

Application No: 18/5737M

Location: Land off Shrigley Road North, Poynton

Proposal: Demolition of the existing structure and the construction of a three-bedroom dwelling, with associated external landscaping works and the formation of two parking spaces

Applicant: Jonathan Bailey

Expiry Date: 14-Mar-2019

SUMMARY

The principle of the development is considered to be acceptable, based on current planning case law, and the reductions in the scale of the development since the previous appeal decision have resulted in an acceptable proposal for an infill dwelling.

The application site has been the subject of a previous appeal decision for a larger development, which was dismissed due to the impact of the proposal upon the openness of the Green Belt. For reasons explained in the report, only limited weight can be given to the previous appeal decision.

The impact upon the Green Belt has been considered, and as a proposal for limited infilling in a village, it can be identified as not inappropriate development in the Green Belt. No further consideration regarding its impact on openness is necessary as has been established in the Court of Appeal.

The previous decisions on this site raised no issues in terms of the impact on the character of the area, the living conditions of neighbours, highway safety, or on any other relevant matter. The proposal is considered to comply with the development plan, insofar as it is consistent with the Framework, and where the Framework is more up to date, it complies with all relevant paragraphs. Accordingly, a recommendation of approval is made subject to the satisfactory outcome of ongoing discussions regarding the rear boundary.

Summary Recommendation:

Approve subject to conditions

REASON FOR REPORT

The application was called-in by the Local ward members Cllrs Jos Saunders and Howard Murray for the following reasons:

“This application has hardly changed since the previous one. That was opposed by Poynton Town Council. It was rejected by Cheshire East Council and also rejected by the Planning Inspector.

My reasons for objection are

RO3RD cramped development. Intrusive and out of character of existing properties in the vicinity.

RO3RD Inadequate space around the building. In particular with regard to provision of adequate levels of private space. It directly abuts and is intrusive to private gardens.

RO7RD The development is unneighbourly

The site is in the green belt and should be afforded the protection and respect that this demands.

In between the site and the former railway line are 2 private residential gardens, there is not enough space between them, the building is right on their boundary. This causes lack of privacy and unneighbourliness.

There is excavation on the site which will be over 1 metre deep, this is in a former mining area and risks subsidence.”

PROPOSAL

This application seeks full planning permission for the demolition of the existing structure and the construction of a three-bedroom dwelling with associated landscaping and the formation of two parking spaces.

SITE DESCRIPTION

The application site comprises a detached timber clad workshop that is currently vacant. The local area is characterised by a variety of properties including terraced houses, semi detached houses, detached bungalows, and a church and church hall. The site fronts onto Shrigley Road North with a detached bungalow directly opposite. The site is also bordered by a residential garage to the north, terraced properties to the south and a residential garden to the east, with the Middlewood Way beyond.

The site is located within the Green Belt as identified in the MBLP.

RELEVANT HISTORY

18/2502M - Demolition of the existing structure and the construction of a three-bedroom dwelling, with associated external landscaping works and the formation of two parking spaces – Declined to determine 19.07.2018

17/3978M - Demolition of the existing structure and the construction of a new 2/3 bed residential dwelling with associated external landscaping works, including the creation of two car parking spaces – Refused 24.11.2017, Appeal dismissed 06.03.2018

17/2497M - Demolish the existing structure on the site and to construct a new two storey, three bedroom residential dwelling with associated external landscaping works and the creation of two car parking spaces – Withdrawn 05.07.2017

POLICY

Development Plan

Cheshire East Local Plan

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG3 Green Belt
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE7 The Historic Environment
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport

Saved policies of the Macclesfield Borough Local Plan

NE11 Nature conservation interests
GC1 Green Belt
DC3 Protection of the amenities of nearby residential properties
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
DC8 Requirements to provide and maintain landscape schemes for new development
DC9 Tree protection
DC63 Contaminated land

Neighbourhood Plan

Poynton Neighbourhood Plan – Regulation 14 stage reached (Draft Plan), therefore only limited weight can be attached to these policies.

Relevant draft policies include:

EGB 2 Brownfield Development
EGB 3 Development in the Green Belt
HOU 1 Location of Future Development
HOU 2 Amount of Housing Development
HOU 3 Criteria for assessing the suitability of potential housing sites
HOU 5 Higher Poynton
HOU 22 Design

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS

Coal Authority – No objections subject to conditions relating to intrusive site investigations and remedial work, as required.

