

Application No: 17/2129M

Location: 18, SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE

Proposal: Erection of two semi-detached dwellings alongside the existing detached bungalow.

Applicant: Keith Farrell

Expiry Date: 16-Jun-2017

Date Report Prepared: 22 June 2017

SUMMARY

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

Consideration has been had regarding a recent appeal decision which considered whether the site is in a village. The site is considered to comply with the MBLP definition of infill which states that infill is '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)'.

The key issue therefore is whether the site can be classed as 'limited infill'. 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 89 of the National Planning Policy Framework.

It is considered that there are no significant adverse impacts relating to design, residential amenity, highways safety, ecology or 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.

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 9th May 2017 due to the following concerns:

"The garden where it is proposed that these 2 houses should be built is in the green belt. This development would be contrary to policies set out in the Macclesfield Local Plan and the

National Planning Policy Framework, in relation to the green belt and in particular to the openness of the green belt. It is not a brownfield site it is in the garden of an existing building. The proposed buildings are out of character for the remainder of the area and would be very overbearing in respect of the existing bungalow.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the 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. 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 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 infill dwellings. The dwellings would be two storeys from the front, with rear dormers on each of the properties to the rear.

RELEVANT HISTORY

17/0624M Erection of 5 no. new dwellings
Refused 18 April 2017

A pre-application (PRE/0851/16) was responded to and was positive in terms of the principal of the site as an exception under paragraph 89 of the NPPF as an infill within a village.

POLICIES

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
H1 (Phased Housing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Sites)
H13 (Protecting Residential Areas)
DC1 (Design – New Build)
DC3 (Protection of the amenities of nearby residential properties),
DC6 (Circulation and Access)
DC8 & DC37 (Landscaping)

DC38 (Space, Light and Privacy)
DC41 (Infill Housing Development)
GC1 (Control over new buildings in the Green Belt)
NE11 (Nature Conservation)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)

Emerging Cheshire East Local Plan Strategy (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)
PG3 (Green Belt)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)

CONSULTATIONS (External to Planning)

United Utilities: recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined in consultee response

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council: *“recommends rejection on the basis of:*

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.

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

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 four bedrooms.

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

OTHER REPRESENTATIONS

Representations from 75no. different properties have been received for the original submission. A summary of these can be viewed below:

- Highway safety issues - Insufficient parking.
- Not an infill or brownfield site.
- Not in keeping with other properties.
- Inappropriate development within the Green Belt.
- Overdevelopment.

- Would reduce the openness.
- Increasing burden on local infrastructure.

OFFICER APPRAISAL

Key Issues

- Principle of Development in the Green Belt
- The design of the proposed development
- Highway Issues
- Potential impact on amenity

ENVIRONMENTAL SUSTAINABILITY

Principle of Development

The site lies within an area of Green Belt within the adopted Macclesfield Borough Local Plan. Para 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate. One of the stated exceptions to this is *“limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”*.

Local Plan policy GC1 relates to new buildings in the Green Belt. Criteria 5 of the policy relates to infilling and allows for *“limited infilling within the settlements of Gawsworth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question”*. In seeking to restrict infilling to a small number of villages within the Green Belt, Policy GC1 is not, in this regard, considered to be consistent with the NPPF which allows limited infilling in villages without any further qualification. This has been established in a number of recent appeal decisions within the Borough. In such circumstances, paragraph 215 of the NPPF indicates that policies in existing local plans should be given less weight.

Notwithstanding the Green Belt issues, the site is considered to be sustainable with regard to access to local services and facilities. Issues of design, amenity and ecology will be examined later in the report.

Green Belt

There is a recent appeal decision on Coppice Road, which is located around the corner from the proposed site, that explored the issue regarding whether the site is within a village. The following excerpt is taken from that decision:

‘The site is outside any defined settlement boundaries of the Macclesfield Borough Local Plan 2004 (LP), including the urban boundary of Poynton. At the Hearing the Council confirmed that only a few settlements within the LP have defined boundaries. Although development along Coppice Road extends directly from Poynton, on my site visit I saw that on leaving the more compact and dense urban environment of the town, the character of development along the road changes to a more open and rural setting. Whilst dwellings line both sides of the road along some of its length, in parts open fields directly abut the road. There are also views of the open countryside beyond these houses, with grass verges, hedgerows and trees being

more prominent within the streetscene than within Poynton. To my mind, this more rural setting results in the area having a village character and as such it appears reasonable to me to consider that the site is within a village. The lack of an agreed name for the area does not mean that it cannot be defined as a village.'

With this in mind it is considered that the site is situated within a village for the purposes of the NPPF.

Infill?

The NPPF does not provide a definition for what constitutes limited infilling in villages, but the Local Plan glossary does define 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)”. This definition has been accepted by several different recent inspectors as being relevant.

At approximately 20m wide the plot is comparable to other plot sizes in the area for two properties.

