

Application No: 20/5087M

Location: 207, COPPICE ROAD, POYNTON, SK12 1SW

Proposal: Erect single pair of semi-detached dwellings (2 houses in total), together with new site access and parking areas and associated external works

Applicant: P Averell, Linear Construction Ltd

Expiry Date: 07-May-2021

SUMMARY:

The application site lies within a ribbon of development in the Green Belt, which links Poynton to Higher Poynton.

The site lies outside of the area, which the Poynton Neighbourhood Plan identifies as being suitable for limited infilling. Nevertheless, the courts have held that while a boundary within a local plan is a material consideration, it will not necessarily be determinative. It is also important to take account of the extent of the village on the ground. In this case, the site lies within a sustained unbroken run of development between Poynton and Higher Poynton. A recent appeal decision has also concluded that Coppice Road lies within a village.

The scheme has been revised following on from the recent refusal. It has also been revised during the lifetime of the application. The revised scheme would sit within the run of development. It would constitute limited infilling within a village. It would not be inappropriate development within the Green Belt and would comply with CELPS policy PG 3 and the aims of NPPF Chapter 13.

It would comply with the other relevant development plan policies and is recommended for approval subject to conditions.

SUMMARY RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The application has been called to Committee by the Local Ward Councillor J Saunders for the following reasons:

“This site is completely outside the Higher Poynton village boundary and therefore is not included in the infill boundary as per policy HOU1 of the Poynton Neighbourhood Plan. This should mean that no application should be given permission. If permission is granted, it could be assumed that the Neighbourhood Plan and the work that went into it was meaningless. The site is part of the garden of 207 Coppice Road and is therefore not a Brownfield Site.

The site is within the Green Belt.

The NPPF advocates a presumption in favour of sustainable development and also indicates that development should be restricted in certain cases including land designated as Green Belt.

The Green Belt policy is to prevent urban sprawl by keeping land permanently open.

This whole application is designated as lying within the North Cheshire Green Belt. The proposal for redevelopment of the existing garden for residential purposes is considered to constitute inappropriate development of the Green Belt which would be detrimental to its character and openness whilst conflicting with the purposes of including land within it.

The development conflicts with the following up to date Development Plan policies of the CE Local Plan Strategy 2017

MP1 Presumption in favour of sustainable development.

PG3 Green Belt

SD1 Sustainable development in Cheshire East

SE1 Design

SE2 Efficient use of land.

The development is in conflict with the following up to date Development Plan Policies of the Poynton Neighbourhood Plan 2019

It is not in the infill boundary

EG88 Protection of rural landscape

HOU15 Backland development.

There are highways issues. Access to the site is on a blind bend on Coppice Road.

Flood risk. This area flooded in 2016 and 2019, a flood report is needed.

The site is bordered to the West by Public Footpath 36, the opinion of the Public Rights of Way Unit should be sought.”

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of land to the west of 207 Coppice Road. It lies within the Green Belt. 207 Coppice Road is a semi-detached house, which has been fire-damaged and is not currently inhabited

The site lies on a bend in the road, within a ribbon of development, which connects Poynton and Higher Poynton. The site lies outside of the settlement boundary and the area identified as being suitable for infilling within the adopted Poynton Neighbourhood Plan.

There are two ponds to the north of the site along with mature landscaping along the site boundaries. There is a public right of way which runs along the western boundary of the site. The site does not currently have a formalised access onto Coppice Road.

The site lies within an area affected by Coal Mining.

DETAILS OF PROPOSAL

The application seeks full planning permission for the construction of a pair of semi-detached houses. The plot would be subdivided between the two properties, with parking areas and a new access to the front onto Coppice Road.

RELEVANT PLANNING HISTORY

20/5444M – refused – 25 March 2021

Erection of two storey extension to side and part two storey, part single storey extension to rear.

20/1870M – refused – 16 October 2020

Erect 4 no. dwellings (two pairs of semi-detached buildings), together with new site access and parking areas and associated external works.