United Utilities – No objections subject to condition relating to drainage

Environmental Health – No objections subject to conditions relating to external lighting, electric vehicle infrastructure, ultra low emission boilers, and contaminated land

Head of Strategic Infrastructure – No objections

Poynton Town Council – Recommend refusal on the following grounds:

- The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site.
- The proposed development would provide inadequate space around and between buildings, particularly with regard to the provision of adequate levels of private open space.
- Development unneighbourly.
- The site is in the Green Belt and should be treated with special sensitivity and care particularly as regards openness. It is a ribbon development and it projects well forward from the existing building line. In between the site and the former railway line are two residential gardens and there is an issue of un-neighbourliness particularly in relation to these two properties. It is noted that there is a change from some of the previous applications and that there will be excavation on the site which will be over 1 metre deep; there is concern regarding subsidence, flooding and drainage in the area as it is a former mining area.

REPRESENTATIONS

62 letters of representation have been received from interested parties objecting to the proposal on the following grounds:

- Inappropriate development in Green Belt
- Loss of openness
- Over development of site
- Materially larger than current wooden structure
- Modern design not in keeping with the area
- Inadequate parking space
- Power and drainage at maximum capacity
- Forward of building line
- Impact on highway safety
- Excavating below ground level in an ex mining community is madness and not suitable due to unstable ground, high water table and potential impact on neighbouring properties
- Visual impact overbearing
- Brick wall to rear boundary not in keeping with openness or character of area.

- Not infill development – site is at end of row of terraced properties
- Health and safety issues arising from construction vehicles
- Materials are out of character
- Same as previously refused proposals
- Increased vehicle movements
- No useable footpath outside the property
- Intrusive to neighbouring garden
- Access during construction will be a problem
- Will not appear as a single storey property
- Area makes a significant contribution to Green Belt purposes
- Loss of privacy to neighbours
- Higher Poynton is not now considered to be a village and the plot should not be considered to be a brownfield site
- Increased noise from comings and goings associated with the dwelling
- Overshadowing and loss of daylight

One letter of support has also been received making the following comments:

- Not inappropriate when there is already a large and unsightly building on the site
- If digging down is potentially risky due to the area being an ex mining community, what about the row of houses next to it? Surely searches will show of any potential risks?
- Difficult to comprehend the point about a modern design not being in keeping with the road when there are many different periods of design on that road, including a 'modern' church.
- A modern, architecturally designed building will bring a fresh look to the road. And will be a considerable improvement on the current building on the plot.
- The roof line should not be above that of the neighbouring house
- Off street parking should be included in the plans - although the neighbouring houses mainly use the road

APPRAISAL

Green Belt

Comparison with appeal scheme

As noted above an application for a new dwelling on this site was refused by the Council in November 2017 on the grounds that the proposal was inappropriate development in the Green Belt and resulted in a loss of openness. This proposal was then dismissed at appeal in March 2018 on the grounds of loss of openness. The applicant has worked to address the Inspector's concerns since that decision, and the differences between the appeal scheme and the current proposal are set out below.

The Inspector noted that as a consequence of its proximity to the highway frontage and its relatively open surroundings, the appeal proposal would clearly be noticeable from the adjacent road, nearby residential properties, gardens and also from some views from the open countryside and thus would be experienced visually. He highlighted the two-storey height of the dwelling and its associated increase in bulk and massing compared to the modest workshop, the overall height of the building and the eaves height being significantly greater than the existing building, and the enclosing of the space between existing buildings,

particularly at first floor level, as the key factors that would result in a harmful effect on the openness of the Green Belt.

It is very clear to see how the appeal scheme was found to have a greater impact on openness than the existing development, given that the ridge height more than doubled, it had a full two-storey height when viewed from Shrigley Road North and the footprint was almost twice the size when compared to the existing, and the structure was set well forward of the existing building.

The proposed dwelling does still sit forward of the existing building by 1.2m, compared to the 2.5m previously, the ridge height of the building is now 4.8m, compared to the 6.6m previously proposed, and the eaves height is now 2.4m (similar to the existing building), compared to the 4m shown on the appeal scheme. The ridge height of the dwelling is still an increase over the 3.2m of the existing building, but to put that in context the bungalow opposite has a ridge height of 5.3m.

