

Application No: 14/2084M

Location: 44, CHESTER ROAD, POYNTON, STOCKPORT, SK12 1HA

Proposal: Demolition of an existing house and the erection of 2 No pair of Semi-detached houses (four dwellings in total)- Re- sub of refused application (13/3536M)

Applicant: Edmund Carley

Expiry Date: 19-Jun-2014

Date Report Prepared: 25 July 2014

SUMMARY RECOMMENDATION

Approve, subject to conditions.

MAIN ISSUES

- The principle of the development;
- Housing Land Supply;
- Amenity implications;
- Requiring good design and character and appearance of the area; and
- Other material considerations.

REASON FOR REPORT

The application has been referred to Northern Planning Committee at the discretion of the Planning and Enforcement Manager, given the history of the site and previous application proposals.

Subject to the recommended conditions, this revised proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site is on Chester Road in the centre of Poynton. The application site is close to public transport links, with a bus stop outside the site and within a short walking distance to a train station. The application site is also close to local shops and services in Poynton town centre.

44 Chester Road sits in a corner position at the junction with Hilton Grove. The house is positioned close to the Hilton Grove end of the plot, leaving a relatively wide gap between it and No 46 Chester Road. In general Chester Road is characterised by a mix of dwellings with

differences of age, type, size and style. However, the application site relates most closely to the row of Victorian properties between numbers 46 and 64 Chester Road.

These houses, with a relatively wide space between each pair, establish a distinct rhythm along the street. With hedges and trees in the front gardens they form an attractive group that enhances the street scene along Chester Road.

At the Hilton Grove end of this group, the application site (44 Chester Road) is an exception, being a two storey mock Tudor style detached house, set further back from the road and with a wide side garden. Trees and shrubs in the garden act to screen the house from the street. The site serves to define and accentuate the position of the group of Victorian properties in the street scene.

DETAILS OF PROPOSAL

This full application seeks planning permission for the demolition of the existing detached house and the erection of four houses, arranged as two pairs of semi-detached houses.

Vehicular access for all four dwellings will be from Chester Road, arranged with each pair of housing sharing a drive to two access points.

The houses are two storey properties with the roofspace utilised for living accommodation. They are assessed as two and a half storey properties with accommodation on three levels.

This current application proposal involves the following changes to the previous scheme: -

- The proposed building nearest to number 46 Chester Road has been moved away from number 46 Chester Road by 1 additional metre. This has resulted in a separation distance of 11 metres between number 46 and the proposed development;
- The proposed semi-detached building nearest number 46 has been moved back into the site (away from Chester Road) by 1m; and
- Four semi-mature trees have been planted in the garden of the application site near the boundary with 46 Chester Road.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

2013 SCHEME:

Planning permission was refused on 6 January 2014 for the demolition of an existing house and the erection of **two pairs of Semi-detached houses**, under reference 13/3536M. This scheme was refused on the following ground:-

- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

This scheme is currently the subject of an appeal (under reference APP/R0660/A/14/2214837) and following an appeal site visit on 23 June 2014 the Council is awaiting the outcome of this appeal.

The current application proposal has been assessed on its own merits and notwithstanding the outcome of this appeal; officers consider that the changes made are sufficient to tip the balance in favour of approval, which is discussed in detail below.

2012 SCHEME:

Planning permission was refused in December 2012 for the demolition of the existing house and the erection of **two pairs of Semi-detached houses**, under reference 12/4196M. This scheme was refused on the following grounds: -

- Poor design that would detract from the character and appearance of the area; and
- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

2011 SCHEME:

Planning permission was refused in December 2011 for the demolition of the existing house and the erection of **three 3 storey houses and 3 flats** with parking and service space. This scheme also included the relocation of Vehicular Accesses on Both Chester Road and Hilton Grove, under reference 11/3290M. This scheme was refused on the following grounds: -

- Poor design that would detract from the character and appearance of the area;
- Cramped and intrusive form of development; and
- Loss of light and overbearing impact to the detriment of the residential amenities of the adjacent property.