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG 3 - Green Belt

SD 2 – Sustainable Development Principles

SE 1 – Design

SE 3 – Biodiversity and Geodiversity

SE 5 - Trees, Hedgerows and Woodlands

SE13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

Appendix C – Parking Standards

Macclesfield Borough Local Plan

GC1 – Green Belt – new buildings

DC3 - Design – Amenity

DC6 – Design – Circulation and Access

DC38 – Residential Standards – Space, Light and Privacy

Poynton Neighbourhood Plan

EGB 1 – Surface Water Management

HOU 1 – Higher Poynton

HOU 11 – Design

HOU 15 – Backland and tandem development

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF 2019)

CONSULTATIONS (EXTERNAL TO PLANNING)

Environmental Health

No objections, subject to conditions relating to ultra-low emission boilers, electric vehicle infrastructure and contamination.

Public Rights of Way (PROW)

The site is adjacent to public footpath Poynton no. 36. It appears unlikely that the proposal would affect the public right of way. An advice note should be added to any planning consent to ensure that the developers are aware of their obligations.

Highways

No objection. The proposal for access to each dwelling is acceptable and there is sufficient space within each plot for off-street parking provision. The commuter peak hour and daily traffic generation associated with the proposal would be low and would not have a material impact on the safe operation of the adjacent or wider highway network.

Flood Risk

Initial objection removed. Revised comments advise no objections subject to the submission of a detailed drainage strategy and management plan.

Strategic Housing

No objection - this is a proposed development of 2 dwellings with a total combined gross floorspace under 1000 sqm in a Green Belt/Open Countryside therefore the triggers for providing affordable housing have not been met and so there is no provision required.

United Utilities

No objection subject to conditions requiring the submission of a drainage strategy, management plan and requiring foul water to be drained on separate systems.

Cadent Gas

Low or medium pressure gas pipes and associated equipment in the vicinity of the site.

Archaeology

The application is unlikely to impact any significant below ground remains. No archaeological observations required for this current application.

Coal Authority

Awaiting comments

Poynton Town Council

Initially recommended refusal. This recommendation was maintained on the revised application. The application is recommended for refusal for the following reasons:

1. Development would be inappropriate development in the Green Belt

2. There are no very special circumstances to justify the development. It lies outside of the Higher Poynton Village Area and does not constitute 'limited infilling'.
3. Proposal conflicts with CELPS policies MP 1, PG 3, SD 1, SD 2, SE 1, SE 2 and CO 1.
4. Proposal conflicts with MBLP policies GC1, DC3, DC8, DC37 and DC41.
5. Proposal conflicts with PNP policies EGB8, HOU6, HOU7, HOU8, HOU11 and HOU15.
6. Concerns regarding highways safety and parking – inadequate visibility, inadequate car parking, lack of clarity regarding division of front gardens; insufficient space for vehicles to maneuver and inadequate service provision
7. Former coal mining area – the applicants have not submitted a report from the Coal Authority on whether any such workings are known to exist in the area. Several abandoned mineshafts in the fields near the site
8. No flood risk report provided. Extensive flooding in Poynton previously, including along Coppice Road. unclear where the recently drained pond now flows to
9. Increased pressure on public utilities, which are already under strain.
10. Public rights of Way Unit should be consulted.

OTHER REPRESENTATIONS

Three public consultations have been carried out – one on the original plans, and two further consultations on revised plans.

Three representations were received on the original proposal, four representations were received on the initial set of amended plans, and a further three representations were received on the second set of amended plans. All representations received were objecting to the proposal.

The main concerns raised as summarised as follows:

- Development encroaches into the Green Belt
- Outside areas in the Neighbourhood Plan identified for housing or infill development
- Development would harm openness through built form and hard standing – loss of views through the site
- No very special circumstance which would outweigh harm to the Green Belt
- Development would diminish wildlife if the area is built on
- Concerns regarding the proposed improvements to the pond – photos of pond not representative of normal conditions
- Existing flood issues
- Development and associated hard standing would cause more flooding issues along Coppice Road
- Footpaths should not be compromised by the development

- No local need for rural housing – large developments already underway to meet housing needs
- Inadequate provision for parking and vehicle maneuvering – resulting in highway safety issues and on-street parking – obstructing the path for pedestrians and restricting drivers' view of oncoming traffic
- Proposed development should be considered alongside the application for householder extensions 20/5444M
- Proposal does not include necessary re-siting of the historic streetlight or other street furniture
- Loss of light and privacy to neighbouring properties
- Site is too small for proposed development
- Lounge has been made smaller, increasing likelihood garages would be converted to living accommodation.