In terms of whether the surrounding development displays a ‘built up frontage’ the plots along Shrigley Road North clearly form part of a ribbon of development with a clear building line that follows the contours of the road. The plot in question is surrounded on both sides by dwellings with a similar distance to the road and the plot is a similar size to the surrounding plots. For the purposes of the infill definition in the MBLP it is considered that the site does comply with the definition of an infill plot.

With the above in mind it is my opinion that the proposal site would constitute an infill development and so would be compliant with guidance within the NPPF.

Openness of the Green Belt

Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the NPPF. It is clear that this part of the Green Belt includes the village development of Poynton/Higher Poynton along Shrigley Road North and the adjacent roads, and therefore is less open than the surrounding countryside. However this does not mean that the openness that does exist is less important.

The proposed development of two dwellings on what is currently an undeveloped site would lead to a reduction in openness. However, in the context of the site’s location within the village, the surrounding residential development, and the scale of the site, the lower level of the site from the road the loss would be a relatively small one. In deeming some forms of building in the Green Belt not inappropriate, the NPPF allows for a reduction in the openness of the Green Belt in some circumstances. Therefore, it is considered that significant harm to the openness of the Green Belt would not be caused by the scheme.

Design

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 heights of the properties along Shrigley Road vary and it is accepted that the height would be greater than the immediately adjoining neighbours to the south-west and 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 increase in height would not be unduly noticeable within the street scene.

The general features of the semi-detached properties would ensure that the development would not detract from the existing character of the area. To the rear it is proposed to have dormer windows within the roof space creating a third storey. The dormers are relatively small and the dwellings would still appear as two storey properties with accommodation within the roof, rather than three storey properties.

Overall it is considered that, on balance, the proposal is considered to comply with policies BE1 and DC1 of the Local Plan and the requirements of chapter 7 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. This is maintained through policy H12 which requires development in low density housing areas to respect the higher standards of space, light and privacy. In respect to the spacing standards, these are set out in the guidance contained within policy DC38.

There is no breach of the interface distances between dwellings set out in policy DC38. In order to prevent overlooking of the adjoining properties from the proposed balconies to the rear a condition will be included so that a screen of 1.8m in height should be erected on the side elevation of the balconies.

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

Highways

The proposal includes a new access and provision would be made for 3 parking spaces per property 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.

SOCIAL SUSTAINABILITY

Housing Land Supply

On 20 June 2017 Inspector Stephen Pratt published his final report on the Cheshire East Local Plan Strategy, thus bringing the Plan's Examination to a close. He has concluded that with the recommended Main Modifications, the Cheshire East Local Plan Strategy meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.

Accordingly a report is being prepared for the full meeting of the Council on 27 July recommending the adoption of the Plan. In the meantime paragraph 216 of the NPPF sets out the guidance on the weight that should be applied to emerging plans. The degree of weight depends on:

- The stage of the Plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved Objections
- The degree of consistency with the framework.

In the case of the Cheshire East Local Plan Strategy the Plan is now on the cusp of adoption and so is clearly at a very advanced stage. With the publication of the Inspector's report there are no unresolved objections and the Inspector has confirmed that the policies of the plan are consistent with the Framework.

Accordingly, whilst ahead of adoption the Local Plan Strategy cannot be afforded full weight as a development plan, as an emerging plan it must now carry very significant weight.

The Inspector's Report signals the Inspector's agreement to the plans and policies of the plan, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that are currently within the green belt will then be removed from that protective designation and will be available for development.

In the light of these new sources of housing supply, the Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

In the run up to adoption, no 5 year supply can be demonstrated and so the presumption in favour of sustainable development will continue to apply.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to the housing supply policies (as per the Richbrough Supreme Court Judgement). In addition given the progression of emerging policies towards adoption very significant weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave the following view on the status of the Councils emerging Local Plan prior to the recent report;

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

This conclusion was reached before the Inspector’s Report was published, now his findings are known and adoption is imminent the weight accorded to the emerging plan will be further enhanced.

Consequently, weight is given to the sustainability of the site which is considered to represent ‘*optimum viable use*’ as prescribed in paragraph 134 of the NPPF.

Contributions

Due to the size of the development no contributions are sought in respect of education, public open space or affordable housing.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing to a small extent as well as to some extent bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses. However, it is only for two dwellings and therefore the impact is limited.

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

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

It is concluded that the proposed development is permissible as one of the exceptions to inappropriate development in the Green Belt as set out in paragraph 89 of the Framework. Any conflict that is identified with policy GC1 of the Macclesfield Borough Local Plan has to be given less weight due to its inconsistency with the Framework.

As a new development in the Green Belt, the proposal will result in a limited loss of openness. For the reasons stated in the report, the impact on openness is not considered to be sufficient to withhold planning permission. It is not considered that the proposal results in any conflict with the purposes of including land in the Green Belt.

It is considered that there are no significant adverse impacts relating to design, residential amenity, highways safety, ecology or 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.

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

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.

Application for Full Planning

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. Hours of operation
8. Contaminated Land
9. Electric Vehicle Infrastructure
10. Dust management Plan

