

Application No: 19/5920M

Location: Land between 18 & 26 SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE

Proposal: Erection of a pair of 3 bedroom, semi-detached dwellings within an infill plot off Shrigley Road North

Applicant: Ms Lindsey Jones

Expiry Date: 10-Apr-2020

SUMMARY

This application is for the erection of 2no. infill dwellings with onsite parking.

The site lies in the Green Belt and within an established area of residential properties. The site has been included in the Higher Poynton infill boundary map within the Poynton Neighbourhood Plan and also within the draft Cheshire East Site Allocations and Development Policies Document (SADPD). The site is considered to comply with the Cheshire East Local Plan Strategy (CELPS) definition of infill which states that infill is 'the development of a relatively small gap between existing buildings.

The size of the plot is considered to be suitable to be able to accommodate limited infilling in the form of 2no dwellings. The principle of the proposal is therefore in accordance with paragraph 145 of the National Planning Policy Framework and PG3 of the CELPS. The proposal is also considered to be in overall compliance with Neighbourhood Plan policy HOU1 for infill development.

The key issue with this application is whether the proposed development overcomes the reasons for refusal identified in a previous application in respect of design and scale of the dwellings and green belt policy for 'limited infill'.

Revised plans have been received during the course of the application which are considered to fully address the previous reasons for refusal. The design and scale of the proposed dwellings is commensurate with its surroundings and provides sufficient space to the adjoining properties. The proposal is considered to represent limiting infill within a village and is now compliant with Green Belt policy.

It is considered that there are no significant adverse impacts relating to design, residential amenity, highways safety, ecology or environmental health. The objections to the development are fully noted, but proposal accords with the Development Plan, where it is consistent with the Framework, and is deemed to be a sustainable form of development in environmental, social and economic terms. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be granted.

RECOMMENDATION: Approve, subject to conditions

REASON FOR REPORT

This application has been called in to committee at the request of Cllr Jos Saunders on the 30th July 2019 due to the following concerns:

“This proposal has been refused on a number of occasions; this proposal is not materially different in its affect on the openness of the green belt. It therefore does not amount to limited in filling in a village and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and policy HOU1 of the Poynton Neighbourhood plan.

It still has a detrimental affect on the area and remains overbearing and unneighbourly.”

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 5no. two storey terraced properties. The workshop building recently received an approval for the development of a 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, the houses on the same side of the road as the application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

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 dwellings.

Amended plans were received during the course of the application reducing the scale of the development.

RELEVANT HISTORY

19/3182M Erection of a pair of 3 bedroom, semi-detached dwellings, including associated landscaping.

Refused 24 October 2019

17/2129M Erection of 2 new dwellings

Refused 21 July 2017

17/0624M Erection of 5 no. new dwellings

Refused 18 April 2017

POLICIES

Cheshire East Local Plan Strategy – adopted 27th July 2017

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

Appendix C – Parking Standards

Saved Macclesfield Borough Local Plan Policies

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)

The saved Local Plan policies are consistent with the NPPF and should be given full weight unless specified otherwise in the report.

Poynton Neighbourhood Plan (Made 21 November 2019)

EGB2 Surface Water Management

EGB9 Protection of Rural Landscape Features

HOU1 Higher Poynton

HOU8 Density and Site Coverage

HOU10 Self Build Houses
HOU11 Design
HOU16 Subdivision of Housing

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are Chapters 2, 4, 5, 6, 8, 10, 11, 12, 13, 14 and 15.

CONSULTATIONS (External to Planning)

United Utilities: No objections subject to condition relating to drainage

Head of Strategic Infrastructure: No objections

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

Environmental Protection: no objections subject to conditions relating to contaminated land, electric vehicle infrastructure, dust management and pile foundations

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council: *"1. The development is sited in the Green Belt and the development is contrary to the policies set out in the Macclesfield Local Plan and the National Planning Policy Framework relating to the Green Belt and in particular the principle of openness in the Green Belt.*

2. RO3HW additional turning movements due to Shrigley Road North being a narrow road and would be contrary to highway safety.

3. The plans seem to show fewer parking spaces than would be required for properties of this size. There are only two parking spaces per house, despite them having three bedrooms.

4. The proposed 3 storey development is out of character with neighbouring properties including the remaining bungalow on the site.

