

Application No: 20/1957M

Location: 16, Georges Road East, Poynton, Cheshire, SK12 1NP

Proposal: The construction of a single storey 1-bed apartment within the grounds of no 16 Georges Road East, Poynton

Applicant: Mr Chris Russell, QMS Developements

Expiry Date: 08-Oct-2020

SUMMARY

The application site is located on an area of Existing Open Space in the MBLP, and it has not been demonstrated that the open space is surplus to requirements, it is not replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision, as required by policy SC 1 of the CELPS and the Framework. As such the proposal is a departure from the development plan, which weighs heavily against the proposal.

The Council's Open Space Summary Report for Poynton (March 2012) refers to the private allotment site at Georges Road East, but notes that it could not be assessed properly due to the improvement works being carried out on Park Lane. Its use at that time was not identified. The report does however state that there is a shortage of allotment facilities in Poynton.

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However, policy EGB 2 of the PNP, which seeks to preserve and protect open spaces which characterise the village identity, does not refer to this site in the list of locations to be protected under this policy. The PNP is the most up to date development plan document and as such carries significant weight in the determination of the application.

In addition, the application site, as with all the adjoining sites that fall under this open space allocation in the MBLP, is in individual private ownership, and therefore public access to it is restricted. In visual terms, the site has very limited benefits to the wider area due to it being accessed from the private (no-through) road that serves these plots and the associated dwellings on Georges Rd East. As such its visibility, and appreciation as a public amenity, from public vantage points is very limited. Therefore, in terms of the function of the land as open space as it currently stands, there are not considered to be any significant physical or visual benefits to it.

The application site and all the privately owned plots within this open space allocation all appear to have more of a domestic garden appearance than allotments, with lawns, children's play equipment, domestic outbuildings, car parking all present on these plots. The applicant has suggested that these garden uses have been ongoing for a number of years. On this basis, despite the need for allotments in Poynton, and the previous use of this site, it is considered to be very unlikely that the use of the site for allotments would ever be resurrected.

The site is in a very sustainable location and the proposal would provide a residential dwelling within the key service centre of Poynton, very close to the public transport facilities, shops and services within the town centre. The proposal raises no significant issues relating to the impact upon the living conditions of neighbouring properties, the character of the area, highway safety, trees or flood risk.

Therefore, whilst acknowledging the conflict with the development plan, the proposal accords with the requirements of the most up to date policy document, the Poynton Neighbourhood Plan, and having regard to the details set out above, on balance it is considered that the identified policy conflict is outweighed by other considerations, and the proposal represents a sustainable form of development.

Summary Recommendation

Approve with conditions

REASON FOR REPORT

This application has been called-in to the Northern Planning Committee by the local Ward Member, Cllr Jos Saunders for the following reasons:

Cheshire East flood team commented that the site is at a high water flood risk; the proposal would be cramped and intrusive and out of keeping with neighbouring properties; the property would be very close to existing gardens and is unneighbourly; and it is back land development with no proper road frontage and access which is via an unmade private road.

DESCRIPTION OF SITE AND CONTEXT

The site lies located to the north of 16 St Georges Road East which forms part of a row of terraced brick dwellings that face onto a footpath to the south but are accessed by vehicle to the north of the dwellings (to the rear). This private road connects with Clumber Road to the east. There are gardens located to the north of the private road which are mostly long and narrow, however the one associated with no 16 is wider than many of the others at 12.5m wide. The gardens are allocated as existing open space in the Macclesfield Local Borough Plan as they were originally part of an area of allotments, however they were sold to the houses on Georges Road East in 1948 and many are used as gardens or for parking. Some contain outbuildings, gazebos, sheds and play equipment.

The site lies very close to Poynton Town centre where it abuts a rear car park to the rear of shops on Park Lane and also Legh Close, which is used as access to the adjacent care home known as Cedarwood. As noted above the site lies within an area allocated as Existing Open Space in the MBLP.

