

Application No: 21/5810M

Location: 64, DICKENS LANE, POYNTON, SK12 1NT

Proposal: Full planning application for the demolition of the existing dwelling and the erection of two detached dwellings and six apartments with associated landscape and access works.

Applicant: Abode Property Development Ltd.

Expiry Date: 12-Aug-2022

## **SUMMARY**

The application lies within Poynton, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is in easy walking distance of the town centre, public transport and services and facilities within Poynton. The development complies with Policies SE 2, SD 1 and SD 2 of the CELPS in this regard.

Following a recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised proposal to reduce the number of dwellings, address landscaping, design, tree and amenity matters.

The development is considered to be acceptable in terms of its impact on the highway network (including access and parking matters), ecology, trees, flooding and drainage.

However, the proposals would have a harmful effect on the amenity of future and existing occupiers as a result of overlooking and a loss of privacy and do not comply with MBLP Saved Policy DC3 and DC38, CELPS policies SD2 and SE1, policy HOU 6 of the PNP, advice within the Cheshire East design guide, and emerging SADPD policy HOU 10 which all seek to safeguard residential amenity.

The proposals are also not considered to respond well to the character of the surrounding area and do not therefore comply with policies SE1, SD2 and SE4 of the CELPS, HOU 11 and HOU 15 of the PNP, or SADPD emerging policy HOU 8.

As such the proposals do not comply with the development plan and the application is recommended for refusal.

## **SUMMARY RECOMMENDATION**

Refusal

## **REASON FOR REFERRAL**

The application has been called-in to be determined by the Northern Planning Committee by Cllr Sewart for the following reason;

*The application presents only a minor reduction (one detached dwelling removed and the number of apartments now defined as six) in this application compared with 21/0264M which was refused on appeal (reference) APP/R0660/W/21/3271202. The key objection of residents is the inclusion of apartments.*

## **DESCRIPTION OF SITE AND CONTEXT**

The site is a rectangular-shaped 0.2 hectare residential plot south of Dickens Lane, southeast of the centre of Poynton. It comprises a two-storey detached dwelling with gardens to front, side and rear, bounded by Dickens Lane to the north, public open space to the south and residential property to the east and west. On the opposite side of the road is Clumber House Nursing home.

The house is located to the east of the site and is visible from the road frontage. The front boundary is well screened with mature trees and shrubs. Trees to the east and north west of the site are afforded protection by the Macclesfield Borough Council (Poynton-With-Worth – Fleetbank Farm) Tree Preservation Order 1974 (totalling 5no trees on site).

There is an in/out vehicular access onto Dickens Lane with parking to the front of the dwelling and large garden area to the rear.

The site is around 300m from the centre of Poynton with access to its shops and services. The road junction with Clumber Road is to the south west of the site and a pedestrian crossing approximately 70m south of the site. Dickens lane is serviced by the local bus network.

The immediate context of the site is characterised by moderate sized properties within large plots. Development becomes more closer knit when moving several properties away. The site is within floodzone 1.

## **DESCRIPTION OF PROPOSAL**

This is a resubmission of application 21/0264M which sought to create six apartments with three detached properties to the rear. This was dismissed at appeal in July 2021. More details on the previous application are found within the 'Background' section below.

The application as proposed now seeks consent for the demolition of the existing dwelling and the redevelopment of the site to provide six apartments (over 3 floors) and two detached dwellings. This is to be provided as;

- 4no. 2 bed apartments
- 2no. 1 bed apartments
- 2no. 5 bed detached dwellings.

Access is to be taken from the north western side of the site. The front boundary would consist of a brick wall with railings above with trees and shrub planting behind.

The proposed apartment block would be located to the front section of the site, set back from the front boundary by 19m with parking laid out in front for 10 vehicles. The building would be a 'L' shape with front facing gables, 2 storey protruding bays and gable windows within the roof slope. The main entrance into the apartments would be gained from the western elevation. Landscaped grounds surround the apartment block. A bin store and cycle store will be positioned against the western boundary.

