

Application No: 19/3182M

Location: Land located between no.18 & no.26 Shrigley Road North

Proposal: Erection of a pair of 3 bedroom, semi-detached dwellings, including associated landscaping.

Applicant: Ms Lindsey Jones

Expiry Date: 29-Aug-2019

### **SUMMARY**

There are not considered to be any significant adverse impacts relating to residential amenity, highways safety, ecology or environmental health arising from the development. The site is also considered to be in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

However, by virtue of the overall height and width of the development proposed, which is collectively considered to be greater than that refused as part of the previous application on the site, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.

Furthermore, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes that have been made from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS.

### **SUMMARY RECOMMENDATION**

**Refuse**

### **REASON FOR REPORT**

This application has been called in to committee by Cllr Jos Saunders for the following reasons:

*“Applications to build on this site have already been rejected on 2 occasions.*

*It is unneighbourly and out of character being 3 stories.*

*It involves “digging” down.*

*There are continuing problems with utilities. In the last week alone there have been 2 major electrical power cuts and no water supply for 5 hours.*

*It is in the green belt and the development is contrary to the policies set out in the Macclesfield Local Plan and the NPPF especially in respect of the openness of the green belt.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises the former side garden of number 18 Shrigley Road. Number 18 comprises a bungalow with the surrounding properties comprising a mix of semi-detached and terraced two storey dwellings. Opposite the application site to the east is a single storey ‘workshop’ building which is positioned adjacent to a block of 5 no. two storey terraced properties. The workshop building recently received an approval for the redevelopment of the site to provide a single dwelling. Adjacent to the site, to the north, is the detached bungalow at number 18, followed by a pair of semi-detached properties. Adjacent to the site to the south is a pair of semi-detached two storey properties with open agricultural fields to the rear.

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography of the local area, the houses on the west side of Shrigley Road (including the application site) are at a lower level than the road. The site is within the North Cheshire Green Belt.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of a pair of semi-detached infill dwellings. The dwellings would appear as two storey structures from the front, with rear dormers on each of the properties to the rear.

## **RELEVANT HISTORY**

- 17/2129M      Erection of 2 new dwellings - Refused 21 July 2017 for the following reasons:
1.      *The proposed development does not reflect local character by virtue of the bulk and massing of the proposed dwellings, and associated impact on streetscene, and over intensification of use / development. It would therefore be contrary to the principles contained in the NPPF and Local Plan policies BE1, DC1, DC41, which identify and seek to protect or enhance the key visual characteristics of the area.*
  2.      *The development would be detrimental to the interests of highway safety due to inaccessible car parking, contrary to policy DC6 of the Macclesfield Borough Local Plan.*
- 17/0624M      Erection of 5 no. new dwellings - Refused 18 April 2017 for the following reasons:
1.      *The proposal constitutes inappropriate development in the Green Belt, contrary to Local Plan policy GC1 and guidance on Green Belts contained within the*

*National Planning Policy Framework. The new dwellings would reduce the openness of this part of the Green Belt. It is not considered that the proposal represents limited infilling and furthermore very special circumstances do not exist to justify the approval of inappropriate development in the Green Belt.*

2. *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, contrary to policies BE1, DC1 and DC2 of the Local Plan. .*
3. *The development would be detrimental to the interests of highway safety through an increase in parking taking place in unsuitable locations on the highway or within the site, taking account of the nature of the proposed development, the location of the site and the predicted number of parked vehicles arising from the development. Contrary to saved policy DC6 of the Macclesfield Borough Local Plan.*

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SC4 Residential Mix

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

### **Macclesfield Borough Local Plan Saved Policies (MBLP)**

NE11 (Nature conservation interests)

DC3 (Amenities of residential property)

DC6 (Circulation and Access)

DC8 (Landscaping)

DC9 (Tree protection)

DC35 (Materials and Finishes)

DC37 (Landscaping in housing developments)

DC38 (Space, light and Privacy)

DC41 (Infilling housing or redevelopment)

DC63 (Contaminated Land)

GC1 (New buildings in the Green Belt)

## **Other Material Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

The Cheshire East Borough Design Guide (2017)

Draft Site Allocations Development Plan Document (SADPD)