This scheme was the subject of an appeal (under reference APP/R0660/A/12/2168108) and the appeal was dismissed by letter dated 3 May 2012.

2010 SCHEME:

Originally an application was submitted, under reference 10/4317M, which sought permission for the erection of **four 3 storey houses and 3 flats** with parking and service space. This scheme also included a relocation of vehicle access onto Hilton Grove. However, this application was withdrawn in February 2011.

There is no other relevant planning history on this site.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy:

The application site lies within a predominantly residential area in Poynton and is not in a Conservation Area or subject to any other policy control. Therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy H1 (Phasing policy);
- Policy H2 (Environmental quality in housing developments);
- Policy H5 (Windfall housing sites);
- Policy H13 (Protecting residential areas);
- Policy BE1 (General design)
- Policy DC1 (High quality design for new build);
- Policy DC3 (Protection of the amenities of nearby residential properties);
- Policy DC6 (Circulation and Access);
- Policy DC8 (Requirements for Landscaping);
- Policy DC35 (Materials and finishes);
- Policy DC36 (Road layouts and circulation);
- Policy DC37 (Landscaping);
- Policy DC38 (Guidelines for space, light and privacy for housing development);
- Policy DC41 (Infill housing development);
- Policy DC63 (Contaminated Land Including Landfill Gas) and
- Policy NE11 (Nature Conservation).

Cheshire East Local Plan Strategy – Submission Version (CELP)

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Replacing MBLP policies NE11, BE1, H4, and H13 (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;

- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles; and
- Policy CO1: deals with sustainable travel and transport including public transport.

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Poynton SPD

CONSULTATIONS (External to Planning)

HIGHWAYS:

No objections.

UNITED UTILITIES:

United utilities (UU) have raised no objection to the application. UU have stated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. UU have requested that the developer consider the various drainage options to accord with the hierarchy outlined in Building Regulations H3.

A public sewer crosses this site and UU will not permit building over it. An easement condition is suggested that will allow UU an access strip width of 6 metres, 3 metres either side of the centre line of the sewer.

ENVIRONMENTAL HEALTH:

No objections subject to conditions controlling the hours of construction, hours and method of pile foundations (if necessary), and submission of a scheme to minimise dust emissions.

The Contaminated Land team has no objection to the above application subject to an informative being placed on any decision to deal with the scenario that unexpected contamination is found on the site during construction.

VIEWS OF THE PARISH / TOWN COUNCIL

POYNTON TOWN COUNCIL

Reiterated their recommendation of refusal of the previous application, which were:

- Loss of privacy by reason of overlooking;
- Cramped development;
- Inadequate space with regard both to adjoining houses and between the proposed houses;
- Development un-neighbourly, being unduly dominant when viewed from adjoining property;
- The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area as a whole; and
- Parking provision detrimental to highway safety.

Members also noted that parking provision of two spaces for each four-bedroomed house was inadequate, and would lead to parking on Chester Road and on Hilton Grove to the side of the development.

They also asked that United Utilities' conditions with regard to drainage and sewerage is still taken into account.

In summary Members felt that this application had not changed materially from previous applications for this site.

REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case by direct neighbour notification. The publicity period for this application expired on 25 May 2014.

17 letters of objection have been received from local residents and their objections can be summarised as follows: -

- This latest revised scheme fails again to adequately address all of the concerns with the previous application/plans unchanged/changes to plans insignificant;
- Loss of light;
- Overlooking/inadequate separation distances;
- Overbearing;
- Height and location will impact on privacy;
- Contrary to policy;
- Impact on character of the area/streetscene;
- Plans include an additional bedroom/study in the attic;
- Plans incorrect as they show trees to be retained which have already been removed/loss of existing tree and shrub screening;

- Intensification of site increases road safety problems and concerns;
- Loss of landscaping/loss of trees/too much hardstanding;
- Concerned the internal layout is possible to convert to HMO;
- Inadequate parking provision/congestion around the site/result in on street parking/no visitor parking;
- No provision for bins/waste disposable implications;
- Solid block on a prominent corner location/eyesore/impact on the character of the surrounding area; and
- Scheme too dense/increase from one house to four houses is excessive/overdevelopment/cramped.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following reports/documents in support of the application, details of which can be read on the electronic file on the Council's public access website.