A gated access drive will run parallel to the western boundary leading to the 2no detached dwellings at the rear of the site, each of which will have 2no parking spaces and an attached garage. Private garden areas extend to the front and rear of these properties.

The application is accompanied by the following assessments;

- Arboricultural assessment
- Asbestos survey
- Daylight and sunlight assessment
- Daytime bat survey and ecological scoping survey
- Site investigations phases 1 and 2
- Highways technical note.

1 individual B category tree (T6), 5 individual C Cat trees (T4, T5, T7, T8 & T9) and 4 hedgerows (H1, H2 and H5) will be removed to accommodate the development.

Revised plans were submitted during the course of the application to swap the proposed Scots Pine for a Silver Birch in line with tree officer comments, reduce the bedrooms proposed at second floor to 2no 1 bed units (to reduce the parking requirement) and to increase parking space size. Details have also been provided that confirm arrangements made with the waste collection team that bins will be stored within the shared bin store and collected from inside the site boundary and returned to the site bin store once emptied. The gates have been removed from the front of the site to facilitate this. Plans were also re-issued with corrected plan numbers.

## **RELEVANT HISTORY**

13975PB - Bedrooms in roof space Approved 21.3.1978

12939PB - Double garage, dining kitchen and loft Approved 13.12.1977

21/0264M - The demolition of dwelling house and erection of 3 detached dwellings, 6 apartments and associated landscaping and access. – Non-determination appeal ref APP/R0660/W/21/3271202. Dismissed July 2021 on grounds of; *'The development would have a harmful effect on the character and appearance of the area, on the living conditions of neighbouring and prospective occupiers and on existing trees'*.

21/5362T - Silver birch (T1) - Fell because of deteriorating condition and mechanical stability, with extensive bark/cambial dieback and decay to stem, and recent dieback in the crown Weeping ash (T2) - Fell because of deteriorating condition caused by colonisation by Ash

Dieback Disease, with between 30 and 40% crown dieback - Consent for works in TPO with conditions / 16-Dec-2021

21/5015T - Works to trees T13 - OAK., G1 - SILVER BIRCH. - Consent for works in TPO with conditions / 20-Dec-2021

## **RELEVANT PLANNING POLICY**

### **Cheshire East Local Plan Strategy 2010-2030**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC3 Health and Well-being  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE8 Renewable and Low Carbon Energy  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

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).

The Macclesfield Borough Local Plan is the relevant plan in relation to this site.

### **The relevant Saved Policies of the Macclesfield Borough Local Plan are:**

Policy DC3 - Amenity  
Policy DC38 - Space, Light and Privacy  
Policy DC6 - Circulation and Access  
Policy DC8 - Landscaping  
Policy DC9 - Tree Protection  
Policy DC14 - Noise  
Policy DC36 - Materials and finishes  
Policy DC38 - Space light and privacy  
Policy DC41 - Infill housing development or redevelopment  
Policy NE11- Nature Conservation

## **Poynton Neighbourhood plan**

EGB1 Surface water management  
EGB9 Nature Conservation  
HOU6 Housing Mix  
HOU 7 Environmental considerations  
HOU8 Density and coverage  
HOU 12 Replacement of Existing Dwellings  
HOU11 Design  
HOU15 Back land and tandem development

## **Other Material Planning Considerations**

### **Emerging Cheshire East Site Allocations and Development Policies Document (SADPD).**

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 Settlement Boundaries  
GEN1 Design principles  
ENV1 Ecological network  
ENV2 Ecological implementation  
ENV3 Landscape character  
ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate Change  
ENV12 Air quality  
ENV14 Light pollution  
ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HER1 Heritage assets  
HER3 Conservation Areas  
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries  
HOU10 Amenity  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities

National Planning Policy Framework (2021)  
National Planning Policy Guidance  
Cheshire East Design Guide

## CONSULTATIONS

**Highways (CEC)** – All highway matters are considered acceptable on this application, no objection.

**Environmental Protection (CEC)** – No objection subject to conditions regarding contamination, soil importing and EV charging.