5. That there are 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

Representations from 50no. different properties have been received objecting to the proposals. The full representations are available online and a summary of these can be viewed below:

- Inappropriate development in Green Belt
- Loss of openness

- Over development of site
- Out of character
- Harm to historic nature and character of the area
- Inadequate parking space and local parking issues
- Power and drainage at maximum capacity
- Impact on highway safety
- It is an ex mining site and could cause subsidence to surrounding properties.
- Health and safety issues arising from construction vehicles
- Same as previously refused proposals
- Increased vehicle movements
- Larger footprint than the refused application.
- Access during construction will be a problem
- Area makes a significant contribution to Green Belt purposes
- Higher Poynton is not a separate village and the plot should not be considered to be a brownfield site
- Increased noise from comings and goings associated with the dwelling
- Contrary to the NPPF and Development Plan policies
- Harm to nature conservation including protected species

Consultation on the revised plans ended on the 27th May and a further 15 properties commenting on the same themes were submitted in relation to those revised plans. Additional comments have related to the current pandemic and how green spaces have become even more valuable to the local community.

OFFICER APPRAISAL

Principle of Development

The site is located within the Green Belt and the key issue of principle with this application is whether or not the proposed development complies with Green Belt policy.

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 limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

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. In relation to the Framework 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)”*.

Since the refusal of planning permission on this site, the Poynton Neighbourhood Plan was formally made on 21 November 2019. Policy HOU1 of the Poynton Neighbourhood Plan (PNP) states that:-

“Development within the village boundary is limited to small scale infilling which should satisfy all the following criteria for any exception to allow development to be permitted:

- 1. Any proposed development should preserve the openness of the Green Belt as one of the essential characteristics of the Green Belt including open views of the countryside.*
- 2. Any proposed development should not compromise the purposes of national Green Belt policy.*
- 3. Small-scale infilling only will be permitted as part of an otherwise substantially built-up frontage.*
- 4. Small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.*
- 5. Substantially built-up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.*
- 6. The scale of any development should be compatible in character with the adjoining properties in terms of height, scale and massing. Any development should be built along the same front line as other adjoining properties and not forward of any adjoining property”.*

The boundary of the Higher Poynton is defined by Appendix B Map 8 within the Plan. The whole of this site falls within this infill boundary.

In refusing a previous planning application on this site, ref. 19/3182M, the Council has already confirmed that the site itself constitutes an infill plot in principle. Reason for refusal (2) confirmed by planning committee and on the decision notice stated:

“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.”

It is therefore already established that the development of the site, in principle, may constitute infilling within a village for the purposes of planning policy. The key issue is then whether the

scale of the development now proposed is considered to be “limited” such that it represents limited infilling in a village. The term “small scale infilling” is used in policy HOU1 of the Neighbourhood Plan, and that provides the starting point for considering whether the proposal is an acceptable infill development.

Going through each of the criteria of policy HOU1 it is considered that the proposal is fully compliant with the policy:

1. Any proposed development should preserve the openness of the Green Belt as one of the essential characteristics of the Green Belt including open views of the countryside.

Openness can be defined as the absence of development. Any new development will have an impact on the openness of the Green Belt to some degree. If the full openness of the site were to be preserved then there could be no infill development, which the policy is designed to permit within reasonably defined limits. This criterion must therefore be interpreted in the context that the policy allows for small scale infill development of up to 2 dwellings and as a result there will inevitably be some erosion of openness.

In this case the semi-detached dwellings have been reduced in scale to provide spacing around the building to the side boundaries. The street scene elevation shows that sufficient space to the boundary is given when compared to other nearby properties. The height of the building is greater than the adjacent bungalow but is the same height as the adjacent 2 storey properties and is consistent with other properties in the road. The site, consistent with adjoining properties, also sits at a lower level than properties on the opposite side of the road which helps to maintain a subservient impact in the landscape. The site is located within a clear established pattern of development so that it does not unduly interrupt open views of the countryside. It is considered that this criterion of the policy is met.

2. Any proposed development should not compromise the purposes of national Green Belt policy.

These five purposes are: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

None of these purposes are relevant to this proposal or are breached by the proposed development. This criterion is met.

3. Small-scale infilling only will be permitted as part of an otherwise substantially built-up frontage.

The site lies within an otherwise built up frontage and it is a small-scale proposal of one building containing two dwellings. This criterion is met.

4. Small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.

The gap is 20 metres and two dwellings are proposed. This criterion is met.

5. Substantially built-up frontage is defined as an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene.

This criterion is met.

6. The scale of any development should be compatible in character with the adjoining properties in terms of height, scale and massing. Any development should be built along the same front line as other adjoining properties and not forward of any adjoining property”.

The development does not breach the local building line. The height, scale and massing of the development is consistent with other residential property, including the 2-storey property immediately adjoining the site. The dwelling has a greater height than the adjoining bungalow, but that is the exception and a conventional 2-storey property is compatible with the prevailing character along the road. This criterion is met.

In summary, it is considered that the proposed development is limited, in that it proposes 2no. two storey dwellings with sufficient space on either side that is comparable to the surrounding properties in the area.

