determination of the current application, but may preclude any development being implemented in the future should permission be granted.

In summary the proposal is considered to comply with relevant development plan policies and the NPPF.

Landscaping

Members will be aware that a number of semi-mature trees exist within the site along the northern and eastern boundaries, some of which are covered by Tree Preservation Orders (Middlewood View, High Lane 2022). As a result the application is accompanied by an arboricultural survey, which assesses the impact of the development on existing trees and planting within the site.

The detailed comments of the Council's Arboricultural Officer are set out earlier in this planning application report.

A number of trees (2 individual and 1 group) are classed as being unsuitable for retention and are proposed for removal to accommodate the development. The trees indicated for removal are categorised as being low quality specimens.

Replacement tree and hedge planting (native species) is proposed along the north, south and west site boundaries as part of the proposal, whilst the layout of the development and proposed construction methods have been designed to minimise the impact on trees as much as possible.

Having regard to the above, whilst the loss of a limited number of trees is regrettable, those to be removed are identified as being unsuitable for retention and are low quality specimens. Furthermore appropriate replacement planting using native species would form part of the proposed development. Noting that no objections have been raised to the proposal by the Council's Arboricultural Officer, subject to the use of appropriate planning conditions, the development is therefore considered to comply with relevant plan policies and the NPPF.

Ecology

The proposal as submitted is accompanied by an ecological survey which assesses the impact of the development on ecological interests.

In this respect the comments of the Council's Ecologist are set out in detail earlier in this planning application report and it is noted that no objections have been raised to the proposal. Having regard to the biodiversity measures which form part of the development and subject to the use of appropriate planning conditions, the development is considered to comply with relevant plan policies and the NPPF.

Flood Risk & Drainage

Saved policy EP1.7 confirms that development will not be permitted where it will be at risk of flooding or result in flooding. Core Strategy policies SD6 requires development to be designed in such a way as to avoid, mitigate or reduce the impacts of climate change. All development will be required to incorporate sustainable drainage systems. This is reflected in the NPPF at chapter 14.

The application site is not identified on the UDP Proposals Map as being in an area liable to flood and the Environment Agency identify the site as being within Flood Zone 1 (low risk). Having regard to the size of the site and scale of the proposed development there was no requirement for a Flood Risk Assessment, the application is however supported by an outline drainage strategy.

In view of the above, in the absence of any objections from the Lead Local Flood Authority and subject to securing appropriate flood risk / drainage related conditions, the application does not conflict with the provisions of Core Strategy DPD policy SD6 (Adapting to the Impacts of Climate Change) or saved UDP Review policy EP1.7 (Development & Flood Risk).

Contaminated Land

In respect of ground contamination, Policy SIE-3 seeks to protect development from matters relating to contaminated land.

In the absence of any objections from the Council's Environmental Health (Contaminated Land) officer and The Coal Authority, the proposal is considered to be acceptable, subject to appropriate conditions. On this basis the proposal is considered to comply with Policy SIE-3.

Sustainability & Energy

The dwelling has been designed to meet high standards of energy efficiency construction and includes a 'Fabric First' approach designed to meet Passivhaus standards. In this respect the proposed development would include solar pv on the southern roof slope and incorporates high performance glazing with passive ventilation strategies.

Subject to a condition requiring the submission and approval of an Energy Statement, the proposal has, in principle, considered the opportunities for the development to deliver energy savings and Co2 reduction across the proposed development and would comply with relevant development plan policies, including Core Strategy Policy SD-3.

Air & Noise Pollution

In terms of air quality the proposed development site does not fall within any designated areas of control, such as an Air Quality Management Area and as such potential occupants would not be unduly affected. Given the scale and nature of the proposal, the development would not be expected to result in a detrimental effect on the air quality conditions of the surrounding area.

With regard to noise impacts, it is considered that the scale and residential nature of the proposal would not represent a development type that would result in the generation of significant noise levels to the detriment of local residents.

In light of the above the proposal is considered to comply with relevant development plan policies.

Recreational Open Space

The NPPF confirms at para 98 that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Saved UDP Review policies L1.1 and L1.2 together with Core Strategy policy SIE2 confirm that there is an undersupply of formal recreation and children's play facilities in the Borough. As such, applications for residential development are expected to make a contribution towards that undersupply.

In light of the above the proposed development will be required to make a contribution towards children's play and formal recreation. This sum (£5984), which will be invested in facilities within the Borough, will be secured via a S106 agreement.

CONCLUSION

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.

The site is located within a Predominantly Residential Area and the principle of residential development on the site is supported, subject to all other material planning considerations as assessed above.

On balance, the scale, layout, landscaping, design and appearance of the proposed development are considered to be acceptable, and the details submitted indicate that the development can be accommodated on the site without resulting in significant harm to the character and appearance of the area, nor amenities of the neighbouring occupiers. Furthermore, it is considered that the proposed development would not result in significant adverse impacts upon highway and pedestrian safety, and the proposed access and parking layout is considered to be safe and practical to use in accordance with the Council's standards. In this respect the proposal is considered to be in compliance with policies of the Saved UDP Review, Core Strategy and High Lane Village Neighbourhood Plan & Design Codes.

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 scheme 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 recreational open space.

RECOMMENDATION

Grant, subject to completion of an appropriate S106 agreement.