**Forestry (CEC)** - Recommend conditions relation to tree retention and tree protection.

**Nature Conservation (CEC)** – No objection subject to conditions to protect breeding birds and biodiversity enhancement

**United Utilities** – Recommend conditions relating to surface water drainage, foul sewage (to be drained on separate systems), maintenance scheme for drainage scheme

**Poynton Town Council – OBJECTS** to this application, which fails to address the concerns expressed about the previous plans (21/0264M) by the Inspector, the Town Council and many local residents.

The proposed development is contrary to the prevailing Planning policies for the area and should be refused for the following reasons:

1. The proposed development is an inappropriate form of development on this site and in this location as it is not sympathetic to the site, immediately adjoining properties or the character or the surrounding housing area. This house and its neighbours form an area of lower density housing, separating areas of higher density along Dickens Lane and providing a contrasting environment with larger gardens and a significant number of trees.
2. Issues including the size and scale of the apartment block, its impact on neighbouring properties and the street scene and risk to protected trees have not been resolved.
3. The proposed development is contrary to the Development Plan for the Poynton area as set out in Cheshire East Local Plan 2017 and the Macclesfield Borough Local Plan 2004 (Saved policies) and should be refused.
4. Planning permission should be refused as the development fails to comply with the following up-to date Development Plan policies: MP1, SD2, SE1, SE4, SE5, SC3 and SC4 of the Cheshire East Local Plan 2017 and the following Saved policies of the Macclesfield Borough Council Local Plan 2004: H11, DC3, DC6, DC8, DC37, DC38, DC41, RT1 and RT2.
5. The proposed development is contrary to relevant policies of the Poynton Neighbourhood Plan 2019 as the local and up to date part of the Development Plan. As a cramped and intrusive form of development on the northern entrance into the town, the development would fail to meet the following policies of the Neighbourhood Plan: HOU 6 (housing mix), HOU 7 (environmental considerations), HOU 8 (density and site coverage), HOU 11 (design), HOU15 (backland and tandem development) and EGB 2 (open spaces).

6. The proposed development fails to address the Supplementary Planning Guidance set out in the Cheshire East Borough Design Guide SPD 2017.
7. A clear breach of the Cheshire East Design Guide is the applicant's proposal for a gated "private drive" layout which is contrary to the Cheshire East Design Guide (Volume 2, page 39). This states that a "private drive" should serve a maximum of five properties – in this case there are eight.
8. Loss of Trees contributing to Amenity – 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.
9. Impact on Wildlife- loss of garden space and increased proximity of new housing and increased artificial illumination will drive away wildlife.
10. Backland Development without proper road frontage.
11. Development Unneighbourly - unduly dominant when viewed from adjoining property, causing an unacceptable loss of light to the detriment of the residential amenities of the occupiers of that property.
12. The proposed wheelie-bin store right by the boundary with 62 Dickens Lane is unneighbourly and too small to accommodate 24 wheelie bins (3 per flat and house).
13. Cramped development - proposed development would change this character very much to the detriment of the appearance of this area and would set a dangerous precedent.
14. Lack of Amenity Space for Residents of the proposed Flats.
15. Loss of privacy - by reason of overlooking, especially from the three-storey block of flats. The proposed access road to the rear of the site will pass very close to the boundary with 62 Dickens Lane.
16. Highways Issues: The Town Council urges that a qualified Highways Engineer visits the site to conduct a full review of the highway issues including, Increased Turning Movements, recently approved development at Sprink Farm (traffic volumes), visibility, space for manoeuvring vehicles within the site, Inadequate Service Provision and tight overall layout, large vehicle access.
17. The proposed internal access, only 4.8 metres wide with gates and no visibility splay is totally inadequate.
18. Car parking provision is inadequate and in breach of the Cheshire East Local Plan Appendix C.
19. Flood Risk - the applicants have not provided a flood report.