DETAILS OF PROPOSAL

This application proposes the erection of a single storey dwelling on the garden area to the north of 16 Georges Road East. It would comprise of a bedroom, a bathroom, kitchen/ dining area and living area. The dwelling would be located to the northern end of the plot close to the boundary with the car park accessed off Park Lane. A parking area and garden for the new dwelling would be accessed off the existing track and parking for the existing house would be located to the south of the track. No 16 would retain private amenity areas to the west and south of the dwelling.

The proposed dwelling would comprise timber cladding with oak posts and a turf roof. This is a similar design to an existing extension to the applicant's house at no 16

Most of the southern elevation would be a fully glazed wall with other elevations being plain with zinc cladding and a moderate amount of fenestration. The design incorporates methods

to reduce energy consumption and carbon dioxide emissions plus a turf roof to reduce surface water run off.

The dwelling would be slightly raised above ground level on brick plinths and posts.

RELEVANT HISTORY

None

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

SE1 Design

SE2 Efficient Use of Land

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green infrastructure

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk

SC1 Leisure and Recreation

Appendix C – Parking Standards

Saved policies of Macclesfield Borough Local Plan (MBLP)

DC3 Protection of the amenities of nearby residential properties

DC6 Safe and convenient access for vehicles, special needs groups and pedestrians

DC8 Landscaping

DC38 Guidelines for space, light and privacy for housing development

DC41 Infill housing or redevelopment

RT1 Open space

Poynton Neighbourhood Plan

EGB1 Surface water management

EGB2 Open spaces

HOU 6 Housing mix

HOU 8 Density and site

HOU 11 Design

HOU 15 Back land and tandem development

Other Material Considerations

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

CONSULTATIONS (External to Planning)

United Utilities – applicant should be aware of the requirement for a permit building to build near or over public sewer

Head of Strategic Infrastructure - No objection due to the proposed development being accessed from a private road

Environmental Health - No objection subject to conditions relating to contaminated land and EVAs

Manchester Airport - No safeguarding objections

Lead Local Flood Authority - No objection subject to conditions relating to ground and finished floor levels, and drainage strategy

Poynton Town Council – Object on the following grounds:

- Represents an undesirable form of back land development
- Position in relation to adjoining residential properties and their gardens would result in an unacceptable reduction in the level of privacy by reason of overlooking
- Due to scale, form and design would result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the area.
- Very close to adjacent garden plots and the car park at the rear of 78 Park Lane and can be regarded as unneighbourly.
- The recent flooding in Poynton in July 2019 show the risk of building over land currently used as gardens as it increases the runoff of water in wet weather increasing the risk of flooding. As noted by the Cheshire Easts Flood Risk team the site is a high surface water flood risk area and the applicants have not provided a flood risk assessment. The development is close to a main sewer.
- The proposal is therefore contrary to policies HOU8, HOU11, HOU 15 of the Poynton neighbourhood plan SD2 of the CELP DC41 of Macclesfield local plan in addition to National Planning policies which seek to promote high and quality and inclusive design

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Open Space

As noted above, the site is allocated within the MBLP as an area of Existing Open Space, the retention of which is promoted by policy RT1 of the MBLP. This policy states that areas of

recreational land and open space as shown on the proposals map will be protected from development. RT1 does however accept that development of a building footprint which does not harm the integrity of the open space will normally be permitted.

Paragraph 97 of the Framework states that existing open space should not be built on unless:
*“a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

These tests are reflected in policy SC1 of the CELPS which seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made. However this policy also seeks to support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities, the proposed facilities are of a type and scale appropriate to the size of the settlement, are accessible and support the objectives of the Local Plan Strategy. Similarly, policy SE6 of the CELPS seeks to protect green infrastructure and protect and enhance existing open spaces.

Policy EGB2 of the PNP states that *“areas of recreational land and existing open spaces within Poynton including within the housing estates which characterise the village identity shall be preserved and protected from development. PNP/C32 lists the locations of the sites with accompanying maps”*. The site is not identified in document PNP/C32 as a location to be preserved and protected.