The issue of enclosing the space between existing buildings, particularly at first floor level, has been substantially reduced due to the single-storey appearance and scale of the structure now proposed. The distances between buildings remain similar to those of the existing building, although the building is 1.2m wider than the existing, therefore the separation distances will be less than existing but only marginally so.

The proposed building is larger than the existing, but in the context of the site, at the end of a row of two-storey terraced properties with ridge heights over 8 metres, it will appear as a subordinate structure.

Inappropriate Development

CELPS policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exceptions to the current proposal listed in the more recent paragraph 145 of the Framework are:

“e) limited infilling in villages; and...

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development;...”

Policy PG3 of the CELPS reflects exception (e), but differs from (g) as PG3 requires the redevelopment to also not have a greater impact on the purposes of including land in the Green Belt than the existing development. PG3 is therefore not entirely consistent with the Framework, which reduces slightly the weight that can be afforded to it.

Policy GC1 of the MBLP also relates to the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for an identified purpose, including limited infilling within specific settlements. However, in line with the decisions of Planning Inspectors on a number of other sites in the Borough, policy GC1 should be given only limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

Draft policy HOU5 of the Poynton Neighbourhood Plan explains that the “NPPF states that limited infilling in villages is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt.” As noted above, the openness test for limited infilling in villages is not included within the Framework, therefore this policy is not consistent with the Framework, and therefore any weight that could be attached to this draft policy in this assessment is further reduced.

Appeal decision

In his decision on a previous proposal on this site, the Inspector considered the proposal against the two exceptions to inappropriate development identified above.

On the issue of limited infilling, the Inspector stated, *“I consider that the site can reasonably be considered to be a limited gap and that the provision of a single dwelling within that gap may be considered to be limited infilling as included in the Framework and MLP definition.”* He then goes on to state *“However that is not to say that the concept of openness should be disregarded when considering infill proposals.”*

In terms of the complete redevelopment of a brownfield site the development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it; he found that *“the proposal would have a harmful effect on the openness of the Green Belt.”* The Inspector went on to find that the proposal would conflict with one of the purposes of Green Belt; safeguarding the countryside from encroachment. He stated, *“To encroach on the countryside is to intrude and in this particular case it is clear to me that the proposal would be visually intrusive in this regard and as such the harm to the openness would be experienced both visually and in terms of the way in which the greater bulk, scale and massing of the proposal would harm the surrounding countryside, thus failing to safeguard it.”*

The Inspector concluded, *“Whether the proposal is determined as limited infilling within a village or as redevelopment of previously developed land the proposal, as a consequence of harm to openness which cannot simply be ignored, is unacceptable. Therefore, on this issue I conclude that the proposal would be contrary to Policy PG3 of the CELP and the Framework.”*

“Given my conclusion above that the proposal is not inappropriate development I do not consider it necessary for it to be demonstrated that there are other considerations so as to amount to very special circumstances necessary to outweigh the harm by way of inappropriateness. In any case, with respect to brownfield redevelopment the appellant has not satisfactorily demonstrated very special circumstances which would outweigh the harm I have found.”

Whilst the Inspector’s comments are acknowledged, it should be noted that in terms of Green Belt policy, the category of exception in paragraph 145 of the Framework and policy PG3 of the CELPS which is being considered here, “limited infilling in villages”, is unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt, and regardless of their size and location. This principle has been established in the Court of Appeal in *R (on the application of Lee Valley Regional Park Authority) v. Epping Forest District Council and Valley Grown Nurseries [2016] EWCA Civ 404*. Accordingly, it is considered that the Inspector applied an incorrect test of impact on openness to a form of development that is not inappropriate in the Green Belt

(limited infilling in villages) in his decision, which significantly reduces the weight that can be afforded to it as a material consideration in the assessment of the current proposal.

Current proposal

In the case of the current proposal, whilst it has been reduced significantly from the appeal scheme, as noted above it will still be taller, wider and deeper than the existing and will be set forward from the building line of the existing. As such it is considered that the proposal will have a greater impact upon the openness of the Green Belt than the existing development. Consequently the development would not qualify as an exception to inappropriate development under point (g) of paragraph 145 of the Framework (redevelopment of previously developed land).