- Planning, Design and Access Statement;
- Bat Survey;
- Tree & Landscape Report;
- Sun Study; and
- Supporting Character Assessment.

OFFICER APPRAISAL

Having considered this application, it is the considered view that the main issues in this case are:

- The principle of the development;
- Housing Land Supply;
- Amenity implications;
- Requiring good design and character and appearance of the area; and
- Other material considerations.

The principle of the development:

The site lies within the settlement boundary of Poynton and within a Predominantly Residential Area where policies within the MBLP indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the MBLP seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Poynton and by virtue of its proximity to shops and services within Poynton.

Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the

subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

However, if the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

Amenity implications:

As stated above, this current application proposal involves the following changes to the previous scheme: -

- The proposed building nearest to number 46 Chester Road has been moved away from number 46 Chester Road by 1 additional metre. This has resulted in a separation distance of almost 11 metres between number 46 and the proposed development;
- The proposed semi-detached building nearest number 46 has been moved back into the site (away from Chester Road) by 1m; and
- Four semi-mature trees have been planted in the garden of the application site near the boundary with 46 Chester Road.

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet.

Policy DC3 states:

DEVELOPMENT, INCLUDING CHANGES OF USE, SHOULD NOT SIGNIFICANTLY INJURE THE AMENITIES OF ADJOINING OR NEARBY RESIDENTIAL PROPERTY OR SENSITIVE USES DUE TO:

1. LOSS OF PRIVACY
1. OVERBEARING EFFECT
2. LOSS OF SUNLIGHT AND DAYLIGHT
3. NOISE, VIBRATION, SMELLS, FUMES, SMOKE, SOOT, ASH, DUST OR GRIT
4. ENVIRONMENTAL POLLUTION
5. HAZARDOUS SUBSTANCES AND INDUSTRIAL PROCESSES
6. TRAFFIC GENERATION, ACCESS AND CAR PARKING.

Policy DC38 states:

HOUSING DEVELOPMENT SHOULD MEET THE GUIDELINES OF SPACE BETWEEN BUILDINGS AS SET OUT IN TABLE 4 UNLESS THE DESIGN AND LAYOUT OF THE SCHEME AND ITS RELATIONSHIP TO THE SITE AND ITS CHARACTERISTICS, PROVIDES A COMMENSURATE DEGREE OF LIGHT AND PRIVACY BETWEEN BUILDINGS.

The guidance distances are listed below:-

Position/height of building	Guidelines for space between buildings from the centre line of any window
1 Habitable room facing habitable room or facing non-residential buildings	
(a) 1 or 2 storeys	21 metres front to front of buildings 25 metres back to back of buildings
(b) 3 storeys or upwards	28 metres plus 7 metres per additional storey front to front of buildings 32 metres plus 7 metres per additional storey back to back of buildings
2 Habitable room facing non-habitable room	
(a) 1 or 2 storeys	14 metres 2.5 metres per additional storey
b) 3 storeys or upwards	2.5 metres per additional storey
3 Allowance for differences in level between buildings	
(a) all cases where 1 and 2 are applied and difference in level exceeds 2.5 metres	add 2 metres to distance
(b) each further 2.5 metres difference in level	add additional 2 metres per 2.5 metres difference in level
2 Each dwelling should be set back at least 1 metre from the site boundary	
3 Where it is necessary to provide a car parking space at the front of the dwelling each dwelling should be set back at least 5.5 metres from the highway to provide car parking space off the highway.	

It is of note that the explanatory note attached to Policy DC38 states that the distances outlined above are for guidance only and can be varied in accordance with the policy DC38.

The application site is bounded to the east by Hilton Grove and to the south by Chester Road. Residential properties bound the site to the north and west, whilst further residential properties are located on the opposite side of the roads.