## **OTHER REPRESENTATIONS**

76 representations of objection have been received from 67 addresses and are summarised below;

- Amended plans do little to address the unneighbourly points raised by the Planning Inspector previously,
- Intrusive over-development within the Dickens Lane area,
- Loss of privacy to rear of neighbouring properties especially from glass frontage,
- Infrastructure is severely overloaded already,
- Further strain on local Schools,

- Health care in the area is already stretched,
- Existing sewers on Dickens lane are severely overloaded and sewage is discharged from manholes in heavy rain,
- The site is 50yards from a blind bend on a busy road for schools,
- Highway technical note is misleading and does not reference traffic behaviour,
- Adding 16 cars to the locality is irresponsible,
- Cars regularly park on the pavement forcing school children into the road,
- Apartments are totally out of keeping with the area in terms of height, scale and density,
- Apartments severely encroach on the privacy of neighbouring properties,
- Development will increase flood risk
- Development is too big for the site
- Access road into the site will create noise pollution for 62 Dickens lane
- The development is overbearing,
- Not enough bin storage provided and bins left out will narrow the footway
- Dickens lane has traditional houses with no apartments and should stay as such,
- Apartment block would be out of character and negatively affect the appearance of adjacent housing,
- Noise and fumes from extra traffic
- Entrance position is dangerous, between a blind bend bust T junction and uncontrolled pedestrian crossing.
- Large housing estate is being built nearby-we have enough housing,
- Residential care home opposite frequently needs ambulance access
- Loss of garden trees,
- Application would set a dangerous precedent
- Not enough parking for visitors to the apartments,
- Single storey neighbouring properties will be overshadowed,
- Dickens Lane is a busy road (it is not "lightly trafficked") that will only get busier with the developments at Spink Farm and the High School playing field.
- Apartments do not meet the local housing need; this application seeks to demolish a type of housing (large detached) that is in demand and replace it with a type of property (apartments) that is in oversupply
- It is not in keeping with the local street scene. This stretch is characterised by large detached houses
- and mature greenery. I don't feel that a block of apartments at the front of the site will be in keeping with
- the character of this part of the road.
- This is a vision of a greedy developer proposing massive overdevelopment
- Construction noise would be unbearable to current residents.
- There are not enough amenities in Poynton for the long residing residents, never mind for all the new residents
- Site overlooks an area where children play
- Application goes against the Poynton Neighbourhood Plan (2019) HOU11-Design
- Loss of traditional family homes will ultimately erode character of Poynton
- Loss of trees,
- Noise concerns have not been addressed or appropriately mitigated for,
- Lack of outdoor space for future residents,
- Loss of wildlife,
- Bin collection of 16 bins will cause further obstruction and road safety concerns.



- The height of the proposed 3 storey apartments in excess of the height of the current dwelling and visually out of character
- A significant proportion of garden area will be replaced with the proposed properties and hardstanding required for the parking areas, driveways and the access road - This development will only intensify the flooding problem.
- Unlikely future occupants would prune existing tree and would therefore be a hinderance which would threaten its existence,
- Management of construction traffic, vehicles endanger pedestrians and obstruct traffic,
- Visibility splay that can be achieved is actually less than the 2.4m x 40m that is required from MfS.
- No swept paths are shown for vehicles using parking spaces for apps 05 or 06.
- There is a need to assess the turning space with more realistically sized vehicle.
- The swept path of vehicle accessing parking for the eastern house appears to crash into the car in the adjacent space.
- There are safety issues with dragging large bins a fair distance and across the footway,
- Consultation has not been wide enough,
- Incorrect ownership certificate served, notice should have been served on other interest parties,

## **OFFICER APPRAISAL**

### **Background**

This application follows the refusal of a scheme for the demolition of the dwelling and replacement with 6 apartments and 3no. dwellings (21/0264M). An appeal was made against non-determination and the appeal was subsequently dismissed by the Planning Inspectorate in July 2021. In dismissing the appeal the Inspector determined that the proposals would

1. Have a harmful effect on character and appearance of the area
2. Have a harmful effect on living conditions of neighbouring and prospective occupiers in relation to privacy and noise,
3. Have a harmful effect on existing trees,

This resubmission presents an amended scheme which seeks to address the matters raised by the Inspector.

