

Application No: 13/0148M

Location: THE GRANGE, SOUTH PARK DRIVE, POYNTON, STOCKPORT, CHESHIRE, SK12 1BS

Proposal: The proposed development comprises of 8 No. family dwellings, to replace a large family house and associated outhouses.

Applicant: Mike Kennedy, Hillcrest Homes Ltd.

Expiry Date: 14-Mar-2013

Date Report Prepared: 22 February 2013

SUMMARY RECOMMENDATION

Approve subject to conditions and a S106 legal agreement

MAIN ISSUES

- The impact on the low density housing area
- The impact on the amenity of nearby residential occupiers
- The impact on existing trees and landscaping on and adjacent to the site
- Access and parking arrangements
- The impact on nature conservation interests

REASON FOR REPORT

This application has been called into Committee by the local ward Member Cllr Saunders for the following reasons:

- Breach of low density housing policy H12
- Loss of trees, some of which are covered by Tree Preservation Orders (TPO's)
- Threat to continued well being of trees, some of which are covered by TPO's
- Contrary to interests of nature conservation
- Negative impact on the character of the area
- Potential for noise and other forms of pollution

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the south of South Park Drive in Poynton. Vehicular access is taken from South Park Drive. It presently contains a large, detached dwelling and various ancillary outbuildings set within a site area of 2.79 hectares. A large lake is located to the rear

of the dwelling. Existing residential properties are located to the east, south and west of the site with Poynton Park to the north. Princes Incline, a public right of way and an area of protected woodland is also located to the south of the site. The site contains a large number of mature trees and mature landscaping, some of which are protected by a TPO.

The site is allocated as a predominantly residential area and a low density housing area on the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Planning permission is sought for the demolition of the existing buildings on the site and the erection of 8 detached dwellings. A single, amended access point to be shared by the dwellings would be formed off South Park Drive.

RELEVANT HISTORY

11/3085M - The demolition of a detached dwelling and associated buildings and the erection of 10 dwellings. Withdrawn 06.10.11.

05/2011P - SINGLE STOREY SIDE LINK EXTENSION TO FORM HOBBY ROOM, SINGLE STOREY REAR EXTENSION AND CANOPY OVER SIDE ENTRANCE. Approved 04.10.05.

72478P - ERECTION OF BUILDING FOR GARAGING OF VINTAGE/CLASSIC CARS AND STORAGE OF GARDEN MAINTENANCE AND POND MAINTENANCE EQUIPMENT. Approved 21.12.92.

51952P - PORCH CONSERVATORY FACILITIES FOR SWIMMING POOL AND EXTENSION TO WORKSHOP. Approved 25.02.88.

Additionally, 2 formal pre application enquiries have been submitted in respect of the proposals.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM5 Integrated Water Management
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H12 Low Density Housing Areas
H13 Protecting Residential Areas
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping Scheme
DC9 Tree Protection
DC38 Space, Light and Privacy
DC40 Children's Play Provision and Amenity Space

Other Material Considerations

The National Planning Policy Framework.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Poynton Supplementary Planning Document.

Macclesfield Borough Council SPG on S106 agreements.

CONSULTATIONS (External to Planning)

Highways: no objections. The proposed access and parking arrangements are considered to be acceptable.

Environmental Health: no objections subject to the imposition of conditions regarding noise, hours of construction, pile driving, dust control and contaminated land.

Housing: the size of the site area at over 0.4 hectares triggers a requirement for affordable housing to be provided. Due to the nature of the dwellings proposed, they are not considered suitable for affordable housing and as such in this case a commuted sum in lieu of on site provision would be acceptable.

Leisure: the size of the site area at over 0.4 hectares triggers a requirement for the provision of Public Open Space and Recreation/Outdoor sports facilities. In the absence of provision on site, a commuted sum is required.

Environment Agency: no objections subject to the imposition of conditions regarding surface water run off and overland flow of surface water.

