

ITEM 2

Application Reference	DC/091409
Location:	198 Buxton Road Great Moor Stockport SK2 7AE
PROPOSAL:	Conversion of existing bed & breakfast property into 5 self contained flats. Insertion of rooflights, demolition of existing single storey elements and installation of new windows.
Type Of Application:	Full Application
Registration Date:	02.05.2024
Expiry Date:	27.06.2024
Case Officer:	Jane Chase
Applicant:	Mr Albertus Joubert
Agent:	LH

DELEGATION/COMMITTEE STATUS

Planning & Highways – Departure; no contribution to children’s play or formal recreation.

DESCRIPTION OF DEVELOPMENT

The application has been amended since first submission to remove a dormer window previously proposed and now proposes the conversion of this bed and breakfast property into 5 self-contained 1 bed flats. A single storey outrigger to the rear of the property is to be demolished and a new window inserted in the resulting rear elevation. It is proposed to retain the front forecourt as existing albeit with the 3 parking spaces allocated to apartments 1, 2 and 3 and marked out (as amended) with brick setts. The rear garden which is currently hardsurfaced will be landscaped and will also accommodate a refuse and cycle store. The site plan has been amended to clarify boundary treatments. In this respect it is proposed to erect a 1.8m close boarded fencing to the rear of the property to enclose the garden along the common boundary 196 Buxton Road. To enclose the rear garden from the driveway and as amended a 1.8m brick wall with pedestrian gate is proposed.

SITE AND SURROUNDINGS

The application site is located in the Davenport Park Conservation Area on the west side of Buxton Road and accommodates a 2 storey (with basement) semi-detached property with a part single, part 2 storey outrigger to the rear. The property has a lawful use as a B&B with ancillary residential accommodation (2 bedrooms for staff) in the basement. The site is currently laid out with vehicle access to Buxton Road and a hardsurfaced front garden providing parking for 3 cars. To the rear is a small hardsurfaced garden area; beyond this is a hardsurfaced forecourt area which is accessed by a drive to the side of the property. Mature, legally protected trees are present to the front boundary. The lawful use of the property is as bed and breakfast accommodation with ancillary accommodation in the basement for the owner/staff.

The wider locality comprises a mix of residential and commercial uses positioned either side of the A6, a strategic highway running north/south through the Borough. Adjoining the application site to the north is the other half of this semi-detached pair and is in use as a basement flat with a dwelling above; the rear garden of this neighbouring property wraps around that of the application site. To the south is another semi-detached pair of properties the closest of which is in commercial use with a residential property forming the other half of this pair.

The application site is also identified as being within a Predominantly Residential Area, Air Quality Management Area and Coal consultation zone.

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:

- L1.1 Land for Active Recreation
- L1.2 Children's Play
- HC1.3 Special Control of Development in Conservation Areas
- HC1.4 New Uses for Buildings in Conservation Areas
- CDH1.5 Flat Conversions
- MW1.5 Control of Waste from Development
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<https://www.stockport.gov.uk/topic/current-planning-policies>

LDF Core Strategy/Development Management policies:

- CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- CS2 Housing Provision
- CS3 Mix of Housing
- CS4 Distribution of Housing
- H1 Design of Residential Development
- AS4 Visitor Accommodation and Other Tourism Development
- CS8 Safeguarding and Improving the Environment
- SIE1 Quality Places
- SIE2 Provision of Recreation and Amenity Open Space in New Developments
- SIE-3 Protecting, Safeguarding and Enhancing the Environment
- CS9 Transport & Development
- T1 Transport & Development
- T2 Parking in Developments
- T3 Safety & Capacity on the Highway Network

Supplementary Planning Guidance

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

- Design of Residential Development
- Open Space Provision and Commuted Payments

<https://www.stockport.gov.uk/topic/current-planning-policies>

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 12th December 2024 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 include:

- Para. 1-2: Introduction
- Para. 7-14: Achieving Sustainable Development
- Para. 39, 48, 49, 55-59: Decision Making
- Para. 61, 73: Delivering a Sufficient Supply of Homes
- Para. 96, 103: Promoting Healthy & Safe Communities
- Para. 109, 110, 115-118: Promoting Sustainable Transport
- Para. 124, 125, 129: Making Effective Use of Land
- Para. 131, 135-137, 139-140: Achieving Well Designed Places
- Para. 161, 163, 164, 166, 170, 181, 182: Meeting the Challenge of Climate Change, Flooding & Coastal Change
- Para. 187, 193 - 195, 196 - 199: Conserving and Enhancing the Natural Environment
- Para. 202, 207 – 210, 212 – 216, 218: Conserving and Enhancing the Historic Environment
- Para. 231, 232: Implementation
- Annex 2: Glossary

[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

J/36384 Ground floor Victorian bistro first floor residential use for owners. Approved 1986

J/37665 Change of use from an opticians and dwelling house to a bed and breakfast, guest house and construction of a car park. Refused 1986

J/44139 Conversion of basement to accommodation. Approved 1989

J/63013 Single storey rear extension for 2 guest bedrooms and conversion of existing ground floor to guest bedroom plus additional parking at front. Approved 1995

NEIGHBOUR'S VIEWS

The receipt of the application was advertised by way of a press and site notice. The occupiers of 97 neighbouring properties were notified in writing.

1 letter has been received objecting on the following grounds. The last thing this area needs is more poor quality conversions of larger houses into small apartments and cramming people into spaces which were simply not designed to accommodate an increased volume of people. Parking and access are all going to be issues. Focus should be on providing quality homes which are fit for purpose rather than subdividing large houses and producing poor quality housing for people.

CONSULTEE RESPONSES

Conservation Officer - No objections subject to clarification as to the installation of fencing at the site. Native species hedging should be planted at site boundaries in place of the use close-board timber fencing. The erection of timber fences at the front of the site and steel railings would have a harmful impact on the special character and appearance of the conservation area and would not be supported.

Highway Engineer – No objections.

Nature Development Officer - The proposed building works will impact the roof area. An ecological assessment for bat roost potential (and nesting birds) should be undertaken. Assessment of the impact of the proposed work on protected species and appropriate mitigation is also required.

There are records of badger and hedgehog in the surrounding area. Measures should be taken during construction works to protect badgers and other wildlife such as hedgehog which may pass through the site.

In relation to breeding birds, building demolition (and vegetation clearance if applicable) should be timed to avoid the bird nesting season where possible (which is March-August inclusive). If this is not possible a breeding bird survey will be required by a suitably experienced person no more than 48 hours in advance of works to confirm presence/absence of nesting birds and confirm 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).

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). This should include provision of bat and bird roosting and nesting facilities. As a minimum it would be expected that at least one bat and one bird box would be provided on the building. Integrated boxes are available and these are preferred as they are long-lasting and less likely to be interfered with.

EHO Air Quality – No objections.

Coal Authority – No comments received.

ANALYSIS

Loss of B&B Accommodation

Core Strategy policy AS4 seeks to encourage visitor accommodation rather than resisting its loss. As such there is no objection to the loss of the bed and breakfast accommodation.

Housing Delivery

Core Strategy policy CS2 confirms that a wide choice of homes should be provided to meet the needs of existing and future households in Stockport. The focus will be on providing new housing through the effective and efficient use of land within accessible urban areas.

Policy CS3 confirms that a mix of housing will be sought in terms of tenure, price, type and size to meet the requirements of new forming households, first time buyers, families with children, disabled people and older people.

Policy CS4 seeks to direct residential development in line with 3 spatial priorities including to accessible locations. These include 1 - The central housing area. 2 - Neighbourhood renewal priority areas and the catchment areas of District and Large Local Centres and 3 – other accessible locations.

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community (NPPF para 61).

Local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or

against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 20% where there has been a significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply (NPPF para 78).

Planning decisions should promote an effective use of land in meeting the need for new homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (NPPF para 124).

Planning decisions should promote and support the development of underutilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained (NPPF para 125d). To achieve appropriate densities, planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and the availability of land to accommodate it; local market conditions and viability; the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use; the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places (NPPF para 129).