OFFICER APPRAISAL

Principle of development

The application site lies within the Green Belt. National and local policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To achieve this, there are restrictions on the types of development which may be carried out. These are detailed within NPPF paragraphs 145 and 146 and reiterated within CELPS policy PG 3.

Development not falling within one of the listed exceptions is inappropriate. NPPF paragraph 143 confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 144 directs Local Planning Authorities to give substantial weight to any harm to the Green Belt. It confirms that '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.

NPPF Paragraph 145 states that all new buildings other than those specifically listed as exceptions should be viewed as inappropriate development. The list of exceptions includes limited infilling in villages. This is reiterated within CELPS policy PG 3. CELPS defines infill development as *'the development of a relatively small gap between existing buildings.'*

Saved MBLP policy GC1 also allows for limited infilling. However, this restricts it to the settlements of Gawsorth, Henbury, Lyme Green and Sutton. The MBLP defines infill as ‘the filling of a small gap in an otherwise built-up frontage. (A small gap is one which could be filled by one or two houses).’

As the site does not lie within one of the listed settlements, it conflicts with this policy. However, policy GC1 pre-dates the NPPF and its allowance for limited infilling in villages. As such only limited weight can be given to this aspect of the policy. Nevertheless, full weight is still attributable to its definition of infill development.

The Poynton Neighbourhood Plan was adopted on 21 November 2019. Policy HOU1 relates to development within Higher Poynton and allows for infill development within the settlement 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.*”

The application site sits on a bend along Coppice Lane. It sits outside of the boundary for infill development, as identified within the Poynton Neighbourhood Plan. 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 noted that the LPA’s Draft SADPD includes the frontage of the application site within an area, where infilling may be acceptable. This plan can only be attributed very limited weight, as the second part of the Plan is still at any early phase and has not yet been to examination.

It is also relevant that in April 2019, prior to the adoption of the Neighbourhood Plan, an appeal was allowed for infill development to the southwest of the site (18/0601M refers). In allowing the appeal, the Inspector agreed with the evidence of both parties that the site lies within a village.

Having regards 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 site lies within a largely unbroken run of development linking Poynton and Higher Poynton and within close proximity of a site, which was judged by an Inspector to be within a village. On this basis, it is accepted that the site can be considered as being within a village.

However, this is not the only test for a proposal to be accepted as infill development. It also needs to be established whether the dwellings would sit within a gap between buildings and whether it would constitute limited infilling for the purposes of adopted Policy HOU 1 and saved MBLP policy GC1.

The scheme has been revised during the lifetime of the application. The width and height of the dwellings has been reduced. They have also been moved further towards the road boundary.

The proposed dwellings would be sited within the same building line as the adjacent properties at 205 and 207 Coppice Road. The width of the plot is such that it would not reasonably be able to accommodate more than two properties.

The proposed dwellings would be of a scale and form similar to those around them. The plot density in relation to the boundaries would also be comparable to other properties within the wider street scene.

As such, while it would not lie within the boundary defined by PNP policy HOU 1, it is considered that the proposed development would comprise limited infilling within a village. It would not be inappropriate development within the Green Belt and would comply with CELPS policy PG 3 and NPPF paragraph 145.

Character and appearance

NPPF chapter 12 deals with achieving well-designed places. Paragraph 127 states that planning decisions should ensure that amongst other matters, developments are:

- Visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- Sympathetic to local character and history, including the surrounding built environment and landscape setting

Paragraph 130 directs local authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It also states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CELPS policy SD 2 sets out the sustainable development principles for Cheshire East. It requires all development to contribute positively to an area's character and identity, in terms of, amongst other matters, its:

- Height, scale, form and grouping,
- External design features
- Massing of development – the balance between built form and green spaces.
- Relationship to neighbouring properties, street scene and wider neighbourhood.

