

Marple Area Committee

4th December 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

ITEM 1

DC091344

SITE ADDRESS

Lower Cobden Edge Farm, Whetmorhurst Lane, Mellor, Stockport, SK6 5NZ

PROPOSAL

Erection of 1 no. detached dwellinghouse with detached garage (Retrospective amendment to planning permission DC075688, to comprise addition of a basement and lowering of approved garage).

ITEM 2

DC091912

SITE ADDRESS

Stables On Land To Rear Of Longhurst Lane And Knowle Road, Mellor, Stockport

PROPOSAL

Demolition of existing stables and tack room buildings and erection of 1 no. single storey self-build dwellinghouse with associated access, parking and landscaping

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/091344
Location:	Lower Cobden Edge Farm Whetmorhurst Lane Mellor Stockport SK6 5NZ
PROPOSAL:	Erection of 1 no. detached dwellinghouse with detached garage (Retrospective amendment to planning permission DC075688, to comprise addition of a basement and lowering of approved garage).
Type Of Application:	Full Application
Registration Date:	01/03/2024
Expiry Date:	26/04/2024 (Extension of Time Agreed)
Case Officer:	Mark Burgess
Applicant:	Mr and Mrs Waterfall
Agent:	Plan:8 Town Planning Ltd

DELEGATION/COMMITTEE STATUS

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

BACKGROUND

Members may recall a previous planning application at the site, which sought full planning permission for the demolition of an existing agricultural building and the erection of a detached two storey dwellinghouse with single storey detached garage at Lower Cobden Edge Farm, Whetmorhurst Lane, Mellor (Reference : DC075688). Planning permission for the development was granted on the 2nd March 2022, following consideration by Marple Area Committee and determination by the Planning and Highways Regulation Committee.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the erection of 1 no. residential dwellinghouse with a detached garage to an area of residential curtilage/garden of an existing residential dwellinghouse at Lower Cobden Edge Farm, Whetmorhurst Lane, Mellor. The application seeks a retrospective amendment to planning permission DC075688 for a detached dwellinghouse and garage at the site, the current scheme comprising the addition of a basement and the lowering of the previously approved garage.

The dwellinghouse, which has been predominantly constructed but is not yet occupied, has a width of 12.0 metres, a length of 5.6 metres, an eaves height of 4.8 metres and a ridge height of 6.4 metres. The proposed dwellinghouse is of traditional design with a pitched roof and constructed of stone walls with a slate roof. Internally, the dwellinghouse comprises a living room, kitchen/dining room, utility and WC at ground floor level and three bedrooms (one with en-suite) and a bathroom at first

floor level. The basement formed without the benefit of planning permission is to be used for storage.

The detached garage has a width of 5.9 metres, a length of 8.3 metres, an eaves height of 2.3 metres and a ridge height of 3.9 metres. The detached garage is of pitched roof design and constructed of stone walls and a slate roof and includes a link to the basement of the dwellinghouse.

Vehicular access to the dwellinghouse is taken from Whetmorhurst Lane to the North West, with a parking area provided to the front curtilage of the dwellinghouse.

The application is accompanied by the following supporting documents :-

- Planning Supporting Statement.
- Volume Calculations.
- Energy Statement.
- Materials Schedule.
- Construction Method Statement.
- Landscaping/Biodiversity Enhancements Scheme.
- Drainage Scheme.

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

SITE AND SURROUNDINGS

The application site comprises an area of enclosed garden/curtilage to the South West of an existing two storey detached dwellinghouse at Number 15 Whetmorhurst Lane and is currently under development for the erection of 1 no. detached dwellinghouse. Levels slope down from South East to North West and from South West to North East. Access to the site is taken from Whetmorhurst Lane to the North West.

To the North East of the site, beyond the existing dwellinghouse and outbuildings at Number 15 Whetmorhurst Lane, are further residential properties. The site is adjoined to the South East by open fields, with further open fields on the opposite side of Whetmorhurst Lane to the South West and North West. A residential property at Number 20 Whetmorhurst Lane is located on the opposite side of Whetmorhurst Lane to the West.