## **Poynton Neighbourhood Plan**

The Poynton Neighbourhood Plan referendum will take place on the 10 October 2019, and therefore the draft policies can be afforded moderate weight:

HOU1 Higher Poynton

HOU8 Density and site coverage

HOU11 Design

## **CONSULTATIONS (External to Planning)**

**United Utilities** - No objections subject to conditions relating to drainage

**Coal Authority** – No objections subject to scheme of intrusive site investigations

**Head of Strategic Infrastructure** - No objections

**Environmental Health** – No objections subject to conditions relating to working hours, piling, dust management, electric vehicle charging points and contaminated land

**Poynton Town Council** – Recommend refusal of the following grounds:

- Contrary to Green Belt policies and in particular the principle of openness in the Green Belt.
- Additional turning movements due to Shrigley Road North being a narrow road and would be contrary to highway safety.
- Inadequate car parking
- Out of character with neighbouring properties including the remaining bungalow on the site.
- Continuing problems in this rural area with the standard of utilities in particular the electricity supply and the state of the sewers running down Coppice Road.”

## **OTHER REPRESENTATIONS**

Letters of representation have been received from 54no. different properties objecting to the proposal on the following grounds:

- Highway safety issues - Insufficient parking and an increase in traffic.
- Not an infill or brownfield site.
- Not in keeping with other properties.
- Inappropriate development within the Green Belt.
- Overdevelopment.
- Would impact on neighbour's privacy because they extend further to the rear.

- Would reduce the openness.
- Increasing burden on local infrastructure.
- Significant excavation is required

## OFFICER APPRAISAL

### Green Belt

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 exception to the current proposal listed in paragraph 145 of the Framework is:

“e) limited infilling in villages;

Policy PG3 of the CELPS reflects exception (e) of paragraph 145. 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 HOU1 of the Poynton Neighbourhood Plan explains that the *“NPPF (2012) states that limited infilling in villages is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt.”* An “impact on openness” test for limited infilling in villages is not included within the Framework or within policy PG3 of the CELPS, therefore whilst moderate weight could be attached to this draft policy, given the advanced stage of the Neighbourhood plan, it is not consistent with adopted planning policies, and therefore any weight that could be attached to this draft policy in this assessment is reduced.

Therefore 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. If a development is considered to be limited infilling within a village, and therefore not inappropriate, then there is no separate test in terms of the impact on openness of the Green Belt. 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. The only requirement is that the development is “limited”.

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 an existing detached bungalow to the north and a two-storey semi-detached property to the south. The site is approximately 19 metres wide, with the gap between the buildings either side being approximately 21.7 metres wide, which could only

accommodate one or two houses, and is considered to be relatively small. Accordingly, it is considered that the site does comply with the definition of an infill plot.

Whilst the site can be considered as an infill plot it is then necessary to consider whether the development amounts to “limited infilling”. Two dwellings are proposed on plot widths that are characteristic of others in this ribbon of development. However, as noted further below in the design section of this report, the dwellings are shown to maintain a constant ridge height with the neighbour to the south, but reduce existing land levels to create a dwelling that is 1 metre taller than its neighbours with features that increase dominance in the streetscene. Added to this, since the previous refusal attached garages have also been added which now means that the proposed dwellings also now fill the width of their plots. These factors combine to result in a development that is not considered to be limited infilling, and is therefore contrary to policy PG3 of the CELPS and paragraph 145 of the Framework.

Given that the proposal is not considered to be limited infilling, there is no need to consider whether it is in a village. However, for the avoidance of doubt commentary on this matter is provided as follows. 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 was approved in March 2019, and 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 HOU1 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 not 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 considered to be inappropriate development in the Green Belt. The development is similarly contrary to the requirements of policy HOU1 of the draft PNP.

## **Design / Character**

A similar application for two dwellings on the site was refused for the following reason in July 2017:

*“The proposed development does not reflect local character by virtue of the bulk and massing of the proposed dwellings, and associated impact on streetscene, and over intensification of use / development. It would therefore be contrary to the principles contained in the NPPF and Local Plan policies BE1, DC1, DC41, which identify and seek to protect or enhance the key visual characteristics of the area.”*

Since then, the design policies of the MBLP referred to above have been deleted following the adoption of the CELPS. 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;

Development along this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, some of the houses on the same side of the road as the application site are at a lower level than the road. The application site also slopes down from the road.