CELPs policy SE 1 deals with design. Similar to policy SD 2, it requires developments to make a positive contribution to their surroundings. This includes a requirement to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

PNP policy HOU 11 also deals with design. It broadly reiterates the requirements of the NPPF and CELPs policies SD 2 and SE 1. It requires developments to respect the form, layout, siting, scale and design of adjoining and surrounding properties. It also states that developments should be sympathetic to the character of the local environment, the rural street scene, the linear and street frontage and layout of development.

HOU 15 deals with backland and tandem development. Proposed development should not result in the creation of an over intensive development to the area and detract from the openness of the Green Belt at this point. The plot size should be appropriate to the size of the dwelling and the character of the immediate local area.

In contrast to the previously refused scheme, the proposal is now for a single pair of semi-detached properties, positioned broadly in line with the other properties along Coppice Road. The street scene elevations also indicate that the proposed dwellings would not be dissimilar to those around them in terms of height. The massing of the properties and density of built form would not be disproportionate to the other properties along Coppice Road.

The proposed dwellings would be of an acceptable design. Subject to conditions relating to materials, boundary treatments and landscaping, it is considered that the proposed development would not adversely affect the visual amenities of the surrounding area.

Neighbour amenity

Saved MBLP policy DC3 deals with residential amenity. It states that development should not injure the amenities of adjoining or nearby residential property, due to amongst other matters, loss of privacy, overbearing effect or loss of sunlight and daylight.

Saved MBLP policy DC38 deals with space, light and privacy. It sets out the guidelines for space, light and privacy.

205 Coppice Road

The application site lies to the northeast of this neighbouring property. The site and this neighbour are separated by the public right of way. The proposed dwellings would be splayed so that it is angled away from this neighbour.

This neighbour has its entrance along the flank wall which faces the application site. There are no first-floor windows along the flank wall which face towards the site.

Saved MBLP policy DC38 states that at least 14m should be maintained between the side wall and the sole window serving a habitable room. An entrance would not normally be considered as a habitable room. Given this, the orientation, distance of separation and the splay between the properties, it is considered that the development would have an acceptable relationship with this neighbour.

207 Coppice Road

This property is owned by the applicant but lies outside of the application site boundary. The plans show extensions to the property. However, these have been refused planning permission and cannot be taken into account.

This neighbour has a window along the flank wall. However, this is not the sole window serving a habitable room. Given this and the distance of separation, it is considered that the proposal would have an acceptable relationship with this neighbour.

While the development would have an acceptable relationship with this neighbour, a condition is required removing permitted development rights, to ensure that the relationship with neighbours continues to be acceptable.

No significant amenity issues are therefore raised, and the proposal is considered to comply with policies DC3 and DC38 of the MBLP.

Trees

CELPS policy SE 5 deals with trees, hedgerows and woodlands. It seeks to protect trees, hedgerows and woodlands that provide a significant contribution to amenity, biodiversity, landscape character or historic character of the surrounding area.

There are a number of trees within and around the boundaries of the site, and further details are awaited from the applicant on this matter which will be reported as an update.

Ecology

CELPS policy SE 3 relates to biodiversity and geodiversity. Amongst other matters, it states that development proposals, which are likely to have a significant adverse impact on a site with legally protected species will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. This policy also requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

The application site does not lie within one of the Wildlife Corridors or areas likely to be of high and medium habitat distinctiveness identified within the Poynton Neighbourhood Plan.

The application includes a phase 1 habitat survey, along with reports for bats, great crested newts and badgers. Details of biodiversity enhancement have also been submitted as part of the application.

These reports have been reviewed by the Council's Nature Conservation Officer. They have not raised any concerns subject to conditions to ensure protected species and breeding birds are protected during works and requiring the submission of an ecological enhancement strategy. Subject to these conditions, the proposal would comply with the requirements of CELPS policy SE 3.

Parking and Highway Safety

Saved MBLP policy DC6 deals with circulation and access. It states that amongst other matters, vehicular and pedestrian access should be safe and convenient, with the adequate provision of visibility splays.

