

Application No: 20/2380M

Location: BIRCH TREES FARM, COPPICE ROAD, POYNTON, STOCKPORT, CHESHIRE, SK12 1SP

Proposal: Construction of two detached houses.

Applicant: Mr Frank Potts, On behalf of the Estate of Mrs Hilda Pot

Expiry Date: 10-Aug-2020

## SUMMARY

The Poynton Neighbourhood Plan Policy HOU1 relates to development within the Green Belt area of Higher Poynton and allows for infill development within the infill boundary identified within the Neighbourhood Plan. It also lists the criteria, which must be met for infill development to be considered as acceptable. Amongst other matters, it requires development to be within a substantially built up frontage. It also states that *“small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.”*

This site sits outside of the boundary for infill development, as identified within the Poynton Neighbourhood Plan, but immediately adjacent to it. It therefore conflicts with PNP policy HOU 1.

The Courts have established that whilst a village boundary, as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative. Also relevant to this case is the fact that an Inspector advised (APP/R0660/W/18/321548), on an adjacent site, 30m away further away from the PNP village infill boundary, that the site is within the village and therefore *“limited infilling can be classed as not inappropriate”*.

Whilst the concerns raised by interested parties are acknowledged, the scheme is considered to be not inappropriate development in the Green Belt and the development of the site with 2 dwellings is considered to be limited infill and therefore complies with the requirements of the development plan as a whole. In such circumstances policy MP1 of the CELPS (and paragraph 14 of the NPPF) states that *“Planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”* Accordingly, the application is recommended for approval subject to conditions.

## SUMMARY RECOMMENDATION

**Approve subject to conditions**

## **REASON FOR REPORT**

The application has been called to the Northern Planning Committee by the ward member, of Cllr Jos Saunders for the following reasons.

*The site is agricultural land, not brownfield and is in the green belt. The site is not within the Higher Poynton village boundary and is therefore not a site where "limited infilling" may be permitted. It is therefore contrary to the C.E Local Plan, as well as the Poynton Neighbourhood Plan. A key function of this part of the green belt is to maintain the openness, this openness would be lost if the site was built on. There are no special circumstances to justify the development*

*It would result in an increase in flooding if this was built on. And there is no flood report submitted*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located between two dwellings known as Birch Trees and Glengarry on the south side of Coppice Road. There is an existing agricultural access into the site from the Coppice Road. It crosses a grassed verge and pathway between the boundary of the site and the road measuring approximately 8m in depth. The site boundary contains a mature hedge and there is a bus stop immediately adjacent to the site.

## **DETAILS OF PROPOSAL**

This is an outline application which proposes the erection of two dwellings with siting and access details only. All other matters are reserved for subsequent approval.

## **RELEVANT HISTORY**

None

## **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

SE1 Design

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk

Appendix C – Parking Standards

**Saved policies of Macclesfield Borough Local Plan (MBLP)**

DC3 Protection of the amenities of nearby residential properties  
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians  
DC8 Landscaping  
DC9 Tree protection  
DC35 Materials and Finishes  
DC36 Road layouts and circulation  
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  
NE1 ASCV  
NE11 Nature conservation interests

**Poynton Neighbourhood Plan (PNP)**

Policy EGB1: North Cheshire Green Belt  
Policy EGB6 Development in the Green Belt  
Policy EGB8 Protection of Rural Landscape Features  
Policy HOU7 Environmental Considerations  
Policy HOU8 Density and Site Coverage  
Policy HOU11 Design  
Policy HOU15 Back Land and Tandem Development  
Policy HOU 1 Higher Poynton

**Other Material Considerations**

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

**CONSULTATIONS (External to Planning)**

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

**Head of Strategic Transport** - No objection

**Environmental Health** - No objection subject to conditions relating to contaminated land and air quality

**Manchester Airport** - No objection

**Lead Local Flood Authority** - No objection subject to condition

**Coal Authority** - No objection as the application site does not fall within the defined Development High Risk Area – standing advice should be included in decision