POLICY BACKGROUND

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

The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within the Green Belt, as defined on the UDP Proposals Map and within the Mellor Moor Landscape Character Area. The following policies are therefore relevant in consideration of the application :-

Saved UPD policies

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

Core Strategy DPD policies

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

Supplementary Planning Guidance and Documents

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

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

- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

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

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

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

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

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

Paragraph 8 states *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-*

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

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

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

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

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

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

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

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

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

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

National Planning Practice Guidance (NPPG)

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

RELEVANT PLANNING HISTORY

- DC087930 : Non-material amendment to planning permission DC075688, to comprise amendments to access and parking area : Granted – 31/03/2023.
- DC085436 : Discharge of conditions 2, 3, 5, 6, 9, 10, 13, 19 and 21 of planning permission DC075688 : Discharged – 07/10/2024.
- DC077182 : Construction of swimming pool and erection of building to enclose the swimming pool (Lawful Development Certificate) : Granted – 10/08/20.
- DC075688 : Demolition of existing agricultural building and erection of a detached two storey dwelling with single storey detached garage : Granted – 02/03/2022.
- DC074413 : The erection of an outbuilding to an existing dwelling incorporating a double garage and a home office/garden room (Lawful Development Certificate) : Granted – 09/10/19.
- DC072601 : The proposal is for the confirmation of use of the land in excess of ten years. Over ten years ago the use of the land was changed from a field to a residential garden and throughout that time and for the last ten years the use as a garden has continued (Lawful Development Certificate) : Granted – 25/06/19.
- DC069319 : Notification for Prior Approval for a Proposed Change of Use of an Agricultural Building to a Dwelling House (Class C3) with elevational changes : Prior Approval Not Required – 03/07/18.

- DC056729 : Subdivision of domestic curtilage for 1 no. extra dwelling : Refused – 17/12/14 : Appeal Dismissed – 21/08/15.
- J.56719 : Agricultural Building : Granted – 11/02/93.
- J.55694 : Agricultural Building : Refused – 20/07/92.
- J.40973 : Tractor shed and fencing : Granted - 09/02/88.
- J.23840 : Hay storage and cattle shelter : Granted – 17/09/81.

NEIGHBOUR'S VIEWS

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

1 letter of objection has been received to the application. The main causes for concern raised are summarised below :-

- The application is misleading when reading the submitted Planning Support Statement.
- There has been a history of unlawful development relating to planning permission DC075688.
- The application details that a lawful start has been made. This is questioned as condition 21 has not been discharged. This is a very important condition promoting sustainable development, secure proper drainage and to manage the risk of flooding and pollution along with compliance to policy. It is a pre-commencement condition that prevents any work being carried out other than that of demolition.
- It is purveyed in the application that the garage would be built lower than approved. It is clear from the drawings submitted as part of application DC075688 that the garage has in fact been built at the correct level and it is the house that is elevated by approximately 1.3m above the levels approved. It is guessed the reason for the house being elevated by approximately 1.3m, would be to gain the desired head height within the basement whilst minimising the reduced dig.
- The house has now been built and the roof structure has been completed. The current height of the eave from existing site ground level on the North West elevation is approximately 6m. The ridge height is approximately 7.35m. When presented to Marple and Area Committee on 15/09/21, the following Development Statement was presented : - "*The proposed dwellinghouse would have a width of 12.0 metres, a length of 5.5 metres, an eaves height of 4.8 metres and a ridge height of 6.4 metres. The proposed dwellinghouse with be of traditional design with a pitched roof and the materials of external construction are specified stone for the external walls and slate for the roof covering. Internally, the proposed dwellinghouse would comprise a living room, kitchen/dining room, utility and WC at ground floor level and three bedrooms (one with en-suite) and a bathroom at first floor level.*" As the ground floor of the house has been raised, there will need to be steps up to the front door. This was never detailed on drawing RG226/PL102, nor was

approximately 7 courses of facing stone between the existing site ground level and the front door threshold.

