

Application No: 19/4167M

Location: STONE COTTAGE, 14, SUMMERHILL ROAD, PRESTBURY, SK10 4AH

Proposal: Outline application with some matters reserved for construction of three infill dwellings with shared access

Applicant: Mr Howard Bilton

Expiry Date: 04-Nov-2019

### **SUMMARY**

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

However, by virtue of the width of the site, the lack of development to the west of the single plot to the north together with the position of the site outside the Prestbury settlement, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF.

### **SUMMARY RECOMMENDATION**

**Refuse**

### **REASON FOR REPORT**

The application site consists of an area greater than one hectare so in accordance with the Cheshire East Constitution the application has been referred to the Northern Planning Committee.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site consists of a large garden area associated with Stone Cottage (14 Summerhill Road). The site contains a timber building (previously stables) and a hard surfaced turning area, but is predominantly open grassed land with a small group of trees centrally located. The boundaries are open in nature marked by post and rail fencing and low hedging.

The site is located within the Cheshire Green Belt at the end of a row of dwellings which mostly consist of large detached properties, which sit on spacious plots of land.

## **DETAILS OF PROPOSAL**

Outline planning permission is sought for the construction of three new dwellings within the garden of number 14 Summerhill Road. The application seeks approval for access only with all other matters reserved for subsequent approval. Whilst an indicative site plan has been submitted with the application, these matters are reserved to be assessed under a future Reserved Matters application.

## **RELEVANT HISTORY**

16/0730M - Construction of one detached infill dwelling - Refused 03 August 2016 for the following reason:

*The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to Policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that the details put forward amount to very special circumstances exist to justify the approval of inappropriate development in the Green Belt (Appeal subsequently dismissed.)*

11/2251M Certificate of Lawfulness of Existing Use as residential  
Curtilage  
Granted 2011.

66337 Stables, tackroom and open barn.  
Approved 1991

27574 New house  
Refused 1982. Appeal dismissed.

23880 New house  
Refused 1980

## **POLICIES**

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

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG3 Green Belt

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SC4 Residential Mix

SE1 Design

SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE8 Renewable and Low Carbon Energy  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood risk and water management  
CO1 Sustainable travel and transport  
CO3 Digital connections

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

NE11 (Nature conservation interests)  
DC3 (Amenities of residential property)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree protection)  
DC35 (Materials and Finishes)  
DC37 (Landscaping in housing developments)  
DC38 (Space, light and Privacy)  
DC41 (Infilling housing or redevelopment)  
DC63 (Contaminated Land)  
GC1 (New buildings in the Green Belt)

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
The Cheshire East Borough Design Guide (2017)  
Draft Site Allocations Development Plan Document (SADPD)  
Prestbury SPD  
Prestbury Village Design Statement

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

**United Utilities:** No objections

**Head of Strategic Infrastructure:** No objections

**Flood Risk:** no objection subject to condition relating to drainage

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

**Prestbury Parish Council:** *“Prestbury Parish Council observes poor access on this private road and is minded that this Planning Application is incongruous to the neighbourhood and would result in over-development of a plot in Green Belt. The Council therefore object in the strongest possible terms.”*

## OTHER REPRESENTATIONS

Letters of representation have been received from 2no. different properties highlighting the following points:

- The gap is not small and so would be inappropriate development.
- A similar scheme has already been refused and this one should be also.
- Concerns over privacy/overshadowing.
- Concerns over the impact of the narrow access road.

## OFFICER APPRAISAL

### Green Belt

CELPs policy PG3 and paragraph 145 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The most relevant exception to the current proposal listed in paragraph 145 of the Framework is:

“e) limited infilling in villages; “

Policy PG3 of the CELPS reflects exception (e) of paragraph 145. Policy GC1 of the MBLP also relates to the Green Belt and states that within the Green Belt approval will not be given, except in very special circumstances, for new buildings unless it is for an identified purpose, including limited infilling within specific settlements. However, in line with the decisions of Planning Inspectors on a number of other sites in the Borough, policy GC1 should be given only limited weight as it is not consistent with the Framework, which allows limited infilling without further qualification regarding settlements.

The Framework does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines “infill development” as *“The development of a relatively small gap between existing buildings”*, and the MBLP defines “infilling” as *“the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)”*.

In this case the site sits at the end of a cul-de-sac with three proposed dwellings in an L shaped formation. Two new dwellings would be positioned to the south of the site between number 9 Summerhill Road and a new sports building currently under construction as part of the new King’s School site to the west of Summerhill Road. One new dwelling would be positioned to the north of the site adjacent to number 14 Summerhill Road, an existing bungalow. The infill element of the proposal comprises two parts with the single dwelling to the north of the site making up one of the parts and the two dwellings to the south the other.