Manchester Airport: no safeguarding objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council: recommend refusal on the following grounds:

- Breach of policy H12
- Loss of and threat to protected trees
- Threat to habitat of protected species
- Loss of privacy on the basis of overlooking, the development is several feet higher than surrounding properties
- Cramped development
- Development unneighbourly
- Impact on the character of the area
- Would like archaeology service to be consulted to assess the impact on the lake, a 200 year old feature

OTHER REPRESENTATIONS

To date, 8 representations have been received in relation to the application objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of concern raised are listed below:

- Adverse impact on the residential amenity of nearby residents
- Adverse impact on the low density housing area
- Contrary to policies contained in the Local Plan
- Concern about use of motorised boats and jet skis on the lake
- Overdevelopment of the plot
- Breach of established building line along South Park Drive
- Loss of area of greenspace
- Noise generation from increased number of dwellings and associated traffic
- Impact of access road on existing yew hedge adjacent to Tower Gardens
- No account taken of tree protection zones
- Proposal will unduly impact on the ecology of the site
- Concern about narrowness of access road, lack of passing places, driveway lengths and parking spaces
- No street lighting proposed, if it was concern about impact of this
- Potential to pollute Poynton Pool as lake is a feeder pool
- Concern about opening up of the footpath around the site
- Increased congestion
- Impact on off site trees
- Do not consider that space available for adequate planting to mitigate the impact of the development
- Would set a precedent for infilling other gardens in the area

- No pavement along the access road
- No objection in principle but feel that 8 houses is too many
- Existing high standard of privacy not maintained
- Proposal likely to increase crime as access road gives access to the rear of properties
- Ecological report out of date and does not relate to the proposed development
- Submitted documents difficult to assimilate and do not contain measurements
- Supporting documents give misleading information
- Existing house has some historical value and this should be explored

In light of the fact that amended plans have been received, local residents have been given a further 7 days to comment on the amended plans. Any additional comments received will be reported directly to Members.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Planning Statement
- Design & Access Statement
- Ecology Report
- Bat Report
- Tree Report
- Flood Risk Assessment
- Draft Heads of Terms

Full copies of these documents can be viewed on the application file.

OFFICER APPRAISAL

Principle of Development

The site is located within a low density housing area within predominantly residential area. As such the principle of new housing can be acceptable subject to compliance with relevant policies and in particular, Local Plan policy H12 which relates to low density housing areas.

Low Density Housing Area

Local Plan policy H12 states that within low density housing areas, new housing development will not normally be permitted unless the following criteria are met:

- The proposal should be sympathetic to the character of the established residential area, particularly taking account of the physical scale and form of new houses and vehicular access
- The plot width and space between the sides of housing should be commensurate with the surrounding area
- The existing low density should not be exceeded in any particular area
- Existing high standards of space, light and privacy should be maintained
- Existing tree and ground cover of public amenity value should be retained

In addition, in respect of Poynton Park, along South Park Drive the existing frontage building line should be maintained. Within this particular low density housing area, there is no specific requirement for minimum plot sizes.

It is important to understand the degree of consistency of this policy with the Framework so that the appropriate weight can be attached to it in reaching a decision. One of the core planning principles set out in paragraph 17 of the Framework is that policies and decisions should take account of the different roles and character of different areas. Policy H12 is considered to be in conformity with this objective in terms of protecting the qualities of low density housing areas. Bullet point 3, which requires that the existing low density should not be exceeded in any particular area is not a policy that is directly supported in the Framework. Where it can be demonstrated that a higher density would harm the distinctive character of an area then it is considered that this could be given more weight.

Each of the above criteria will be considered in turn.

Impact on character of the area

Generally speaking, the site is well screened from public vantage points, with an extensive landscape belt located along the front boundary of the site adjacent to South Park Drive. It appears that the majority of this screening would be retained as part of this proposal. Glimpses of the dwellings are likely to be obtained from Waters Reach, South Park Drive and Millers Close.

One vehicular access point is to be maintained off South Park Drive to serve all of the proposed dwellings. This would be located further east along South Park Drive and subject to detail, it is not considered that the re-located access would have a detrimental impact on the character of the area. With regard to the proposed houses, these would all be detached and relatively large with 5 different designs proposed. All of the house types are two storey, contemporary dwellings to be constructed from a mixture of painted render, timber panels, slate and timber/powder coated aluminium windows and doors. The surrounding area is characterised by a mixture of dwelling sizes and types and as such no objections are raised to the design and scale of the dwellings proposed as it is not considered that they would have a detrimental impact on the character of the area.

Plot widths and space between sides of housing

Again, as with house types, there is a variety of plot widths and space between the sides of houses within the low density housing area. The smallest plot width proposed is 24m, with the smallest gap between the sides of the houses proposed being 7.5m. These are considered to be commensurate with the surrounding area.