STOREY HEIGHTS

Upon review of the assertions made by the application and the comments received by neighbouring properties, in the interests of consistency and transparency it has been considered that the best way to describe the development is of being 2½ storeys in height, with accommodation on three floors. A key factor on amenity implications is the heights of the proposed dwellings, being approx 9.3 metres in height. In the interest of fairness, number 46 Chester Road could be described in a similar fashion, being approx 10 metres in height. Officers conclude it should be judged as a two storey scaled building for the purposes of the separation policy. The application is clear and all parties are aware of the level of accommodation provided and on how many storeys. For the avoidance of doubt, separation distance on both counts (2 and 3 storeys) will be referenced.

PROPERTIES ON THE OPPOSITE SIDE OF CHESTER ROAD:

In respect of the properties on the opposite side of Chester Road, the revised proposed dwellings would exceed the separation distance outlined in policy DC38 of the Local Plan.

Therefore, this revised scheme is not considered to have a detrimental effect on the amenity of the properties on the opposite side of Chester Road.

42 CHESTER ROAD

It has been previously determined that windows in the side elevation of number 42 Chester Road are secondary. Policy DC38 states that in this situation a distance of 16.5 metres would need to be maintained for three-storey properties. The proposed development, whether considered three or two storey would (in any event) exceed this distance with number 42, resulting in a separation distance of approximately 22 metres (was 23 metres previously).

Therefore, this revised scheme is not considered to have a detrimental effect on the amenity of number 42 Chester Road.

1 HILTON GROVE

The property to the rear of the application site identified as number 1 Hilton Grove is sited at right angles to the plot and therefore has its side elevation and rear garden along the full length of the shared boundary.

It should be reiterated that officers remain sympathetic to the issues faced by the occupiers of number 1 Hilton Grove from an increase in the amount of development, an increase in the bulk and height of development, and an increase in the number of windows that would face across this property's rear garden.

Whilst this revised scheme has increased the distance to the shared boundary with number 46 Chester Road and the first pair of semis, this has resulted in the reduction in the distance to number 1 Hilton Grove.

The existing dwellinghouse on the application site faces towards no. 1 Hilton Grove and has principal habitable windows at first floor level that currently overlook the rear garden of that property.

The proposed dwellinghouses would be located on a similar building line as the existing dwellinghouse; a substantial hedge (in the neighbour's ownership) and trees (to be retained) are located along the shared boundary that provide a high level of screening.

As previously stated, the Government in the latest GPDO allow rear extensions of more than one storey in height to come within 7m of a rear boundary, the proposed dwellinghouses would be set back circa 11m (minimum) at ground floor and 12m (minimum) at first and second floors from the garden boundary of no. 1 Hilton Grove therefore exceeding this distance. Again the rooflights within the rear elevation could be conditioned to be positioned a minimum distance above internal floor level to prevent any overlooking issues.

Bearing all the above in mind and the comments received by number 1 Hilton Grove, it is again considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of this property.

46 CHESTER ROAD

Number 46 Chester Road is located to the west of the application site and comprises a semi-detached property which has windows within the side elevation of all three floors.

The ground floor bay window serves a living/dining room and the first floor window serves a bedroom. Whilst both these rooms have windows to the side and rear, the windows in the side elevations are the larger of the two windows and therefore it is these that are deemed to be the principal window to each room. To the second floor, the two windows each serve a bedroom and are the only window to each room. All of the windows in the side elevation of number 46 Chester Road face in an easterly direction and therefore they provide a significant function in providing light to these rooms.

In respect of policy DC38 of the Local Plan, the proposed development should be sited 16.5m away from these windows when considering a three-storey building and 14m away when considering a two-storey building.

The proposed revised development would now be sited 10.9 metres (previously 9.8 metres) from the windows on the main side elevation of number 46 Chester Road.

It is worthy of note that all revised applications on the site have sought to address this relationship and increase this distance (albeit under the guidance requirements) from 5.5m in the 2011 application, to 9m in the 2012 application and to 9.8m in the 2103 application.