- The retrospective planning application seeks permission for a disability access door located at the rear of the South West elevation which further adds weight to the fact that the garage has been built to the correct height and subsequently due to the formation of the basement, the house is now elevated by approximately 1.3m and currently has no level access at the front door.
- Building the garage to the proposed level does not make it less visible as claimed, it simply makes it as visible as detailed on drawing RG226/PL102. What does become more visible is the house due to its raised elevations.
- The application claims that the house has exactly the same height from the ground level to the eaves and ridge as approved. It is considered that the height differs significantly as per the views expressed in the application.
- It is evident that a second floor has been constructed by way of installing structural steel and floor joists rather than ceiling joists. "*living accommodation to the second floor is not to be included*" It seems strange to install a structural floor if there is no current or future plan to utilise the second floor that has been formed, in turn transferring the house to 4 stories. Whilst the future cannot be predicted that Velux windows, dormers or even a raised roof will be on its way in the future.
- The submitted image clearly shows that the house has been elevated by approximately 1.3m, and the garage has been built at the correct approved level. The red dotted line has been incorrectly detailed; the original ground level is approximately 1.3m below the red dotted line. The blue dotted line is correct for the garage but should be approximately 1.3m lower than it has been detailed, as that would in turn show the correct height of the approved house. The basement is not fully subterranean as claimed, it is visible on every elevation other than the south east.
- The original materials schedule along with the one submitted as part of this retrospective application detail that the house will be built out of natural random coursed stone, sourced from Etherow Stone, Glossop which would have been in keeping with neighbouring properties. The house has in fact been built out of reconstituted non coursed stone which looks like something you would find on a Belway new build site, and therefore not in keeping with neighbouring properties.
- The basement is not fully subterranean as claimed, it is visible on every elevation other than the south east.
- The volume increase of 31.8% is questionable, no doubt this will be checked on site by the planning authority.
- Paragraph 149 of the NPPF has no relevance to this application as it is a new build dwelling which had planning permission granted under "very special circumstances" with strict volume restrictions as part of the granted permission.

- The additional volume of the dwelling has a negative impact on the green belt as the house stands approximately 1.3m taller than the original approved application.
- There is little relevance to the "Feather Judgment" due to the basement being visible on all elevations other than the rear. In the case study provided the ridge height of the house was not raised in the circa of 1.3m.
- The openness of the green belt is affected due to the raised elevations of the house.
- The proposal will be more visible as the garage will stand at the height as permitted when the original planning permission was granted, however the house will have an eave and ridge height of approximately 1.3m higher than granted.
- The detailed design will not stay the same in all other respects as approved. The house has been built in different materials to that approved. The retrospective application includes a disabled access door on the south west elevation as the house has now been raised preventing level access to the north west elevation via the front door as indicated on drawing number RG226/PL102. There has also been a second floor constructed.
- There will be greater visual impact due to the raised height of the house due to the formation of the basement.
- Height has in fact been added to the development and therefore does increase shading, reduces privacy and increases loss of sunlight to neighbouring properties.
- The proposal is unsuitable at the location given. It is more than disproportional, has a greater visual impact on the green belt along with the reduction in privacy, sunlight and addition of shading to neighbouring properties.
- The applicants were granted the original planning permission under "very special circumstances". This was very quickly forgotten and clearly not good enough. They decided to flaunt planning rules and build a house with a basement which has raised the height of the house by approximately 1.3m and add a second floor with no regard to others. Furthermore, the house has been constructed with unapproved materials.
- If retrospective planning permission was to be granted with or without "very special circumstances", it would be inappropriate and could have the potential to set a very dangerous precedent for other developments in the area and it is therefore respectfully request that planning permission is refused.
- A reasonable solution to the unlawful development could be to retain the basement, and ground floor and omit the first and second floor. This would return the house back to its permitted volume and provide a positive impact on the green belt along with neighbouring properties.

CONSULTEE RESPONSES

Highway Engineer

I raise no objection to this application, subject to conditions similar to those attached to the previous application, noting that the proposed amendments do not materially affect the site's access or parking arrangements.