Following the publication of the updated standard method for calculating housing need published by government in December 2024 the current housing land supply position is currently established as 1.77 years. The level of supply was considered as part of the recent Gatley Golf Club appeal decision where the Inspector recognised that the level of supply is very significantly below the five-year deliverable supply position that local authorities should be able to demonstrate. As such the requirements of NPPF para 11d continue to apply to decision-making (the titled balance). This means that applications for residential development should be approved unless the application of policies relating to areas or assets of particular importance (defined in footnote 7 of the NPPF and the adjacent Conservation Area in this instance) provide a strong reason for refusing the development proposed, or if any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, with particular regard to directing development to sustainable locations, making effective use of land, securing well-designed places and/or providing affordable homes.

The application site is in an accessible suburban location close to facilities and public transport. Being also within a Predominantly Residential Area where a variety of residential accommodation types are evident, the principle of residential accommodation is acceptable. The proposed development will also assist in addressing the very significant position of housing undersupply.

The application proposes the creation of 5no. self contained apartments. With the exception of the basement flat which will benefit from a separate living room and kitchen, all those proposed will have a combined kitchen/living room. Whilst small in size, the apartments would accord with the National Space standards for 1 bed, 1 person occupancy. As confirmed in the Standards however, relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval if a Local Planning Authority has adopted the space standard in its Local Plan. It does not imply actual occupancy or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with the standard. Members will be aware that a Local Plan has yet to be adopted by this Authority and as such the Standards can only be used as a guide.

Whilst policy CDH1.5 is referenced in the list of relevant policies, this relates more specifically to applications seeking the conversion of single dwellings to flats. Noting that the lawful use of this property is as a B&B, this policy is not entirely relevant. Notwithstanding that, issues of amenity, parking and refuse storage provision (which form part of policy CDH1.5) are considered in the determination of the application below.

Having regard to the above, the proposed development is considered compliant with policies CS2, CS3 and CS4 together with the NPPF.

Heritage Assets and Character of the Locality

Saved UDP Review policy HC1.3 confirms that development proposals within a Conservation Area will not be permitted unless they are sympathetic to the site and surroundings, safeguard features which contribute to the Conservation Area and the application is accompanied by sufficient detail to show the proposals within their setting and the likely impact on the Conservation Area.

The change of use of unlisted buildings of character in Conservation Areas will be permitted provided the use is appropriate to the character of the building and the Conservation Area and would not result in the loss of a dwelling or dwellings (Saved policy HC1.4).

Core Strategy policies CS8 and SIE3 confirm that development will be expected to make a positive contribution to the protection and/or enhancement of the Borough's heritage assets.

The NPPF confirms that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 210).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 212).

On a more general note Core Strategy policies H1, CS8 and SIE3 require development to pay regard to the character of the area within which it is located.

The NPPF considers the impact of development on the character of an area as well as para's 129, 131 and 135 requiring that proposals are sympathetic.

The application site is located wholly within the Davenport Park Conservation Area. The Conservation Area is recognised as a designated heritage asset for the purposes of the NPPF. The application property is subject to statutory controls and local and national planning policies control the quality of new development within conservation area in order to protect the special significance of the area and to support the ongoing preservation and enhancement of the conservation area.

The application site at 198 Buxton Road is a semi-detached villa, which together with the adjoining semi at 196 Buxton Road is recognised within the approved Conservation Area Character Appraisal as being one of the earliest houses in the Davenport area. Built on land occupied by the extensive Mile End Nursery and in the ownership of William Dysart Esq. the matching pairs of semi-detached houses at Nos. 196-202 Buxton Road remain from an early phase of change where a single plot was released for the building of three pairs of semi-detached houses, known as Nursery View, possibly around 1860. The spacious qualities of the site and the positioning of the building within its plot allow for public views of the side elevation and through to the rear garden. The semi-detached pair are of identical mirrored design, being of tall two storeys with basement and attic levels, with an original attic window within the side elevation gable. The principal elevation by short flights of steps to the front door, which features a carved timber door case and semi-circular gauged brick header, and large canted bay window with stone surround and deep moulded timber parapet and large sash windows. The property has a two-storey rear outrigger and single storey extension beyond the outrigger. The pitched roof has decorative bracketed eaves, is covered in natural slate and has shared, centrally positioned tall brick-built chimneystacks with pots, to the front and rear roof slopes, both of which are publicly visible from Buxton Road. Site boundaries take the form of low, stone-built boundary wall to Buxton Road with mature tree and shrub planting behind. The driveways to the semi-detached pair at 196 and 198 are separated by a low planting bed, which is a continuation of the front boundary. The spacious qualities of the site and degree of separation and openness between neighbouring blocks of buildings is an important characteristic of the properties in this part of the Conservation Area.