### **Principle of development**

Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

The application site lies within a predominately residential area in Poynton. Poynton is identified as being a Key Service Centre under Policy PG 2 of the Cheshire East Local Plan Strategy (CELPS). This policy confirms that within Poynton, development of a scale and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.

As a windfall site, CELPS Policy SE 2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD 1 and SD 2

In this case, the provision of 2 no. dwellings and 6 apartments would deliver housing within a sustainable location with the town centre of Poynton which is within walking / cycling distance from the site. From here, there are good rail links (including to Manchester and London) and buses to other local / key service centres. There are local amenities nearby, and infrastructure such as schools, hairdressers, gyms, employment etc. The development to provide residential units in a sustainable location aligns with the general principles of national policy, local policy and neighbourhood policy.

The development would make a modest contribution to the Borough's housing requirements through the provision of 8no. market dwellings. A development of this size, does not trigger the need for affordable housing provision or any other planning obligations. It is noted that the previous Inspector considered the principle of residential development was acceptable on this site.

In accordance with these policies, there is no objection in principle to new dwellings in this location, subject to compliance with the other relevant development plan policies

## **Housing Mix**

Policy SC4 of the CELP states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Further, PNP Policy HOU 6 requires new developments of 5 or more units to deliver a mix of housing types and tenures which meet the needs of current and future residents of Poynton, including young families and elderly people; and advises 'The provision of smaller units to meet local needs should be given priority subject to compliance with other housing policies'.

The mix of 1no. and 2no. bed apartments and 5no. bed dwellings located within a residential area would contribute to the mix of housing sizes and types and would complement the existing provision within the area. CELP policy SC5 confirms there is no Affordable Housing requirement on a site of this size (0.2 ha) and scale (8 units).

The proposals would assist in providing a mix of units on site thus contributing to a diverse community and the requirements of CELPS Policy SC 4 and some of the aims of PNP Policy HOU 6.

## **Character and Design**

The National Planning Policy Framework (NPPF) paragraph 127 notes that planning decisions should ensure that developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Amongst other criteria, Policy SD 2 of the CELPS also 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;**
- e. Green infrastructure; and**
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood**

PNP Policy HOU11 requires any new housing development to achieve a high standard of design and that new development should be compatible with the existing character of Poynton. PNP Policy HOU 8 requires dwellings to reflect the height, form, extent and pattern of surrounding development and character of the local area including site coverage by hard surfaced areas. New dwellings should be designed having regard to matters of location, plot size, topography, shape of the site and potential for future extensions to meet changing needs. Existing site features should be identified on planning submissions and retained to maintain the character of the area. These features include existing site features such as mature trees, shrubs, hedgerows and soft amenity areas.

Emerging Policy HOU 8 of the SADPD advises backland development will only be permitted where they:

1. demonstrate a satisfactory means of access to an existing public highway that has an appropriate relationship with existing residential properties;
2. do not have unacceptable consequences for the amenity of the residents of existing or proposed properties;
3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and
4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics. This policy is currently afforded moderate weight.

The proposal seeks the erection of an apartment block comprising of 4no 2 bed apartments at ground and first floor and 2no. 1 bed units at second floor. The building will be 8.7m in height and is traditionally designed with quoins, exposed rafters, stone window surrounds and roof finials. The apartment block with the 'L' shaped design and front facing gables appear as a large property fronting Dickens Lane. Front facing dormers and additional windows (on the northern elevation) have been added to provide more detailing and interest on the front facing elevation.