- Recommendation : No objection, subject to the following conditions :-

Construction of the approved development shall not proceed except in accordance with the following details :-

1. Completed copy of a SMBC Construction Method Statement
2. Drawing RG226 / CP01 'Construction Phase Layout'
3. E-mail from Richard Lowe of the 15th November 2022 (submitted in support of application DC/085436)

Reason: To ensure that the approved development is constructed in a safe way and in a manner that will minimise disruption during construction, in accordance with Policy T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The approved development shall not be occupied until site's access has been amended / constructed in accordance with the details listed below and is available for use :-

1. RG226 / BR01 Rev C 'Proposed Site Plan'
2. 001 Rev A Drainage Strategy & Layout
3. SW Soakaway Design –Driveway ACO Drain calculation sheet
4. STP/H/36 Rev 13

No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow to a height in excess of 600mm within the pedestrian visibility splays. No structure, object, plant or tree exceeding 1000mm in height shall subsequently be erected or allowed to grow to a height in excess of 1000mm within the vehicular visibility splays.

Reason: In order that the site will benefit from safe and practical access arrangements in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Any gates, barrier, or similar form of obstruction, to be erected across the vehicular access that will serve the site shall be set back 5.5 metres from carriageway / kerb line and shall be constructed to only open into the site. No bollard, chain or other means of obstruction shall be placed / erected between any gates / barrier and the highway at any time.

Reason: In order to ensure that vehicles can pull off the highway before reaching the any gates / barrier and that any gates / barrier do not impinge on the adjacent footway when open or impair visibility at the access in terms of in terms of Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The approved development shall not be occupied until the access drive, car parking and turning facilities have been provided in accordance with the approved drawings, hard surfaced (in tarmac), drained (to a soakaway / SuDS system) and are available

for use. The access drive, car parking and turning facilities shall thereafter be kept clear and remain available for parking and turning of vehicles.

Reason: To ensure that adequate parking and turning facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

The approved dwelling shall not be occupied until a charging point for the charging of electric vehicles has been provided in accordance with the following details and is available for use :-

1. RG226 / BR01 Rev C 'Proposed Site Plan'.
2. QUBEV Electric vehicle charging point specification sheet.

The charging point shall thereafter be retained (unless it is replaced with an upgraded charging point in which case that should be retained).

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-3: Protecting, Safeguarding and enhancing the Environment, T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 110, 170 and 181 of the National Planning Policy Framework.

The approved dwelling shall not be occupied until the garage, as indicated on the approved plans, has been provided in accordance with the approved plans and is available for the use of the parking of cars and cycles. It shall then be retained and shall remain available for that use at all times thereafter.

Reason: To ensure that safe and practical car and cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Public Rights of Way Officer

No comments to make.

Nature Development Officer

I would have no objection to the proposed amendment providing that the conditions relevant to ecology that were attached to the previous consent are still implemented (to protect wildlife and also to provide ecological enhancement).

The previous consent included provision of a woodcrete bat box on the property and planting of a rowan tree. These are also shown on the proposed site plan that has been submitted as part of the current application and so are unchanged and are still considered acceptable.

The proposed amendments do not appear to significantly change potential ecological impacts compared with the originally consented scheme. I note that the current

application is part retrospective, but if construction works are still on-going then the previous conditions relating to nesting birds and Reasonable Avoidance Measures to protect wildlife would still apply.

United Utilities

United Utilities has no further comment on this application.

United Utilities Property, Assets and Infrastructure

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: [Working near our pipes - United Utilities](#)

United Utilities will not allow building over or in close proximity to a water main.

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. 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.

Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be 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' which can also be found on our website: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#) ([unitedutilities.com](#))

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. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. 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.

Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Contacts

- Drainage / wastewater infrastructure: SewerAdoptions@uuplc.co.uk
- Water supply / water infrastructure: DeveloperServicesWater@uuplc.co.uk

ANALYSIS

Background

At the outset, Members are advised that full planning permission for the demolition of an existing agricultural building and the erection of a detached dwellinghouse and detached garage at the site has been granted in March 2022, following consideration by Marple Area Committee and determination by the Planning and Highways Regulation Committee (Reference : DC075688). A subsequent non-material amendment to this planning permission, comprising amendments to the access and parking area was granted in March 2023 (Reference : DC087930). All relevant pre-commencement conditions have been discharged as part of application DC085436 and, as such, the previous planning permission is capable of implementation. The current scheme before Members seeks a retrospective amendment to the previous planning permission (Reference : DC075688), comprising the addition of a basement to the approved dwelling and the lowering of the approved garage.

Policy Principle – Green Belt

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of Section 13 of the NPPF and saved UDP policies GBA1.2 and GBA1.5 is required.

The NPPF addresses the national approach to Green Belt policy under the heading entitled 'Protecting Green Belt Land' and takes as its fundamental starting point the importance of maintaining 'openness' on a 'permanent basis'. Paragraph 142 of the NPPF confirms that '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.

Paragraph 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 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, except in a number of limited circumstances, none of which include the erection of dwellinghouses.

Saved UDP policy GBA1.2 states that within the Green Belt, there is a presumption against the construction of new buildings unless it is for certain specified purposes and saved UDP policy GBA1.5 states that proposals relating to existing residential uses in the Green Belt may be permitted in certain specified cases, none of which include the erection of dwellinghouses.

In view of the above, as was considered as part of the previous planning application for the erection of a dwellinghouse at the site (Reference : DC075688), the current retrospective proposal would clearly represent inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. In such situations, there is a requirement to demonstrate that 'Very Special Circumstances' exist to justify the harm to the Green Belt by reason of inappropriateness or any other harm. In this respect, Members are advised as follows :-

- Planning permission was granted for the demolition of an existing agricultural building and the erection of a detached two storey dwellinghouse with single

storey detached garage at the site in March 2022 (Reference : DC075688). In granting planning permission for this development, Members of both Marple Area Committee and the Planning and Highways Regulation Committee accepted the applicants case for 'Very Special Circumstances', in respect of a fall-back position that the volume of development which could be lawfully implemented at the site without the requirement for planning permission (1091 cubic metres), would have greatly exceeded the volume of the dwellinghouse and garage for which planning permission was sought (587 cubic metres).

- The current scheme before Members seeks a retrospective amendment to planning permission DC075688, comprising the addition of a basement and the lowering of the previously approved garage. The dwellinghouse for which retrospective planning permission is sought would be of the same siting and external dimensions where measures from ground level and would include the lowering of the previously approved garage. On this basis, it is considered that the proposal would have no additional impact on the openness of the Green Belt from a visual perspective than the previously approved development (Reference : DC075688).
- The current scheme before Members includes the creation of a basement linked to the garage underneath the dwellinghouse which has been formed following excavation of the development. The basement and link has a volume of 187 cubic metres, which results in a 32% increase on the volume of the previously approved dwellinghouse (Reference : DC075688). However, due to the fact that the basement and link are subterranean, it is considered that that the proposal would have no additional impact on the openness of the Green Belt from a spatial perspective than the previously approved development (Reference : DC075688).

In view of the above and in summary of Green Belt considerations, it is acknowledged that the proposal for which retrospective planning permission is sought comprises inappropriate development within the Green Belt when assessed against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 154 of the NPPF. However, it is considered that the proposal would have no additional impact on the openness of the Green Belt from either a visual or spatial perspective than the previously approved development (Reference : DC075688) and, as identified by Paragraph 142 of the NPPF, *the essential characteristics of Green Belts are their openness and their permanence*'. On this basis, it is considered that 'Very Special Circumstances' exist to justify the harm to the Green Belt, by reason of inappropriateness and the approval of the application within the Green Belt as a departure from the Development Plan.

Policy Principle – Residential

It is acknowledged that the Green Belt sites are last sequentially in terms of acceptable Urban Greenfield and Green Belt sites for residential development, as defined by Core Strategy DPD policy CS4. However, consideration must be taken of the fact that the site benefits from planning permission for the erection of a dwellinghouse at the site granted as part of planning permission DC075688 which is capable of implementation. As such, the principle of the proposed dwellinghouse at the site for which retrospective planning permission is sought, with no not increase in dwellinghouses above and above that granted as part of planning permission DC075688 is considered acceptable and does not conflict with the requirements of Core Strategy DPD policies CS2, CS4 and H-2.