The proposed dwelling will be constructed on an area of Existing Open Space as identified in the MBLP, and it has not been demonstrated that the open space is surplus to requirements; it is not being replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision. Accordingly, whilst there is no direct conflict with policy EGB 2 of the PNP, the proposal does conflict with policy RT1 of the MBLP, SC1 of the CELPS and paragraph 97 of the Framework.

Back land development

Policy HOU 15 of the PNP requires proposals for tandem or back land development within an existing residential curtilage to meet the following criteria:

- “a) A satisfactory and separate means of access to the new dwelling can be obtained to an existing public highway.*
- b) The amenities of residents of existing and proposed dwelling would be safeguarded as a consequence of the proposed development.*
- c) The proposed dwelling would 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.*
- d) The plot size of the proposed dwelling should be appropriate to the size of the dwelling and the character of the immediate local area.”*

The site would be accessed directly from the private road serving the properties along Georges Road East, which separates them from the gardens on which the application site is

located. This is an unusual orientation and it is therefore unlikely to set a precedent in the wider area as it is not easily repeatable. The dwelling would be located in a corner of a garden plot which is much wider than others along this row and therefore there would be less opportunity to accommodate further dwellings that could comply with development plan policy.

The site has its own means of access to an existing public highway via the private road and the amenities of residents of the existing and proposed dwellings would be safeguarded due to acceptable distances between them. Also, the proposed dwelling would not result in the creation of an over intensive development due to its footprint in comparison to the plot size.

It is therefore considered to comply with HOU 15 of PNP and saved policy DC41 of MBLP.

Design and Impact on the character and appearance of the area

Policies SE1 and SD2 of CELP and HOU11 of PNP seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The proposed dwelling is a simple modern designed house whereas the houses on Georges Road East are a traditional brick built terraced dwellings. The adjacent land comprises residential gardens which are linear running north/south and divided by approximately 1m high timber fencing. Some contain timber sheds, outbuildings and play equipment.

The design of the building adopts a T-shape plan with two rectangular blocks with a contemporary appearance. The block that sits across the width of the site will have a green roof. The walls will be constructed on a brick plinth surmounted with oak posts and timber cladding. This is a deliberate reference to the existing extension at the main house at 16 Georges Road East, which was built approximately 5 years ago in order to make the visual connection between the two buildings.

The proposed dwelling is set over 20m away from the terraces and would lie closer to the rear of the buildings on Park Lane and Cedarwood. It would be between 3.5 to 4.1m high and therefore not imposing and it would be set in the furthest corner of the row of gardens to the east and therefore not prominent in the street scene. When approaching the site along the private road it would be seen against the backdrop of Cedarwood and the Park Lane buildings rather than against the backdrop of the houses on Georges Road East. The buildings to the north and west are mixed in design with Cedarwood being brick and black and white timber facing materials and the buildings on Park Lane being simple modern brick-built shops. Given the relatively low level and limited scale of the building, and its design reference to the main house, it would have a similar appearance to a domestic outbuilding, a number of which already exist along this row.

Therefore, it is considered that the proposal would comply with policies SE1 of CELP and HOU11 of PNP due to its subservient design and its location in relation to the adjacent buildings.

Living conditions

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

The proposed dwelling would be single-storey and have glazing on the southern, northern and western elevations. The eastern elevation would be a solid wall with no glazing and the elevation facing the adjacent gardens would be zinc clad. Whilst this elevation would be very close to the boundary shared with the adjacent plot, given that this part of the neighbour's garden area is some distance from the neighbour's main dwelling, and the fact that other areas of the garden will be available away from the new dwelling, the proposal is not considered to be significantly overbearing upon this neighbour to justify a refusal of planning permission. The distances between windows on the rear of the dwellings on Georges Road East would be 27m, which exceeds the guideline distance of 25m in saved policy DC38 of MBLP.

The windows facing the rear boundary would be screened by the existing fencing. There would be an oblique view from a single window in the western elevation of Cedarwood Care Home, but this would be approximately 18m away and would not give rise to any significant privacy concerns. A landscaping condition to further plant individual trees within the site would assist to help mitigate any perception of being overlooked.