An 11 metre distance represents a 67% separation when assessed against three storey developments and a 78% separation when considering two storey building. In any event the application proposals do not accord with either separation distance(s).

However, it is considered that revised proposal would not compromise privacy to the garden or habitable rooms within number 46 to such an extent to be considered to have a *significantly* detrimental impact on residential amenity. This is in part because:

- The distances set within DC38 are however guidelines and regard should also be had to: the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings;
- Paragraph 59 of NPPF confirms design policies and planning decisions should avoid unnecessary prescription or detail and instead ensure the character of an area is maintained with paragraph 60 stressing the importance of local context.
- It is noted the living room of number 46 have dual aspects with windows that face north (toward the rear) and east (towards the application site).
- Whilst the east facing windows are the principal windows it is clear that the dual aspect windows provide outlook and daylight from two directions.
- The proposal does not have any windows facing number 46.
- The application proposal is further from the common boundary than number 46.

- The space between the application property and number 46 is now 11 metres which is appropriate to the character typified by the spaces between similar houses to the west along Chester Road (where distances of around 8 metres to 9 metres are common).
- A row of 6 metre high trees are now planted on the boundary which provide a screening to the development;

CHARACTER OF THE AREA:

This application proposal includes four houses positioned within the forward building line of Chester Road. As stated above, the application is considered to respond to the semi-detached houses of 46 to 62 Chester Road where the gaps between the houses are between 8 and 9 metres. The application proposals repeats the gap between the pairs of semi's in the juxtaposition of 46 Chester Road and the closest house of the appeal proposal, a gap is provided of almost 11 metres (7 metres of which are on the application site), a more generous gap than provided to the west.

SUNLIGHT & DAY LIGHT STUDY:

A Sunlight & Day Light Study has been submitted with the application. It has been undertaken with reference to the Building Research Establishment document 'Site layout planning for daylight and sunlight; a guide to good practice. The assessment was taken for the 6th February, 6th June and 6th October and at 08:00am, 09:00am, 10:100 and 11:00. Please note as the sun is moving away from the property after 11:00am, no additional references were taken.

The parameters of this study have been reviewed and it is considered to be a technically accurate document, to scale and includes shadow cast by the proposed development at different times of the day and times of the year. This document can be considered a material consideration is assessing this application.

As stated above, the proposed semi-detached building nearest number 46 have been moved back into the site (away from Chester Road) by 1m.

The sun study shows there will not be a detrimental impact from loss of sunlight or daylight upon the east facing windows and there will not be an impact upon the north facing windows of the living or bedroom. The repositioning of the dwelling has clearly reduced any detrimental impact from loss of sunlight or daylight upon number 46 Chester Road.

BOUNDARY CHANGES:

The previous boundary between the application site and 46 Chester Road was a privet hedge and high trees. Whilst the high trees had been removed during the last few years, the applicant has replaced the trees and the original screening between the two plots. The replacement trees are semi-mature Lime Trees and are approximately 6 metres in height. These trees (which are free from planning control) would have an impact on the amount of daylight and sunlight to number 46 Chester Road.

In addition, the applicant could erect a 2 metre high fence on this boundary under Permitted Development, and if done, this could also have an impact on the amount of daylight and sunlight to the ground floor side window.

CONCLUSIONS ON AMENITY:

It is considered that the revised scheme would not have a detrimental effect on the amenity of the properties on the opposite side of Chester Road and number 42 Chester Road. It is also considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of number 1 Hilton Grove.

Local Plan policies DC3 and DC38 relate to amenity. Policy DC38 of the Local Plan sets out distance guidelines between buildings in order to safeguard residential amenities with respect to light and privacy. The distances set within this policy are however guidelines, and regard should also be had to: the design, layout of the scheme, the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings.

It is considered that due to the reposition of the end building and the presence of semi mature trees on the boundary that the proposal would not have a *significantly* detrimental impact on the residential amenity of number 46 Chester Road to the extent that living conditions of the adjoining occupier will be significantly injured.