Design, Siting, Impact on Visual Amenity and Impact on Landscape Character

The current scheme for which retrospective planning permission is sought comprises a proposed dwellinghouse of almost identical siting, design and height to the scheme granted as part of planning permission DC075688 in March 2022. Due to the location of the site on the South Eastern side of Whetmorhurst Lane, comprising predominantly two storey residential dwellinghouses of varied design, the principle of a proposed two storey dwellinghouse with basement is considered acceptable, as is the design of the proposed development, of traditional form with pitched roofs. Private amenity space, in the form of a 378 square metre rear garden, would be provided to serve the proposed development, in accordance with the requirements of the Design of Residential Development SPD.

Matters of detail in respect of materials of external construction, means of enclosure, harm and soft landscaping and bin storage, imposed as part of the previous planning permission (Reference : DC075688) for 1 no. dwellinghouse at the site and subsequently agreed and discharged as part of application DC085436, would be carried forward and imposed as part of the current retrospective application.

In view of the above, it is considered that the development could be accommodated on the site without causing undue harm to the visual amenity of the area or the wider Mellor Moor Landscape Character Area within which the site is located. As such, the proposal complies with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The application site is adjoined to the South East by open fields and to the North West and South West by Whetmorhurst Lane, with open fields beyond. The development is sited at an angle to and over 21.0 metres from the residential property at Number 20 Whetmorhurst Lane to the West, in accordance with adopted minimum separation/privacy standards, as defined by the Design of Residential Development SPD. The development is sited 13.5 metres from the side elevation of the existing residential property at Number 15 Whetmorhurst Lane to the North East of the site, which is in the ownership of the application. On this basis, it is considered that the development could be accommodated on the site without causing harm to the amenity of surrounding residential properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy, in accordance with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Highways Considerations

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

Similar to the consideration of the previous planning application for the erection of 1 no. dwellinghouse at the site, granted as part of planning application DC075688 in March 2022, the proposal for which retrospective planning is sought has a level of parking that accords with adopted parking standards and should meet demand and the proposal and should not result in a material increase in vehicle movements on the local highway network. Subject to the imposition of a condition to require the existing agricultural building within the wider site which benefits from Prior Approval for the change of use to a dwellinghouse (Reference : DC069319) to be demolished

prior to occupation of the proposed dwellinghouse, the proposal is considered acceptable from a site accessibility perspective.

Conditions to secure a Construction Method Statement and appropriate access construction, parking/turning facilities, cycle parking and Electric Vehicle (EV) charging facilities, imposed as part of the previous planning permission (Reference : DC075688) for 1 no. dwellhouse at the site and subsequently agreed and discharged as part of application DC085436, would be carried forward and imposed as part of the current retrospective application.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal for which retrospective planning permission is sought is considered acceptable from a traffic generation, parking, accessibility and highway safety perspective. As such, the proposal complies with Core Strategy DPD policies SD-6, SIE-1, SIE-3, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Impact on Trees

It is noted that existing trees on the site are not afforded protection by way of either Tree Preservation Order or Conservation Area status. As such, existing trees on the site could effectively be removed or worked to without the requirement for consent.

Conditions imposed as part of the previous planning permission (Reference : DC075688) to ensure that no existing retained tree is worked to and to require the previous of protective fencing to existing retained trees during construction would be carried forward and imposed as part of the current application.

A condition to require appropriate tree planting, imposed as part of the previous planning permission at the site and subsequently agreed and discharged as part of application DC085436, would be carried forward and imposed as part of the current retrospective application.