The dwellings to the rear would be hidden by the apartment block from the street scene. The front boundary will comprise a wall with railings above with hedge and planting, including trees, behind to reflect surrounding boundary treatments.

The two dwellings located at the south of the plot would be two-storey detached properties with accommodation in the roof space providing 5 bedrooms. These are also traditionally designed with a roof pitch running east to west, timber detailed front facing gables and double height bay windows and an attached garage with dormer window above. The design simplifies on the rear elevation. Due to the significant distance from public vantage points to the west they would have little impact on the character of the area. From the south the properties would be read amongst the built form of Dickens Lane.

From the previous application the apartment block has been reduced in height by around 0.7m and design altered to make the rear section of the apartment building more subservient to the main form of the block, to consolidate the form of the block and to include more detailing on the northern elevation so the block orientates to the front of the site. It has been set further back into the site, and additional planting has been included to the front of the site, to mirror neighbouring boundaries. The number of units has reduced and so the amount of parking spaces. All of these design alterations collectively are considered to be an improvement from the previous scheme however the modest reduction in height and massing does not address previous concerns in relation to the prominence of the apartment block on the site and within the street scene.

The apartment block would be visually dominant and would dwarf the neighbouring bungalow at no 62 Dickens lane and no 60 beyond when viewed from the east and north. This difference in height and massing and its close proximity to the neighbouring bungalow would form an incongruous relationship and it would cause harm to the character and appearance of the area. Although Dickens lane does not present a uniform street scene the juxtaposition of the apartment block and neighbouring bungalows would be jarring. Whilst landscaping is proposed to the front and side boundaries, this would not overcome the harm that would result.

The apartment block does not reflect the height, form, extent and pattern of surrounding development and is not equal or subordinate in scale to surrounding buildings. Overall, the proposals do not therefore contribute positively to the character of the area. As such the proposals do not comply with policies SE1, SD2 and SE4 of the CELPS, HOU 11 and HOU 15 of the PNP, or SADPD emerging policy HOU 8.

## Amenity

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its **relationship to neighbouring properties**. Saved Macclesfield Borough 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 with guidance on space distances between buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and advice within the Cheshire East Design Guide. PNP Policy HOU 6 requires, amongst other things that, new developments should protect and enhance the character and amenities of housing areas. Emerging SADPD policy HOU 10 seeks a similar protection of residential amenity.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase

these distances in circumstances when development exceeds two-stories in height. It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a rule.

Both the dwellings and apartments meet the national described space standard in terms of internal accommodation provided.

To the south of the site is open space and does not pose amenity concern. There are no side facing windows proposed on the proposed dwellings which may cause overlooking. There is approximately 14m between the proposed dwellings and apartment block. Whilst the layout has been amended from the previous application, units 2, 4 and 6 would have a principal kitchen window on this rear elevation. This is not commensurate with the standards outlined in policy DC38 or those within the design guide and would result in an unacceptable level of privacy for future residents.

To the east, the proposed apartment block will provide direct overlooking to the garden of 66 Dickens Lane. However, this will be from one secondary window each at ground, first floor and second floor level. These are not primary windows and the ground floor windows would be screened by existing established boundary hedging. This is an urban area whereby overlooking of neighbouring gardens from secondary windows is not uncommon.

To the west, side facing windows will serve the stairwell and bedrooms at first and second floor. The bedroom windows are principal windows. The apartments will be approx. 14m from no 62. Dickens lane and whilst planting proposed will provide screening from this, during winter months when trees are not in leaf this will be less effective. The distance between the windows on the apartment block and side facing windows and the rear garden access of no 62. Dicken lane falls short of the requirements of the policy DC38 and the design guide and would be unacceptable.