However, that is not the end of the consideration of Green Belt matters as the proposal can also be considered against point (e) of paragraph 145 (limited infilling in villages).

The Framework does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines “infill development” as *“The development of a relatively small gap between existing buildings”*, and the MBLP defines “infilling” as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*.

In this case the site sits between the end house of a row of terraced properties and a detached garage serving this end terraced property. The site is approximately 24 metres wide, with the gap between the buildings either side being approximately 29 metres wide which could only accommodate one or two houses (particularly given the linear nature of the site) and is considered to be relatively small. Whilst there is a building on the application site at present, it is considered that the development of this site would still apply as limited infilling as the new development would still occupy a relatively small gap between buildings.

Given that the proposal can be identified as limited infilling, it is then necessary to consider whether it is in a village. The site is located within a relatively built up area outside of defined settlement boundary. An appeal decision in 2015 on a site on Coppice Road (approximately 200 metres from the application site) referred to the area as *“having a village character and as such it appears reasonable to me to consider that the site is within a village”*. An application for infill development on the site directly opposite the application site which was refused in July 2017 was not refused on the grounds of it being inappropriate development in the Green Belt, which suggests it was accepted as being limited infilling in a village. In addition to this, the site lies within the Higher Poynton Proposed Infill Boundary line defined under policy HOU5 of the Draft Poynton Neighbourhood Plan. The site is also identified as being within the infill boundary line for Higher Poynton defined under draft policy PG10 of the CEC Site Allocations Development Policies Document. There is therefore considerable evidence (albeit some is at a draft stage) to support the contention that the site is within a village. On this basis it is considered that the site does lie within a village.

Having regard to the above, it is considered that the proposal does amount to limited infilling in a village. Therefore assessing the proposal against point (e) of paragraph 145 of the Framework, and point 3(v) of policy PG3 in the CELPS, the proposal is not considered to be inappropriate development in the Green Belt.

Given that the proposal does comply with exception point e) of paragraph 145 of the Framework and exception point (v) of paragraph 3 of policy PG3 in the CELPS, there is no need to consider Green Belt policy any further.

It should be noted that proposals for infill development, or other unqualified exceptions in paragraph 145 of the Framework, such as the erection of agricultural buildings in the Green Belt, will not escape other policies in the Framework or the development plan, including policies directed to the visual effects of development and the protection of the countryside or the character of the landscape, which are discussed further below.

Design / Character

Policies SE1 and SD2 of the CELPS relate to design. Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;

The local area is characterised by a variety of properties including terraced houses, semi detached houses, detached bungalows, and a modern church and church hall. The majority of the semi-detached and terraced properties fill the width of their linear plots which extend back from the highway. The application site is turned 90 degrees compared to the majority of other plots, and its linear form runs parallel with Shrigley Road North, as opposed to running back from it. The existing workshop building consequently does not fill the width of the site, and it fronts onto Shrigley Road North with a detached bungalow, set in a substantial plot, directly opposite. The site is also bordered by a residential garage and garden to the north, terraced properties to the south and a residential garden to the east, with the Middlewood Way beyond.

The existing site comprises a low level single-storey, timber clad, linear workshop with a small extension to the rear, and is of little architectural merit. The proposed dwelling makes reference to the form of the existing building and will also be timber clad. Whilst it will be two-storey, a large proportion of the dwelling will be submerged below ground level, thereby retaining a single-storey appearance, comparable to the bungalow opposite. The front elevation retains a very simple form, which again reflects the appearance of the existing building.

Sitting forward of the adjacent terrace by approximately 1.2m, the dwelling will "book end" the uniform row of semi-detached and terraced properties on the eastern side of Shrigley Road North. A similar step in building lines exists on the opposite side of the road between 32 and 34 Shrigley Road North. The uniformity and attractiveness of the existing row is also diluted to some degree by the presence of parked cars in front gardens that have been paved over to provide off street parking. As many of the representations have noted there is also a continual presence of parked cars on the road, which do clutter the streetscene, but which will also serve to temper the prominence of the building on the site, particularly when approaching the site from the south. The existing boundary hedgerow will also be retained and gap filled as required, and the hedgerow along Shrigley Road North will limit views of the new building when approaching from the north.