**Poynton Town Council** – Object on following grounds:

- Fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. A key function of this part of the Green Belt is to maintain the character, openness and rural appearance.
- Redevelopment of the existing garden area for residential purposes is inappropriate development in the Green Belt which would be detrimental to its character and openness whilst conflicting with the purposes of including land within it.
- Very special circumstances sufficient to outweigh the harm by reason of inappropriateness and any other harm to the Green Belt not demonstrated.
- Not “limited infilling” and falls outside the Higher Poynton village area, as defined under policy HOU1 of the Poynton Neighbourhood Plan.
- The site is open agricultural land, so it is not a “brownfield” site.
- Conflicts with Saved policies of the Macclesfield Borough Local Plan: GC1 Green Belt – new buildings; DC3 Design – amenity; DC8 Landscaping; DC37 Residential – landscaping and DC41 Infill Development:
- Conflict with the following up-to-date policies of the Poynton Neighbourhood Plan 2019: EGB8 Protection of rural landscape; HOU7 Environmental considerations; HOU8 Density and site coverage; HOU11 Design; HOU15 Backland and tandem development
- Threat to highway safety:
  - a) the proposed new houses will increase traffic movements onto a busy length of Coppice Road, near the junction with Shrigley Road North and adjacent to the bus stop.
  - b) the site is close to the Macclesfield Canal, Middlewood Way and Lyme Park, and there is considerable and often dangerous parking on Coppice Road by people visiting the area for recreational purposes.
- Loss of the open fields and increased run-off from the new houses would increase the risk of flooding downhill in Poynton village.
- Public utilities are under strain in the semi-rural area of Higher Poynton. The development is therefore contrary to Cheshire East Local Plan Policy SD1, section 4: *“Development should wherever possible ... provide appropriate infrastructure to meet the needs of the local community including: ... water; wastewater; and energy”*

## OTHER REPRESENTATIONS

One anonymous letter of objection has been received which raises the following concerns

- The site is outside of the Higher Poynton infill boundary as defined in the Poynton Neighbourhood Plan therefore the proposed infill development of 2 new homes is inappropriate development in the green belt.

## OFFICER APPRAISAL

### Green belt

The NPPF states at para 143 that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Para 144 states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.

Para 145.states” *A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include...e) limited infilling in villages”*

Policy PG3 of CELP states *“Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy”*. Also *“The construction of new buildings is inappropriate in Green Belt. Exceptions include the limited infilling in villages,”*

Policy HOU1 of the Poynton Neighbourhood Plan (PNP) states *Within the Higher Poynton settlement, a boundary of the village of Higher Poynton to which limited infilling would apply is defined on Map 9, App B*. Development within the village boundary is limited to small scale infilling which should satisfy listed criteria. The application site sits adjacent to, but outside of the Higher Poynton infill boundary. It therefore conflicts with PNP policy HOU 1.

*However, the Courts have held that “while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector’s assessment of the extent of the village on the ground.”* (Wood v SSCLG and Gravesham Borough Council [2014] EWHC 683)

In this case, Coppice Road has a largely unbroken run of development linking it to both Poynton and Higher Poynton. It is also relevant that prior to the PNP being made in November 2019, a site which is only 30m away to the west of the site on the western side of the adjacent dwelling known as Birch Trees was the subject of an appeal decision (APP/R0660/W/18/321548), in April 2019, which was for the erection of two detached bungalows. In his decision the Inspector accepted that the appeal site was limited infilling and was in a village.

Having regard to the decisions of the courts, while the infilling boundaries set out within the Poynton Neighbourhood Plan are a relevant consideration, they are not necessarily determinative. In determining the application, the local planning authority should also be mindful of the extent of the village on the ground. In this instance, the proposed development would be on a site that lies opposite an infill site previously known as Springbank Farm, and between two existing dwellings. There is linear development that runs to the north west of the site and to the east of the site. It is close to the junction of Coppice Road with Shrigley Road and Shrigley Road North. The infill boundary as annotated in the Poynton Neighbourhood plan, runs down the eastern boundary of the application site. Given this physical relationship with the rest of Higher Poynton, and the appeal decision on the nearby site, it is considered that the application site is located within the village of Higher Poynton, despite it falling outside of the infill boundary line.

Therefore, it remains to be considered if the development of this site could be classed as limited infill. The plot width of this application site measures 37m which is a smaller gap than the appeal site which was 53m wide. The applicant proposes two dwellings which would be sited centrally within the plot, maintaining space around each of the dwellings, within plot sizes that are commensurate with the local area.

It is therefore considered that the proposal does amount to limited infilling in a village and is not inappropriate development in the Green Belt. Further to this, the case officer is currently looking into the heights of the adjoining dwellings as it is likely that a restriction on the heights of the building will be required to ensure the reserved matters also reflects limited infill development.