It is considered that the modifications to the position of the nearest proposed dwelling to 46 Chester Road, have tipped the balance in terms of balancing the planning arguments for the case (*allowing a sustainable form of development, in keeping with character of the area, replicating similar separation distance on Chester Road, with no arboricultural, ecological or highway implications*) against the issue of separation distance that is below the guidance in Local Plan Policy DC38.

Therefore, overall and on balance, the development would accord with Local Plan policies DC3 and DC38.

Requiring good design and character and appearance of the area:

As previously, the proposed development would result in the demolition of a detached two-storey dwellinghouse with an attached garage. In its place it is proposed to erect two pairs of semi-detached dwelling houses.

As plot 44D has been moved away from number 46 Chester Road by 1m, a 2.5m gap is now provided between the two blocks of properties, rather than 3m under the last scheme. It is noted that the gap was 2m under the 2012 scheme and 1.1m under the 2011 scheme. The other space has been found by moving the dwellings half a metre closer to Hilton Grove.

Both units would have a similar design with feature gables, hipped/half-hipped roofs, accommodation in the roofspace, rooflights, and a mix of brick and render to the walls and natural slate roofs.

As previously, two vehicular accesses would be provided off Chester Road, one to serve each pair of semi's (with a pedestrian access off Hilton Grove). The existing front garden will be

largely covered in hardstanding to provide the proposed off-street parking. Private amenity space including a patio area will be located to the rear of each dwellinghouse.

The site is surrounded by other residential properties. These are, in the case of Hilton Grove, two storey semi-detached properties of fairly regular design and on Chester Road, either Victorian or substantial Edwardian or later semi detached dwellings. Most present two-storey elevations to the road frontages although there is a dwelling sited a number of properties to the west which presents a steeply pitched gable to the front elevation with a second floor window. Most of these properties have a driveway or equivalent space separating the dwelling from the side boundary of the plot.

It is again considered that the dwellings as proposed are considered to be commensurate to the existing character of the dwellings 46 to 62 Chester Road in terms of spacing and style. It is considered that the design would not appear incongruous to the existing streetscene, following omission of the front gables and the reduction in height, and the spacing between the two pairs of semis. The character of the dwellings is considered more akin to the existing character and appearance of the area than the previous refusals.

The proposed development is therefore considered to be acceptable in terms of Local Plan policies BE1 and DC1.

Other material considerations:

Other material considerations in respect of this current application proposal are described below. It is considered that there has been no material change in circumstance since the last scheme that would alter officers' assessment on these issues.

HIGHWAYS ACCESS, PARKING, SERVICING AND HIGHWAY SAFETY:

The proposal would be accessed by two vehicular access points off Chester Road and a pedestrian access off Hilton Grove. The parking for the housing is 200%, this level of provision accords with the Highways Department's parking standards and both access points provide adequate visibility. However, there is an existing bus stop on the frontage of the property that would need to be moved if these new accesses were constructed. The Strategic Highways Manager raises no issues with the relocation of the bus stop although the siting needs to be agreed with the Council's Integrated Transport Unit. It is for these reasons that the Strategic Highways Manager raises no objection to the application subject to conditions requiring no gates to be erected across the drives.

Whilst concerns have been raised regarding highway safety, subject to such conditions, it is considered that the proposed development would not have a detrimental effect on highway safety and would comply with policy DC6 of the Local Plan.

ARBORICULTURAL IMPLICATION

The Council's Arboricultural Officer noted that the site has been subject of an amount of historic pre-determination felling and pruning which has established a relatively open site with a limited number of retained low value trees scattered around the perimeter.

The revised Arboricultural Statement submitted with this current scheme now includes comments on the recently planted linear group of Limes.