The gap between the existing buildings is approximately 20m with each proposed plot having a plot width of approx. 10m which is comparable to other properties in the area. It is considered that in the light of the most current policy situation, with a newly adopted neighbourhood plan and the NPPF, that the proposal constitutes limited infilling within a village within the Green Belt and is therefore is not inappropriate development. The proposed development accords with policy PG3 of the CELPS and HOU 1 of the PNP.

Design

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 previously refused applications have consisted of larger dwellings than the proposed.

Development along this this part of Shrigley Road North is varied with two storeys the predominant feature. Due to the topography, the houses on the same side of the road as the application site are at a lower level than the road with the application site positioned in a dip which means that the site is at an even lower level than the surrounding development.

The heights of the properties along Shrigley Road vary and the height would be the same as the immediately adjoining neighbour to the south-west, although higher than the bungalow to the north-east. The property to the north-east of the bungalow is at a comparable height to the proposed semi-detached properties and it is considered that this variety would ensure that the height and scale of the proposed dwelling would not detract from the street scene.

The general features of the semi-detached properties would complement the existing character of the area. The materials proposed are red multi-tone brick to match surrounding properties with detailing of natural timber cladding, plain clay roof tile and either natural painted timber or aluminium fenestration. These materials are acceptable and will ensure a sympathetic appearance in the street scene.

Overall it is considered that the proposal is considered to comply with policies SE1 and SD2 of the CELPS and the requirements of chapter 12 of the NPPF.

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.

The original submission contained a rear decking area to both properties which would have been elevated approx. 1m above the ground level of the surrounding dwellings. Due to concerns from the case officer amended plans were received removing the decking areas and replacing them with steps down to the rear garden area. This revision removes the potential overlooking element.

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.

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 which recommends 2no. parking spaces for dwellings with 3no. bedrooms. The addition of two additional dwellings would not have a significant impact on the local highway network.

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 to lead to an ecological enhancement as required by policy SE3 of the CELPS.

Landscape

The submitted site plan demonstrates that there would be sufficient space to the front to provide an appropriate amount of planting with hedging to the front and separating the two properties. This would be commensurate with the character of the area. Detailed landscaping plans 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 that the application site may have been subject to past coal mining related activities, namely probable shallow coal workings associated with a thick coal seam outcrop. 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.

Heritage

The site lies close to the Macclesfield Canal Conservation Area. The Council's conservation officer has confirmed that the proposal would not have any affect upon the conservation area and they recommend approval subject to ensuring the materials used are those specified in the application.

Other Issues

A number of comments have referred to the 'special views' and 'historical interest' of the site. The site forms a gap between dwellings within an established area of residential properties. As noted above, the site is near but not within a conservation area and the introduction of the two infill dwellings would not harm the character of the area and is in accordance with Green Belt policy. Case law has established that the loss of a view is not in itself a material planning consideration. Objections raised about concerns over construction vehicles and power supply capacity are also not matters that can be considered to withhold the grant of planning permission.

PLANNING BALANCE, CONCLUSIONS AND REASON(S) FOR THE DECISION

The comments from local residents have been fully taken into consideration. The site comprises an infill development within the infill boundary of the Poynton Neighbourhood Plan in the Green Belt in a sustainable location, with access to a range of local services and facilities nearby, including public transport links.

Green Belt policy allows for limited infill dwellings as set out in policy HOU 1 of the PNP, CELPS policy PG3 and paragraph 145 of the Framework. This proposal, following the receipt of revised plans reducing the scale of the development, has now overcome concerns raised in previous applications for development on this site and is compliant with Green Belt policy.

The design and scale of the proposed semi-detached dwellings is compatible with its surroundings, with a commensurate degree of spacing provided to the adjoining properties. The development is acceptable in terms of its impact on residential amenity, highways safety, ecology and environmental health. The proposal accords with the Development Plan, where it is consistent with the Framework, and is deemed to be a sustainable form of development in environmental, social and economic terms. There are no material considerations that would justify a decision contrary to the Development Plan and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted.

Therefore, a recommendation of approval is made subject to conditions.

RECOMMENDATION: APPROVE subject to following conditions

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Submission of samples of building materials**
- 4. Landscaping - submission of details**

- 5. Submission of landscaping scheme**
- 6. Landscaping (implementation)**
- 7. Details of ground levels to be submitted**
- 8. Parking to be provided and retained**
- 9. Contaminated Land (scope of works for the addressing of risks posed by land contamination to be submitted)**
- 10. Electric Vehicle Infrastructure**
- 11. Dust management Plan**
- 12. Foul and surface water shall be drained on separate systems**
- 13. Surface water drainage scheme required**
- 14. Contaminated Land (verification report)**
- 15. Scheme of intrusive site investigations / remedial work to be submitted**
- 16. Details of boundary treatments to be submitted**
- 17. Contaminated Land (unexpected contamination to be reported)**
- 18. Nesting birds**
- 19. Breeding birds (incorporation of features)**

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, 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.