The building will have a contemporary, but simple, appearance when viewed from Shrigley Road North, and will step down from the two-storey terraced properties to the garage on the opposite side. The materials are to be natural (untreated) timber and dark grey standing seam to roof and the dormers. These are different to other materials along this road, however it does reflect the existing building on the site, and in the context of the site's position towards the end of the row, and the variety of brick and render that is apparent on the varied ages of properties along his road, the use of modern materials is considered to be appropriate to the area and reflective of the different stages of development along this road over time.

The proposed dwelling retains 4.5 metres to the southern boundary of the site, shared with number 5, and 8 metres to the northern boundary where a domestic garage is located. Consequently adequate space will be retained within the site, and between these buildings, in order to maintain the open character of the area. The building does extend right up to the rear boundary of the site, where the entrance is provided. The land immediately to the rear of the application site is owned by number 7 (the second terraced property to the right of the application site), and acts as an additional area of garden for this neighbour. However, visually the land is the backdrop to the application site, which gives the site a more spacious, open appearance, similar to what you would find with a more traditional dwelling and rear garden arrangement. In combination with the spacing to the sides, the open land to the rear, whilst not part of the application site, eliminates any concerns regarding the proposal appearing as a cramped form of development.

The plans currently show a 2 metre high brick wall / brick wall with timber infill panels along the entire rear boundary. This wall does not require planning permission as it could be erected at any time under permitted development. However, it is not considered to be a particularly sympathetic boundary treatment to extend the full length of the rear boundary. A softer treatment to this rear boundary, or a lower boundary wall would be a preferred option. The established character of the area is all hedges and low walls. Discussions with the applicant are ongoing on this matter, however, it should be noted that there is currently a row of conifer trees along this boundary which are the responsibility of the owner of the land to the rear, and which will form a significant boundary feature over time.

In terms of sustainable design features, the new dwelling will be provided with electricity from roof mounted solar panels to the rear of the property, and stored within a battery pack with excess electricity returned to the grid. An electric car charging point will also be provided within the site. Internal lighting will consist of low voltage LEDs and heating will be provided through an energy efficient underfloor heating system. Surface water will be drained to the existing sewerage system, but surface water run-off will be minimised by connecting downpipes to water storage butts to be re-used on site.

The condition recommended by Environmental Health requiring an ultra low-emission boiler to be installed is not considered to be necessary or reasonable.

Having regard to the details outlined above, the proposal is considered to comply with policies SE1 and SD2 of the CELPS.

Living conditions

It is important to note that no amenity concerns were raised in the previous decision on this site, for a much larger building, either by the Council or the Inspector. The adjacent terraced property has side facing windows looking towards the application site, which are the sole windows serving a living room and a bedroom. The side elevation of the new dwelling comes approximately 300mm closer to the neighbour at number 5 than the existing building, and the eaves are 100mm higher. The separation distance will be approximately 6.3 metres compared to approximately 6.6 metres as existing. Whilst the overall height of the new building is greater by 1.6m there will still be some outlook past the new building at ground and first floor level, and there will be no overshadowing by virtue of the application site being to the north of the neighbour. The only window facing this neighbour is at ground/lower ground level, and will be recessed and given the intervening vegetation no overlooking or loss of privacy will occur.

To the rear, the land is owned by the occupier of number 7 Shrigley Road North and as such this area of garden is quite detached from their house and other external amenity areas to the rear of the property. It is understood that this is the only private garden area serving number 7. The narrow strip of land beyond the garden to number 7 is an area of garden land belonging to number 5. The area immediately to the rear of numbers 5 and 7 is shared between these properties. This is an unusual situation as the occupiers of number 7 have to walk past number 5 to access their private garden to the rear of the application site. This garden area is approximately 300mm higher than the land levels within the applications site.

The presence of the new building will be experienced from the garden area to the rear of the site, as is the existing building. The flat roof entrance to the new dwelling will border this neighbour's land, but at 2m high, it is no higher than a wall that could be erected under permitted development. Comings and goings associated with the use of this entrance will not be so substantial to result in an adverse impact upon the living conditions of the neighbour. The closest point of the rest of the dwelling is 300mm from the boundary at its northern end (as was the case with the previously refused proposal), increasing to 2.8m at its southern end. As noted above the eaves are maintained at a similar height to the existing, and the roof slopes away from this boundary, reducing the impact of the structure. As noted above the neighbour has planted a row of conifer trees which will, in time, form a significant boundary feature in its own right. The only first floor windows will serve a bathroom, which will be obscurely glazed, and a stairwell. Consequently no significant overlooking will take place, and the proposal is not considered to be unduly dominant when viewed from the neighbour's garden.