In view of the above, subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

Impact on Protected Species and Ecology

The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

It is considered that the current scheme does not significantly change potential ecological impacts compared to the previous planning permission (Reference : DC075688), subject to the imposition of conditions to control works within the bird nesting season and to ensure the provision of Reasonable Avoidance Measures (RAMS) to protect wildlife during development. A condition to require a scheme of biodiversity enhancements, imposed as part of the previous planning permission at the site and subsequently agreed and discharged as part of application DC085436, would be carried forward and imposed as part of the current retrospective application.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, it is considered that the proposed development would not unduly impact on protected species, biodiversity or the

ecological interest of the site. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3.

Flood Risk and Drainage

The application site is located within Flood Zone 1, which is deemed to have the lowest risk of flooding. Core Strategy DPD policy SIE-3 states that all development will be expected to comply with the approach set out in national policy, with areas of hard-standing or other surfaces, should be of a permeable construction or drain to an alternative form of Sustainable Drainage Systems (SuDS). Core Strategy DPD policy SD-6 requires a 50% reduction in existing surface water runoff and incorporation of Sustainable Drainage Systems (SuDS) to manage the run-off water from the site through the incorporation of permeable surfaces and SuDS.

A Surface Water Drainage Scheme has been submitted in support of the application, which has previously been submitted and approved by the Council Drainage Engineer as part of discharge of conditions application DC085436. As such, subject to the imposition of a condition to require the development being implemented in complete accordance with the submitted and approved Surface Water Drainage Scheme, it is considered that the proposed development could be drained in an appropriate and sustainable manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

Energy Efficiency

As the proposed development would not exceed 10 residential units, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Nevertheless, as with the dwellinghouse granted as part of planning permission DC075688, an Energy Statement has been submitted in support of the application, to confirm that energy efficiency measures would be incorporated within the fabric of the building, in order to comply with current Building Regulations. With regard to low and zero carbon technologies, the use of solar photovoltaics and solar hot water could be incorporated within the proposed development. As such, the submitted Energy Statement is compliant with the requirements of Core Strategy DPD policy SD-3.

Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As with the dwelling granted as part of planning permission DC075688, there is no requirement for affordable housing provision within the development.

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 to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development (1 no. 3 bedroomed/4 person dwelling = 4), this requires a commuted sum payment of £5,984 which was secured by way of a Section 106 Agreement and paid as part of the previous planning permission (Reference :

DC075688) and would be secured by way of an appropriate mechanism as part of the current application.

SUMMARY

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

Full planning permission is sought for the erection of 1 no. residential dwellinghouse with a detached garage to an area of residential curtilage/garden of an existing residential dwellinghouse at Lower Cobden Edge Farm, Whetmorhurst Lane, Mellor. The application seeks a retrospective amendment to planning permission DC075688 for a detached dwellinghouse and garage at the site, the current scheme comprising the addition of a basement and the lowering of the previously approved garage.

It is considered that the siting, scale, height, density and design of the amended development could be successfully accommodated on the site without causing undue harm to the character of the Mellor Moor Landscape Character Area, the character of the street scene, the visual amenity of the area or the amenity of surrounding residential properties.

On the basis of the submitted information, in the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, parking, accessibility and highway safety; impact on trees; impact on protected species, biodiversity and ecology; flood risk and drainage; and energy efficiency.

It is acknowledged that the proposal for which retrospective planning permission is sought comprises inappropriate development within the Green Belt when assessed against the requirements of saved UDP policies GBA1.2 and GBA1.5 and Paragraph 154 of the NPPF. However, it is considered that the proposal would have no additional impact on the openness of the Green Belt from either a visual or spatial perspective than the previously approved development (Reference : DC075688) and, as identified by Paragraph 142 of the NPPF, *the essential characteristics of Green Belts are their openness and their permanence*. On this basis, it is considered that 'Very Special Circumstances' exist to justify the harm to the Green Belt, by reason of inappropriateness and the approval of the application within the Green Belt as a departure from the Development Plan.

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

Given the conflict with saved UDP policies GBA1.2 and GBA1.5 and the NPPF, the proposal remains a Departure from the Development Plan. Accordingly, should Members of Marple Area Committee be minded to grant planning permission, the application will be required to be referred to the Planning and Highways Regulation Committee for determination as a Departure from the Development Plan.

RECOMMENDATION

Grant.

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