Other than the newly planted Lime Trees, the absence of any category A or B trees as defined within BS5837:2012 removes any objection to the application from an arboricultural perspective; with a net gain envisaged in terms of the recently implemented landscape scheme which replaces those trees which have been removed. Additional quality landscaping is proposed for the Chester Road frontage a main access route serving Poynton

ECOLOGICAL IMPLICATIONS

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that no European Protected Species have been recorded on site. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

An updated bat survey was undertaken as part of this current application. The Council's Ecologist has been consulted on the application. No evidence of bats was recorded and considering the location of the building and the absence of any bat field signs, the Ecologist is satisfied that roosting bats are not reasonably likely to be present or affected by the proposed development. It is therefore considered that the proposed development would comply with policy NE11 of the Local Plan.

OTHER AMENITY CONSIDERATIONS:

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

LAND CONTAMINATION ISSUES:

The Environmental Health Division has assessed the application in respect of land contamination. They note that the site is within 50m of a known landfill site or area of ground

that has the potential to create gas and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with the NPPF, they recommend that a condition and note in respect of contamination be attached should planning permission be granted.

OTHER MATTERS

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. There is a sewer that crosses the site. United Utilities have raised no objection to the application subject to a sewer easement condition and a foul and surface water details being secured via condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within Poynton, in a sustainable location close to existing services, community facilities and public transport links.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

It is acknowledged that the previous concerns in terms of design and the character and appearance of the streetscene have despite objections received, been resolved and any alterations to the scheme as a result of this application have not altered this view.

Whilst there will be an impact on the enjoyment of the living conditions to the residents to number 46 Chester Road and number 1 Hilton Grove, which is regrettable, it is considered that the scheme has been amended enough to reduce such impacts to a level, that officers believe that their living conditions would not be significantly injured. This view is based on the following factors: -

- The distances set within DC38 are however guidelines and regard should also be had to: the design, layout of the scheme the relationship to the site and its characteristics and provides a commensurate degree of light and privacy between buildings;
- Paragraph 59 of NPPF confirms design policies and planning decisions should avoid unnecessary prescription or detail and instead ensure the character of an area is maintained with paragraph 60 stressing the importance of local context.
- Previously Officers have stated that the impact on number 1 Hilton Grove was not considered *significantly* detrimental. Whilst it is accepted that the end pair of semi detached houses is closer to their boundary it is again considered that the revised scheme would not have a *significantly* detrimental impact on the residential amenity of this property.

- It is noted the living room of number 46 have dual aspects with windows that face north (toward the rear) and east (towards the application site).
- Whilst the east facing windows are the principal windows it is clear that the dual aspect windows provide outlook and daylight from two directions.
- The proposal does not have any windows facing number 46.
- The application proposal is further from the common boundary than number 46.
- The space between the application property and number 46 is now 11 metres which is appropriate to the character typified by the spaces between similar houses to the west along Chester Road (where distances of around 8 metres to 9 metres are common);
- A row of 6 metre high trees are now planted on the boundary which provide a screening to the development;
- The sun study shows there will not be a detrimental impact from loss of sunlight or daylight upon the east facing windows and there will not be an impact upon the north facing windows of the living or bedroom;
- The repositioning of the dwelling has clearly reduced any detrimental impact from loss of sunlight or daylight upon number 46 Chester Road;
- The boundary trees (which are free from planning control) would have an impact on the amount of daylight and sunlight to number 46 Chester Road; and
- The applicant could erect a 2 metre high fence on this boundary under Permitted Development, and if done, this could also have an impact on the amount of daylight and sunlight to the ground floor side window.

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 Planning and Enforcement Manager 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 Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A07HA - No gates - new access

5. A12HA - Closure of access/removal of dropped kerbs
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A01TR - Tree retention
- 10.A02TR - Tree protection
- 11.A19MC - Refuse storage facilities to be approved
- 12.A04HP - Provision of cycle parking
- 13.A04NC - Details of drainage
- 14.A04NC_1 - Sewer Easement
- 15.A22GR - Protection from noise during construction (hours of construction)
- 16.A23GR - Pile Driving
- 17.A32HA - Construction Management Plan
- 18.A32HA_1 - A scheme to minimise dust emissions
- 19.A17MC - Decontamination of land
20. Contamination Informative
21. NPPF Informative

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