The single plot to the north would be bounded by the dwelling at number 14 Summerhill Road to the east, but no building to the west. Built development would only surround this dwelling on one side. The sports building is positioned approx. 25m south of the proposed single dwelling and this property would clearly not be considered to be between existing buildings.

The two dwellings to the south would be positioned between number 9 to the east and the new sports building under construction, to the west. The gap between these two buildings is approx. 148m. This is a considerable distance and could not reasonably be described as

“relatively small” even in this context. It is noted that there have been appeal decisions submitted by the applicant of other decisions where large gaps have been allowed and it is acknowledged that context does play a part in the assessment of whether the gap is “relatively small”. However none of the examples have been close to the size of the gap in the application site and the site is therefore not considered to represent limited infilling.

Given that the proposal is not considered to be limited infilling, there is no need to consider whether it is in a village. However, for the avoidance of doubt commentary on this matter is provided as follows. The site lies outside of the Prestbury settlement boundary, as defined in the Local Plan.

Case law has established that it is necessary to consider whether, as a matter of fact on the ground, a site appears to be within a village and whether or not a site lies outside a village boundary as designated in the development plan is not determinative of the point, however is a consideration.

As mentioned in the applicant’s supporting statement built development extends from Summerhill Road continuously to the centre of Prestbury, so it could reasonably be argued that Summerhill Road forms part of the village of Prestbury. However the continuous development ends at number 14 on the north side of the road and number 9 on the south side. The application site is outside of this settlement and is not considered to form part of the village. As described in the last appeal decision for the site *“the dwelling would appear as a development on the edge of a settlement, extending the linear ribbon development of Summerhill Road into the landscape, and would not have the characteristics of infill within a village”*.

Although the school was not under construction at the time of the last appeal the application for the school had been approved and the Inspector considered the potential impact the school may have on the site stating: *“even if this development is implemented, the retained garden area of Stone Cottage would represent a significant visual break between the appeal site and the proposed school buildings and I therefore consider that this matter does not support the classification of the proposed dwelling as limited infill”*.

Having regard to the above, it is considered that the proposal does not amount to limited infilling in a village. Therefore assessing the proposal against point (e) of paragraph 145 of the Framework, and point 3(v) of policy PG3 in the CELPS, the proposal is considered to be inappropriate development in the Green Belt.

## **Design / Character**

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;

Summerhill Road is characterised by large detached individually designed properties set in spacious grounds. The proposed site would consist of two plots of similar size to neighbouring residential plots. The width and depth of the proposed plot is large, but comparable with others in the immediate vicinity of the site and is clearly capable of accommodating two large dwellings comparable to those in the immediate vicinity of the site.

The details regarding the design of the development including its scale and siting would be considered at the Reserved Matters stage.

### **Amenity**

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby 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 site layout plan submitted is indicative only but it is considered that due to the size of the plot, any future Reserved Matters application would be able to ensure that sufficient distances to neighbouring property would be able to be achieved to ensure that the development would accord with saved policies DC3, DC38 and DC41 of the Macclesfield Borough Local Plan (MBLP) and that a commensurate degree of space, light and privacy would be able to be achieved between all neighbouring property. The distance between the rear of the proposed dwelling and the rear of number 50 Hayesbank is approximately 19m, however this is commensurate with the other development in the area and if required a greater distance could be achieved during the Reserved Matters application.

### **Highways**

Summerhill Road is an unadopted private road, which provides access to 13 dwellings. As such, its use to serve three additional dwellings is considered acceptable; and there is sufficient space within each plot for off-street parking provision to be in accordance with CEC parking standards.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

### **Ecology**

No significant ecological issues are raised by the proposal. The nature conservation officer raises no objections. A condition requiring the incorporation of features into the scheme suitable for use by breeding birds is recommended in the event that the application is approved, to lead to an ecological enhancement as required by policy SE3 of the CELPS.

### **Landscape**

Landscaping has been reserved for subsequent approval as part of the reserved matters.

### **Flood Risk**

No objections are raised by the Council's Flood Risk section or 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.

### **CONCLUSIONS**

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

However, by virtue of the width of the site, the lack of development to the west of the single plot to the north together with the position of the site outside the Prestbury settlement, the proposal is not considered to amount to limited infilling in a village in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green Belt, and is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF.

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

- 1. The proposed development does not amount to limited infilling in a village, and therefore the proposal is contrary to policy PG3 of the CELPS, paragraph 145 of the NPPF and draft policy HOU1 of the Poynton Neighbourhood Plan.**

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, 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.*