The property displays strong retention of original architectural fabric and features, which embody surviving traditional craftsmanship. The application site in its existing form exhibits specific characteristics and architectural features that are recognised for the positive contribution they make to the conservation area.

The application is supported by a Heritage Assessment that provides sufficient comfort that regard has been paid to the impact of the proposed development upon the character and appearance of the Conservation Area. The re-use of this vacant building in the Conservation Area is welcome and assist in ensuring that the character and appearance of the Area is preserved and enhanced.

The application proposes no changes to the front forecourt other than the marking out of the parking spaces. The comments of the Conservation Officer seeking clarification over boundary fencing are noted and in this respect the agent has confirmed that this is only proposed to the rear of the property along the common boundary with 196 Buxton Road. On this basis and noting the reinstatement of a soft landscaped rear garden in place of the hardsurfacing that currently exists and its enclosure to the driveway with a brick wall, it is considered that the character and appearance of the Conservation Area will be enhanced. As such it is unreasonable to ask that this rear boundary treatment be replaced with hedging. The deletion of the rear dormer as originally proposed is welcomed and the provision of rooflights are acceptable subject to details to confirm their design (which can be secured by condition). The proposal in terms of its impact upon the Conservation Area and general character of the locality is therefore compliant with policies HC1.3, HC1.4, H1, CS8, SIE1 and SIE3 together with the NPPF.

Residential Amenity

Core Strategy policies H1 and SIE1 require development to maintain good standards of amenity for existing neighbouring occupiers as well as for the future occupiers of the development. Further guidance is also set out in the Design of Residential Development SPD.

The NPPF at para's 135 requires the provision of a high standard of amenity for existing and future users.

Noting the location of the application site on a busy thoroughfare and within a Predominantly Residential Area, the conversion of the property to flats will not give rise to levels of noise or activity which would be out of keeping with or harmful the amenities of the area.

The occupiers of the flats would be afforded access to a rear garden circa 81m² in area. This space however also accommodates a cycle and refuse store and as such the amount of usable space would be reduced to circa 70m². This is less than the recommended level within the Council's SPD Design of Residential Development (18m² per dwelling = 90m²). It should however be noted that the suggested amount of amenity space is contained within planning guidance and is not a policy requirement; as such the provision of a specific level is not required by policy but rather allows for flexibility having regard to the location of the suite, scale and nature of the proposal. In this instance it is considered that whilst the rear garden would be smaller than that suggested as appropriate within the SPD, the future occupiers would still be afforded a meaningful and useful level of external space and that their amenities would not be unduly harmed.

The proposed insertion of rooflights into the front and rear roof plane will not give rise to unacceptable levels of overlooking noting the distance (circa 60m) to residential properties to the rear. Any overlooking of the rear garden of 196 Buxton Road will be little different to that which currently occurs and properties on the east side of Buxton Road are circa 52m distance so sufficient distance away not to be adversely impacted upon.

When compared to that existing and proposed, the occupation of the development will not give rise to traffic levels that would cause harm in relation to air quality.

The proposal is therefore compliant with policies CDH1.5, H1 and SIE1 together with the NPPF.

Trees, Landscaping & Biodiversity Net Gain

Core Strategy policy CS8 requires development to be landscaped to a high standard. Development is expected to make a positive contribution to the protection of the Borough's natural environment and biodiversity. The need for high standard landscaping is reiterated in policy SIE1 and SIE3. Development proposals affecting trees which make a positive contribution to amenity should make for their retention unless there is justification for their felling, topping or lopping to enable the development to take place.