With regards to noise and activity within the site, the number of dwellings at the rear of the site has been reduced from 3 to 2 from the previous scheme which would reduce the amount of vehicles accessing the rear of the site along the internal road parallel to the eastern boundary. There will still be coming and goings to the car parking area to the front of the site although this is currently a parking area and is adjacent to the highway whereby noise and activity from vehicles is expected. Additional planting along boundaries is also proposed, which will provide screening and may limit the noise from vehicles accessing the rear properties and residents accessing the apartment block entrance.

The bin store and cycle store have also been repositioned further forward in the site away from the neighbouring property to the east. The applicant confirms that bin serving will occur outside of the site.

The proposals have altered from the previous scheme to attempt to address the previous Inspectors comments in relation to amenity. Amendments include the repositioning of the apartment block, reduction in number of dwellings, removal of proposed balconies and improved boundary planting to increase screening.

However, the proposals as submitted would result in a loss of amenity to future and existing residents by virtue of overlooking and a loss of privacy. The proposals do not therefore comply

with the provisions of CELPS local plan policies SD2 and SE1, MBLP saved policies DC3 and DC38, policy HOU 6 of the PNP, advice within the Cheshire East design guide, and emerging SADPD policy HOU 10 which all seek to safeguard residential amenity.

### **Highways/Accessibility**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. MBLP saved Policy DC6 requires new developments to provide safe and convenient access for vehicles and pedestrians, as well as providing adequate parking and turning for vehicles.

As a key service centre, it is accepted that Poynton is a suitably accessible location for additional housing. Dickens lane is on a bus route which also serves the train station. The town centre is within 300m of the site which is considered to be within a very sustainable location.

Revised plans have been submitted that increase the parking spaces to the requisite 2.5m x 4.8m and reduce the number of 2bed apartments to 4no, with 2no. 1 bed apartments now proposed. A total of 10 spaces are laid out for the apartments, and 3 spaces for each of the dwellings. The proposals now meet the parking standards outlined within Appendix C of the CELPS.

The gates to the site entrance have been removed and arrangements made with the waste collection teams to collect bins from within the site. Therefore the technical issues regarding the provision of adequate parking and facilities for refuse and deliveries has been demonstrated to be acceptable.

Concerns have been raised by the Town Council and residents regarding the suitability of the site access and the additional pressures on the local highway network. However, the Highway Authority have confirmed that all other highway matters are considered acceptable on this application and raise no concerns in this regard. It is noted that in dismissing the previous appeal, the Inspector did not raise highway matters.

Subject to appropriate conditions the proposals are considered to comply with the provisions of Policy CO1 of CELP.

### **Trees**

The proposals involve the removal of trees on site, one within category B (moderate quality) and the remaining within category C (low quality) or hedges and bushes. Consent has recently been granted for the removal of 2no protected trees, with suitable replacement planting (21/5362T). The Tree Protection Plan and Arboricultural Method Statement accompanying the application detailed the protection of remaining trees during works. The report concludes that, "The proposed spatial relationship of the retained trees with the development is sustainable and there are no major post-development pressures expected to emerge that could not be dealt with by routine arboricultural maintenance." The proposed removals do not have a significant adverse impact on the wider amenity of the area.

The site layout has been amended from the previous scheme to provide for a reduced number of dwellings which has resulted in larger rear gardens for the dwellings and reduced pressure for felling/pruning trees to the rear. The apartments have also been repositioned from the previous scheme away from trees to the north east to improve this relationship. The submitted

landscape plan makes provision for, amongst other shrubs planting, new tree planting surrounding and within the site including extra heavy standard (16-18cm girth) trees along the western and northern boundaries.

An assessment of the daylight and sunlight levels of the two proposed dwellings has been submitted and concludes that all habitable rooms exceed the Average Daylight Factors in both summer and winter months, complying with requirements of BRE 209 guidance.

The Councils Forestry officer has not raised objection to the proposals and acknowledges that there may be some shading to properties and gardens. However, given the pruning works approved and revised relationship the scheme as proposed is broadly acceptable. The applicant has amended the proposed Scots pine with silver birch to maintain the integrity of the TPO and in line with the conditions on the tree work approval.