CELPS appendix C sets out the Council's adopted Parking Standards. In this location, three spaces would be required for each four-bedroom property.

The Town Council and residents have raised concerns about the parking and access arrangements and the potential impact for highway safety.

While the layout of parking spaces is not shown on the block plan. Each property would have a garage and a further two spaces could be accommodated on the drive for each property. This would comply with the requirements of CELPS appendix C. To ensure that sufficient off-street parking remains, a condition is required preventing the conversion of the garages

The Highways officer has also considered the proposal. They have not raised any concerns in relation to highway safety. With this in mind, it is concluded that the development would not conflict with saved MBLP policy DC6.

Coal Mining Area

The Town Council have raised concerns, as the site lies in an area formerly used for coal mining. The Coal Authority were consulted on the previous scheme for the site (20/1870M refers). They did not raise any objections, noting that while part of the site within the Development High Risk Area, the area where development is proposed lies outside of this area.

That being said, the Coal Authority has been reconsulted to check that there have been no changes since this original advice was given. Their response will be reported as an update.

Public Rights of Way (PROW)

There is a public right of way to the west of the site. The Council's PROW unit have been consulted. They have not raised any concerns with the development. An informative will be included to advise the applicant of their obligations in relation to the public right of way.

Flood Risk

CELPS policy SE 13 deals with Flood Risk and Water Management. Amongst other matters, it states that developments must integrate measures for sustainable water management to reduce flood risk.

PNP policy EGB 1 deals with surface water management. It notes that Poynton is at risk of flooding and the management of flood risk and management and maintenance of all culverts,

streams and brooks with the town should be coordinated into a local Flood Risk Mitigation Plan by the relevant authorities.

The application site lies within Flood Zone 1 which is at the lowest risk of fluvial flooding. However, as noted by PNP policy EGB 1 above, Poynton is at risk of flooding.

With this in mind, the Council's Flood Risk team were consulted on the previously refused scheme (20/1870M refers) and did not object subject to a condition.

They were reconsulted as part of this new scheme, initially objecting. However, following discussions with the applicant, this objection was removed. They have advised that a detailed strategy and management/maintenance plan for the site will be required by condition.

Subject to this condition, there would be no conflict with CELPS policy SE 13 and EGB 1 of the PNP.

Other matters

The conditions suggested by Environmental Health relating to contamination and EV charging points are recommended, however the condition relating to ultra-low emission boilers is not considered to meet the tests for conditions, and should not be included.

CONCLUSIONS

The application site lies within a ribbon of development in the Green Belt, which links Poynton to Higher Poynton.

The site lies outside of the area, which the Poynton Neighbourhood Plan identifies as being suitable for limited infilling. Nevertheless, the courts have held that while a boundary within a local plan is a material consideration, it will not necessarily be determinative. It is also important to take account of the extent of the village on the ground. In this case, the site lies within a sustained unbroken run of development between Poynton and Higher Poynton. A recent appeal decision has also concluded that Coppice Road lies within a village.

The scheme has been revised following on from the recent refusal. It has also been revised during the lifetime of the application. The revised scheme would sit within the run of development. It would constitute limited infilling within a village. It would not be inappropriate development within the Green Belt and would comply with CELPS policy PG 3 and the aims of NPPF Chapter 13.

Conditions

1. Three-year time limit
2. In accordance with approved plans
3. Finished levels to be submitted
4. Tree protection details to be submitted
5. Arboricultural Method statement for areas of hard standing to be submitted
6. Drainage strategy and Management plan to be submitted
7. Breeding bird protection to be submitted

8. Wildlife sensitive lighting to be submitted
9. Pre-works walkover survey for badgers to be submitted
10. Ecological enhancements to be implemented
11. Foul Water drainage to be submitted
12. Details of materials to be submitted
13. Landscaping details to be submitted
14. Landscaping implementation
15. Boundary treatments to be submitted
16. Removal of permitted development rights for extensions (class A and AA)
17. Garage to be retained for car parking
18. EV charging points to be provided
19. Imported soil tested for contamination
20. Actions in the event of unidentified contamination
21. Contamination risk assessment to be submitted
22. Verification report to be submitted

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.