The NPPF requires new development to be attractive as a result of effective landscaping (para 135). Para 136 acknowledges the important contribution of trees to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that that existing trees are retained wherever possible.

Planning decisions should protect and enhance sites of biodiversity importance and minimise impacts on and provide net gains for biodiversity, by incorporating features which support priority or threatened species such as swifts, bats and hedgehogs (para 187).

The application proposes no felling of trees nor any works within the vicinity of trees that may harm them. A condition can however be imposed to ensure that the legally protected trees to the front boundary of the site are protected from the impacts of construction works. Given that no trees are being removed there is no justification to request additional tree planting or an enhanced landscaping plan.

The application proposes no landscaping works to the front garden which is to remain hardsurfaced however it is proposed to remove the hardstanding covering the rear garden and replace it with grass. From a landscaping and biodiversity perspective this is welcomed. Given this benefit, noting the smaller size of the rear garden and wanting to maximise the amount of useable amenity space it is not considered essential to increase the landscaping of the garden to include trees or shrubs.

The application is exempt from mandatory BNG on account of being made before the regulations came into force. In any event the development is de minimis (development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows) and would not be subject to the mandatory requirements. Notwithstanding that the development is expected to secure enhancements to biodiversity. In this respect a condition will be imposed to secure bat/bird boxes, wildlife-friendly, locally native species together with hedgehog gaps in the fencing. The creation of a soft landscaped rear garden in lieu of the largely hard surfaced space that currently exists will enhance the biodiversity value of the site however further measures as set out above will be secured by condition.

Given the minor scale of the works proposed through the deletion of the dormer window and replacement with rooflights, it is not considered reasonable to require the carrying out of a protected species survey. An informative can however be attached to the grant of planning permission reminding the applicant of their obligations in the event that bats or nesting birds are found to be present. Conditions will be imposed to secure measures to protect badgers and hedgehogs during construction works.

The proposal is therefore compliant with policies CS8, SIE1 and SIE3 together with the NPPF.

Highways

Saved UDP Review policy MW1.5 requires that adequate provision is made for the storage of waste from developments.

The Council require that development is in locations that are accessible by walking, cycling and public transport and will support development that reduces the need to travel by car (Core Strategy policy CS9). To facilitate a reduction in the need to travel, development will be focussed on the town centre and other existing centres as these locations are the most accessible and already contain a wide provision of services and amenities. Minimum standards for cycle parking in new developments are set out in the Council's adopted parking standards. Developers will also be required to provide associated infrastructure to support cycling (T1).

Development shall provide car parking in accordance with the maximum standards (T2). Development which will have an adverse impact on the safety or capacity of the highway will only be permitted if mitigation measures are proposed to sufficiently address such issues. Development shall be of a safe and practical design (T3).

The NPPF confirms that developments should understand and address the potential impacts of development on transport networks, identify and pursue opportunities to promote walking, cycling and public transport use (para 109).

In considering proposals it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and that safe and suitable access to the site can be achieved for all users (para 115). Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios (para 116).

The application site is considered to be in a sustainable location being close to public transport and local facilities. This together with the provision of cycle parking will assist in encouraging the use of sustainable modes of travel and reducing the dependency upon private vehicles.

Given the location of the site the retention and provision of 3 parking spaces is considered appropriate and any overspill of parking will not give rise to excessive increases in on street parking that cause harm to highway safety especially when compared to that arising from the lawful use as a B&B. The proposed cycle and refuse store are considered appropriate in respect of their size and further details as to their design will be secured by condition.

On this basis the proposal accords with policies MW1.5, CS9, T1, T2 and T3 together with the NPPF.