Subject to appropriate conditions the proposals are considered to comply with the provisions of Policy SE5 of CELP.

### **Ecology**

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. PNP Policy HOU 7 requires the protection and enhancement of biodiversity. The submitted ecological survey found no evidence of bats at the property and although evidence of badger presence was found on site, there is no evidence of a sett. The habitats present on the wider site were found to be of limited ecological value.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with local plan policy. The Councils ecologist recommends that a condition is attached which requires the submission of an ecological enhancement strategy.

Subject to such conditions it is considered the proposal would comply with policy SE3 of CELP, saved policy NE11 of MBLP, and HOU 7 of PNP.

### **Contaminated Land**

Reports submitted in support of the application conclude that no remedial measures are required and recommends a watching brief be carried out during excavation works for visual or olfactory evidence of contamination.

Environmental Health officers agree with these recommendations and suggest conditions which require any imported material for garden use to be tested to demonstrate that it is free of contaminants and suitable for use. It is therefore considered that subject to such conditions the proposed development would comply with Policy SE12 of CELP and the NPPF.

### **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.

Poynton Town Council and residents have raised concerns over flood risk.

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning.

United Utilities have commented on the application and raised no objections to the proposals subject to conditions relating to drainage.

It is concluded therefore that the proposals accord with policy SE13 of the CELPS and the NPPF.

## **Representation**

Representations have been received in relation to the application with issues relating to highways, design, amenity, ecology, flooding and trees are addressed within the main body of the report.

Highways, United Utilities, Environmental health, CEC ecologist and CEC forestry officers have raised no objections to the proposals.

## **CONCLUSIONS**

The application lies within Poynton, which is identified as a Key Service Centre where the principle of residential development on the site is acceptable. The site is sustainably located and is within walking distance of the town centre, public transport, services and facilities within Poynton. The developments accords with Policies SD 1, SD 2, PG 2 and SE 2 of the CELPS in this regard.

Following the recent appeal decision for a similar proposal, the inspector's comments have been reflected in a revised design, layout and number of dwellings that seeks to address previous reasons for refusal.

However, as detailed in the report above the proposals would have a harmful effect on the amenity of future and existing occupiers as a result of overlooking and a loss of privacy and do not comply with MBLP Saved Policy DC3 and DC38, CELPS policies SD2 and SE1, policy HOU 6 of the PNP, advice within the Cheshire East design guide, and emerging SADPD policy HOU 10 which all seek to safeguard residential amenity.

The proposals are not considered to respond well to the character of the surrounding area and do not therefore comply with policies SE1, SD2 and SE4 of the CELPS, HOU 11 and HOU 15 of the PNP, or SADPD emerging policy HOU 8.

There would be no significant impacts in terms of flood risk, drainage, highways, trees or ecology.

The proposal is for housing which would bring economic and social benefits. However, as detailed above the proposals are not considered to respond well to the character of the area and would harm residential amenity. The other matters raised in support do not outweigh the harm identified. As such the proposals do not comply with the development plan and the application is recommended for refusal.



**Recommendation: Refuse for the following reasons**

- 1. The proposed development would be visually dominant and form and incongruous relationship to neighbouring properties which would detract from the established character and appearance of the area. Overall, the proposals do not therefore contribute positively to the character of the area. As such the proposals do not comply with policies SE1, SD2 and SE4 of the CELPS, HOU 11 and HOU 15 of the PNP, or SADPD emerging policy HOU 8.**
- 2. The proposed development would have a harmful impact upon the amenity of existing and future occupants as a result of overlooking and a loss of privacy. It is therefore contrary to Macclesfield Borough local plan Saved Policies DC3 and DC38, policies SD2 and SE1 of the Cheshire East Local Plan, policy HOU 6 of the Poynton Neighbourhood Plan, advice within the Cheshire East design guide, and emerging SADPD policy HOU 10 which all seek to safeguard residential amenity.**