Further details will be provided as an update. It is also considered to be necessary to remove permitted development rights for extensions and outbuilding for the same reason.

### **Design and Impact on the character and appearance of the area**

Policies SE1 and SD2 of the CELPS and HOU11 of the PNP set out design requirements for new development. In this case, the design of the proposed dwellings would be the subject of a reserved matters application. But the siting is acceptable in the street scene. It is considered that with an appropriate design at reserved matters stage, the proposal would not have a detrimental impact upon the character and appearance of the area. The siting of the proposed new dwellings has been amended during the life of the application to be in line with the adjacent properties and are therefore appropriate in the street scene.

Therefore, it is considered that the proposal could comply with policies SE1 and SD2 of CELPS and HOU11 of PNP. The site coverage would comply with PNP HOU8, which relates to density, as it reflects the extent and pattern of surrounding development and character of the local area including site coverage by hard surfaced areas. The design of the dwelling will form part of the reserved matters application.

The site faces directly on to Coppice Road and both properties would be accessed from this road. It is therefore not backland development and would accord with PNP policy HOU15.

### **Highways and parking**

The provision of two separate domestic accesses is considered to be acceptable and there is sufficient space within each plot for off-street parking provision to be in accordance with CEC parking standards. i.e. 2 car parking spaces and a turning area for each property. The Head of Strategic Transport raises no objections to the proposal, and it is therefore considered that the proposal would comply with saved policy DC6 of MBLP.

### **Trees/landscaping**

There are no significant arboricultural implications with this application as there are now no trees within the site and any future reserved matters application detailing landscaping should include provision for replacement planting on the Coppice road frontage.

There would be some loss of hedging due to the creation of two new access ways. However as they would be central to the site, a significant amount of hedging could be retained, subject to an appropriate layout which would form part of a submitted landscaping layout under a reserved matters application. Given its location in a wider ribbon of built development no significant wider landscape concerns are raised.

It is considered that the proposal could comply with policies SE4 and SE5 of CELP and saved policies NE1, DC8 and DC37 of MBLP subject to an appropriate reserved matters application.

### **Flood Risk**

There is no objection from the Lead Local Flood Authority to the principle of development of the site. It is therefore considered that subject to the imposition of conditions the proposal would comply with SE13 of CELP and EGB1 of PNP, relating to drainage.

## **Ecology**

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Given the condition and location of the site, no significant ecological issues are anticipated, however a condition to safeguard nesting birds in the event of the further removal of vegetation is recommended. In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. In this location the provision of features for breeding birds would be beneficial. Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

## **Living conditions**

Saved Macclesfield Borough 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 with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

Only siting has been submitted under this outline application, therefore a reserved matters application will need to detail how fenestration will be addressed to avoid any issues of overlooking. Amended plans have been submitted during the life of the application to increase the separation distance between the two new dwellings and also provide satisfactory separation distances to the adjacent properties either side.

It is considered that subject to an appropriate design at a reserved matters stage this could be achieved. Therefore, the proposal could achieve an acceptable standard of living conditions as required by the CEC Design Guide and policies DC3 and DC38 of the MBLP.

## **Economic sustainability**

The proposal would contribute to the economic wellbeing of Poynton, as the new residential occupants would add to the vitality and viability of the shops and restaurants in the town centre of Poynton which is easily accessible by public transport due to the proximity of the site adjacent to local bus routes into the town centre.

## **CONCLUSION**

The Poynton Neighbourhood Plan Policy HOU1 relates to development within the Green Belt area of Higher Poynton and allows for infill development within the infill boundary identified within the Neighbourhood Plan. It also lists the criteria, which must be met for infill development to be considered as acceptable. Amongst other matters, it requires development to be within a substantially built up frontage. It also states that “*small-scale infilling would only provide for the filling of a narrow gap normally capable of taking one or two dwellings only.*”

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*In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning 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 Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development
2. Submission of reserved matters
3. Development in accord with approved plans
4. Removal of permitted development rights
5. Levels details to be submitted
6. Electric vehicle charging points to be provided
7. Phase 1 Contaminated Land Survey to be submitted
8. Contamination verification report to be submitted

9. Testing of any imported soil
10. Requirements in event of unexpected contamination
11. Drainage strategy to be submitted
12. Breeding bird survey to be submitted
13. Features for breeding birds to be submitted
14. Parking to be provided