Children's Play and Formal Recreation

Core Strategy policy SIE-2 "Provision of Recreation and Amenity Open Space in New Developments" sets out that "Development will be expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants." This expectation is linked to achievement of the Fields in Trust 'Six Acre Standard.' As confirmed in saved UDP Review policy L1.1 "Land for Active Recreation", the standard sets out that for each 1,000 residents there should be 2.4 hectares of recreation and amenity open space comprising of 1.7 hectares for outdoor sport and recreation space (including parks) and 0.7ha for children's play with about 0.25 ha of this, equipped playgrounds. This equates, through SIE-2, into a need to provide 17 sqm of formal recreation space and 7 sqm of children's play space per head of population. The need for development proposals to make provision for children's play is also confirmed in saved UDP Review policy L1.2 "Children's Play". For small developments such as this, compliance with this policy is expected through a commuted sum payment.

The NPPF at para 96 confirms that planning policies and decisions should achieve healthy places which enable and support healthy lifestyles through the provision of green infrastructure and sports facilities.

The Council's SPD "Open Space Provision and Commuted Payments" provides further explanation as to the basis of this policy position as well as that relating to the application of these policies.

In terms of children's play, the 2017 Open Space Study records quantitative shortfalls across the Borough for a number of typologies of open space including within the area of the application site. In relation to formal provision, the 2024 PPS notes a range of capacity and quality issues across a number of sports in the area.

Applying the above policy position to the proposals, the expected population of the development (following the rates set out in Core Strategy paragraph 3.335) would be 10 residents. As such it would be expected that the application should make a financial contribution of £14,960 towards children's play and formal recreation.

The application however makes the case through a Financial Viability Assessment (FVA) that the viability of the development is such that no contribution can be made noting that a negative land value of £251,781 will arise. Put simply if such contribution was required then the development would not proceed.

The NPPF at para 59 confirms that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The FVA has been the subject of considerable scrutiny and discussion with the applicant and is considered to be a robust and thorough assessment of viability such that it evidences that a contribution to children's play and formal recreation cannot be made. Whilst Members are often advised that a late stage review of viability should be secured by S106 agreement in the hope that the development is more profitable and might be able to make such a contribution, in this instance that is not proposed. Members will note the small scale of this development and that it will be built out quickly. That being the case the financing of the development is unlikely to improve in that short space of time to the extent that it delivers a profit sufficient to enable a contribution to be made.

The failure to accord with policies L1.1, L1.2 and SIE2 weighs against the application and is considered in the planning balance at the end of this report.

Other Matters

The application site is located within a low risk coal area and raises no concerns in this respect.

The application site is in flood zone 1 with low risk of flooding. As such there is no need for a flood risk assessment nor need for a sequential test. Noting also the nature of the application in proposing largely works of conversion, there is no requirement for a surface water drainage strategy.

Conclusions and Planning Balance

Returning to para 11d of the NPPF, Members are reminded that planning decisions should apply a presumption in favour of sustainable development. As the policies which are the most important for the determining the application are out of date (these are the housing delivery policies of the Core Strategy in this instance given that the Council cannot demonstrate a 5 year housing land supply) this means granting planning permission unless:-

- i. The application of policies in the Framework that protect assets of importance (the Conservation Area in this instance) provide a strong 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 the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In relation to para 11d (i), it has been established in the report above that there will be no harm to the adjacent Conservation Area. As such, the application of policies in the Framework that protect this adjacent heritage asset do not provide a strong reason for refusing the development proposed.

In relation to para 11d (ii) the adverse impacts of granting planning permission need to be weighed against the benefits.

The only adverse impact arising is the lack of provision towards children's play and formal recreation. Weighed against this are however many benefits including:

- The delivery of 5 new dwellings at time of very significant housing undersupply and which will assist in addressing housing need.
- A development that preserves and enhances the Conservation Area and brings a vacant building back into use.
- A development that will protect the amenities of neighbouring occupiers and deliver for those who will occupy the development.
- A development that will not give rise to pollution.
- A development that will cause no harm to highway safety and delivers a sufficient level of car and cycle parking provision.
- A development that improves the landscaping of the site, causes no harm to protected species and delivers gains to biodiversity.

In weighing the adverse impact against the benefits, it is concluded that the adverse impact of granting planning permission does not significantly or demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. In coming to this view and as required by para 11d(ii), particular regard has been paid to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. The presumption in favour of sustainable development therefore applies and planning permission should be approved.

RECOMMENDATION

Grant subject to conditions