It is therefore considered that the impact of the proposal on the living conditions of the neighbouring properties is acceptable, and in accordance with saved policies DC3 and DC38 of the MBLP. It is however considered to be necessary to remove permitted development rights for extensions and outbuildings in order to protect the living conditions of neighbours and the character of the area.

Highways and parking

The site is large enough to provide 2 car parking spaces which would not impinge on the private road. The Head of Strategic Infrastructure has raised no objection as the track is a private road. There would also be sufficient room for the existing dwelling to have two vehicles parked off the private road. It is therefore considered that the proposal would comply with saved policy DC6, of the MBLP, which requires safe access to be provided, and the parking standards within the CELPS for both the existing and proposed dwellings.

Trees

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

There are some small domestic trees on the site but none appear to be of any arboricultural significance or worthy of protection and do not provide a significant contribution to the surrounding area. The arboricultural officer also raises no objection in respect of the development.

No significant landscape impacts are identified, given the limited scale of the development, and the landscape character of the area is considered to be appropriately conserved in accordance with policy SE4 of the CELPS. However, it is recommended that a landscaping condition be imposed to ensure that the area which is currently garden laid to lawn be landscaped appropriately with a mixture of soft and hard landscaping. Overall It is considered that the proposal complies with policies SE4 and SE5 of CELPS.

Flood Risk

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

Policy EGB1 of the PNP states, *“Poynton is at risk of flooding due to a number of factors. The management of flood risk and management and maintenance of all culverts, streams and brooks within the town should be co-ordinated into a local Flood Risk Mitigation Plan by the relevant authorities.”*

Whilst the site is located within Flood Zone 1 (very low risk of flooding) the LLFA originally objected to the proposals due to their mapping system indicating that the site is at a high surface water flood risk, and the fact that no Flood Risk Assessment had been submitted.

Following the receipt of a Flood Risk Assessment from the applicant, which provided further details of the potential flood risk, the LLFA withdrew their objection subject to conditions relating to the submission of details of the ground and finished floor levels, and the submission of a detailed drainage strategy.

Subject to these conditions the proposal will reduce flood risk and will comply with policies SE13 of CELPS and EGB1 of PNP.

PLANNING BALANCE

The application site is located on an area of Existing Open Space in the MBLP, and it has not been demonstrated that the open space is surplus to requirements, it is not replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision, as required by policy SC 1 of the CELPS and the Framework. As such the proposal is a departure from the development plan, which weighs heavily against the proposal.

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The site is in a very sustainable location and the proposal would provide a residential dwelling within the key service centre of Poynton, very close to the public transport facilities, shops and services within the town centre. As noted above, the proposal raises no significant issues relating to the impact upon the living conditions of neighbouring properties, the character of the area, highway safety, trees or flood risk.

Therefore, whilst acknowledging the conflict with the development plan, the proposal accords with the requirements of the most up to date policy document, the Poynton Neighbourhood Plan, and having regard to the details set out above, on balance it is considered that the identified policy conflict is outweighed by other considerations, and the proposal represents a sustainable form of development.

CONCLUSIONS

While the comments from the Town Council are acknowledged, the matters raised within their objection letter have been considered in the preceding text, and for the reasons set out above a recommendation of approval is made.

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 Chairman) 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. Materials as application
4. Landscaping (to include boundary treatment) - submission of details
5. Landscaping (implementation)
6. Removal of permitted development rights
7. 2 parking spaces to be provided and retained
8. Details of existing ground levels, proposed ground levels and finished floor levels to be submitted
9. Detailed strategy / design limiting the surface water runoff to be submitted
10. Electric vehicle infrastructure to be provided
11. Contaminated land risk assessment to be submitted
12. Verification Report to be submitted in event that contaminated land remediation is required
13. Imported soil to be tested for contamination
14. Actions to be undertaken in event of unidentified contamination being found
15. Details of bin stores to be provided