The driveway, garage and garden area to the left of the application site belongs to number 5 Shrigley Road North. Whilst the side facing windows of the new dwelling would look towards this neighbouring site, it would not give rise to any significant overlooking over and above what would normally be expected in a residential area.

The proposal is therefore considered to comply with policy DC3 of the MBLP, and as noted above, the previous, larger application was not refused due to the impact upon the living conditions of neighbours.

Highways

The existing site benefits from two vehicular access points onto Shrigley Road North. The southern access point will be closed and the hedge re-instated, and the northern access will be used to serve the site. Two parking spaces will be provided within the site in accordance with the parking standards in the CELPS. The Head of Strategic Infrastructure raises no objections to the proposal.

Ecology

No significant ecological issues are raised by the proposal. The nature conservation officer raises no objections. A condition requiring the incorporation of features into the scheme suitable for use by breeding birds is recommended to lead to an ecological enhancement as required by policy SE3 of the CELPS.

Tree / Landscape

There are no trees on the site, and therefore there are no arboricultural implications associated with the proposed development. Landscaping details for the site can be secured by condition.

Flood Risk

A number of comments relate to the impact upon existing drainage infrastructure arising from the proposed development. The site does already have a building on it and some water run off will already discharge to the public sewer. No objections are raised by United Utilities subject to appropriate drainage conditions. Subject to these conditions the proposal is considered to comply with policy SE13 of the CELPS.

Contaminated land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. In this case, areas of current hard standing are proposed to be soft landscaped within garden areas. The underlying soil should be proven to be suitable for use in a residential setting garden setting.

As such, and in accordance with the Framework and policy SE12 of the CELPS conditions are recommended relating to unforeseen contamination, the testing of soil imported onto the site, a scope of works to address risks posed by land contamination, and a verification report.

Coal Mining

The application site falls within the Coal Authority's defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform a Coal Mining Risk Assessment Report.

The report correctly identifies that the application site may have been subject to past coal mining related activities. Specifically, the report identifies that the application site may be underlain by unrecorded very shallow coal outcrop workings or shallow underground coal seam mine workings. The report recommends intrusive site investigations to establish depth to coal seams and the presence of workings as well as drift and bedrock depth.

The Coal Authority concurs with the conclusions and recommendations of the submitted Coal Mining Risk Assessment Report, relating to intrusive site investigations. A condition relating to intrusive site investigations and remedial works is therefore recommended.

Comments have been received in representation relating to the stability of the land, and the proposed intrusive site investigations will further inform the safety and stability of the proposed development and will identify appropriate remedial works, where required.

SUMMARY AND CONCLUSION

The application site has been the subject of a previous appeal decision for a larger development, which was dismissed due to the impact of the proposal upon the openness of the Green Belt. However, for the reasons outlined earlier in this report, only limited weight can be given to the previous appeal decision. The impact upon the Green Belt has been considered above, and as a proposal for limited infilling in a village, it can be identified as not inappropriate development in the Green Belt. No further consideration regarding its impact on openness is necessary as has been established in the Court of Appeal.

The development has been reduced in scale when compared to the refused application. The previous decisions on this site raised no issues in terms of the impact on the character of the area, the living conditions of neighbours, highway safety, or on any other relevant matter. Similarly, this proposal raises no new issues in respect of those matters, notwithstanding the objections raised from interested parties. The proposal is considered to comply with the development plan, insofar as it is consistent with the Framework, and where the Framework is more up to date, it complies with all relevant paragraphs. Accordingly, a recommendation of approval is made subject to the satisfactory outcome of ongoing discussions regarding the rear boundary.

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Obscure glazing requirement
7. Implementation of energy efficiency features
8. Parking to be provided and retained
9. Details for the incorporation of features into the scheme suitable for use by breeding birds to be submitted
10. Electric vehicle infrastructure to be provided
11. Soil to be tested for contamination
12. Unidentified contamination to be reported
13. Scope of works for the addressing risks posed by land contamination to be submitted
14. Verification report to be submitted
15. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance
16. Scheme of intrusive site investigations / remedial work to be submitted