The overall height of the building has been reduced from the previous refusal by approximately 500mm. This ensures that the ridges and eaves of the dwellings are no higher than the two-storey neighbour to the south of the site. However, the submitted section drawings suggest that land levels are being reduced even further than existing levels to compensate for maintaining the ridge at the same height as the neighbour. This leads to a partially submerged bay window feature to the front elevation sitting alongside an access threshold that is some 630mm lower than the land levels to the front of the bay window, and approximately 1 metre lower than the land levels to the dwellings either side.

In attempting to provide living accommodation within the proposed roofspace, the dwellings have a 1 metre gap between the top of the first floor windows and the eaves of the building. The majority of the semi-detached properties along this western side of Shrigley Road North do not have any gap between the top of the first floor windows and the eaves. Some of the older terraced properties along the eastern side do have gaps, but these are smaller than those currently proposed, and are decorative design features which positively contribute to the local area and appropriately reflect the vertical emphasis of the fenestration on these period properties.

In comparison, when the proposed lowered land levels are coupled with the space between the top of the first floor windows to the eaves of the roof, it results in a very elongated and vertically stretched front elevation that looks proportionally out of sorts with its neighbours. This accentuates the increased overall height of the building, when compared to neighbouring properties, and by virtue of the proposed dwellings being located marginally forward of the adjacent bungalow, results in the proposed development being the unwelcome dominant feature in the streetscene. Consequently, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS. It is considered that the physical characteristics of this sloping site could be better utilised to provide a development that meets the objectives of policy SD2 and PG3 of the CELPS.

## **Amenity**

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. Similarly, saved policy DC41 of the MBLP states that

proposals should not result in overlooking of existing private gardens and should not lead to excessive overshadowing of existing habitable rooms.

There is no breach of the interface distances between dwellings set out in policy DC38. While the ground floor rear elements do extend slightly further to the rear than the adjoining properties this is only single storey and would not cross a 45 degree line taken from the rear windows of either number 18 or 26.

It is considered that the impact on the amenity of the neighbouring properties is acceptable and would accord with saved policies DC3, DC38 and DC41 of the Macclesfield Borough Local Plan (MBLP).

## **Highways**

The proposal includes a new access and provision would be made for two car parking spaces and a garage per unit. This differs from the previously refused application as tandem parking for 3 vehicles was previously proposed. Space exists within the site for vehicles to enter and leave whilst other cars remain parked within the site.

There are no material highway implications associated with this development proposal. The proposals for the access arrangements are satisfactory and off-street parking provision is in accordance with CEC minimum parking standards for residential dwellings.

The site is considered to be sustainable with regard to access to local services and facilities.

No objections are raised by the Head of Strategic Infrastructure.

## **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, in the event that the application is approved, to lead to an ecological enhancement as required by policy SE3 of the CELPS.

## **Landscape**

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. 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. 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 the thick coal seam outcrop within vicinity of the site, which is likely to underlie the site at very shallow depth. Accordingly, appropriate recommendations are included in the report for intrusive site investigations in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

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.

## **CONCLUSIONS**

The comments from the neighbours are acknowledged and have been fully taken into consideration. There are not considered to be any significant adverse impacts relating to residential amenity, highways safety, ecology or environmental health arising from the development. The site is also considered to be in a sustainable location, with access to a range of local services and facilities nearby, including good public transport links.

However, by virtue of the overall height and width of the development proposed, which is collectively considered to be greater than that refused as part of the previous application on the site, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.

Furthermore, the proposed development is not considered to contribute positively to the area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes that have been made from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore considered to be contrary to policy SD2 of the CELPS.

A recommendation of refusal is therefore made for the following reasons:

- 1. The proposed development does not contribute positively to the local area's character and identity by creating or reinforcing local distinctiveness in terms of height, scale, form and external design features. The changes from the previously refused scheme are not considered to address previous concerns in terms of the development's impact on the character of the area. The proposal is therefore contrary to policy SD2 of the CELPS and chapter 12 of the NPPF.**
- 2. Whilst the principle of infill development on the site is accepted, the scale of the proposed development does not amount to limited infilling in a village, and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