Existing low density

The site would be developed at less than 4 dwellings per hectare, which is a very low density. However, this includes the lake. Excluding the lake and considering the developable area of the site, the development would be at 7.4 dwellings per hectare. This is comparable to other existing housing densities within the low density housing area.

Figures supplied on behalf of the applicant's state that the existing density for the low density housing area is 6.16 dwellings per hectare and that this would increase to 6.27 dwellings per hectare were permission granted for the 8 dwellings proposed. Whilst it is acknowledged that there would be an increase in density, this is considered to be marginal and would not result in any harm to the character of the low density housing area.

Existing standards of space, light and privacy

The assessment of space, light and privacy between the proposed houses and existing residential properties will be considered under the amenity section of the report.

Existing tree and ground cover

The impact of the proposal on existing tree and ground cover will be considered under the trees and landscaping section of the report.

With regard to the frontage building line, as originally submitted, Plots 1 & 2 were forward of the nearest existing properties at Wenning and Mere House. Whilst it is considered that the dwellings would not necessarily need to be in line with these properties given the position of properties to the north east of the site along South Park Drive, it was considered that the position of Plots 1 & 2 needed to be amended to move them slightly further back within the site. An amended plan has now been received which moves the position of Plot 1 back by 2.8m and Plot 2 by 2m. The revised positions are considered to be acceptable and compliant with H12.

To conclude on the low density housing area, subject to sufficient space, light and privacy being maintained between dwellings and subject to the retention of tree and ground cover of amenity value, it is not considered that the proposal would result in a breach of Local Plan policy H12. This is due to the fact that the impact of the proposal on the character and appearance of the area would be acceptable.

Amenity

As discussed, Local Plan policy H12 requires existing high standards of space, light and privacy to be maintained. Additionally Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

Concerns have been expressed by residents of Mere House, Lake House, 6 Millstone Close, Tower Gardens and Wenning about the direct impact of the development on their properties with other local residents expressing more general concerns regarding the impact of the proposal on amenity. All of these properties would have new houses located to the rear or side. Additionally 11 Millstone Close would have a dwelling to the rear. The impact on each of these properties will be considered in turn.

With regard to Lake House, this property is set at a slightly lower level than the application site and has principal windows to habitable rooms located on the rear elevation facing

towards the site. An existing outbuilding to the Grange is located to the rear of Lake House, within close proximity of the boundary. The proposed Plot 7 would be located to the rear of Lake House, with the bulk of the new house being offset from the rear elevation and the attached garage being located immediately to the rear of Lake House. The distance between the rear elevation of Lake House and the garage would be between 21.5m and 22.5m, well in excess of the requirements of policy DC38. Whilst the front elevation of the Plot 7 would be visible from the rear elevation of Lake House, it would not contain any habitable room windows. As such it is not considered that there would be any loss of privacy to Lake House as a result of the proposal. Similarly, whilst the proposed house would be higher than the existing outbuilding, it would be further away from Lake House. It is not therefore considered that it would have an overbearing impact on Lake House. Whilst the access road to Plot 7 would be located immediately to the rear of the boundary, it would only serve one dwelling and a turning head and as such it is not considered that the comings and goings associated with the road would cause significant noise and disturbance to the residents of Lake House.

The relationship between proposed Plots 7 & 8 and Wenning to the west is also considered to be acceptable as the distance between the proposed dwellings and the eastern elevation of Wenning is well in excess of what is required by policy DC38. Plot 1 would be located to the north east of Wenning and has a first floor balcony on the rear elevation located within 7.5m of the boundary with Wenning. However it is not considered that the balcony would result in an unacceptable level of overlooking and loss of privacy to Wenning given existing screening along the side boundary between the properties.

With regard to Mere House, the nearest dwellings to this property would be Plots 3 & 4. However, given the distances between and relative positions of these dwellings, it is not considered that there would be any significant loss of amenity to the occupiers of Mere House.

The south western elevation of Tower Gardens faces towards proposed Plots 4 & 5 with Plot 3 located adjacent to the access road to Tower Gardens. However, the only principal windows to habitable rooms located within this elevation are bedroom windows located a distance of 29m from the nearest point of the dwelling at Plot 4. This is well in excess of the requirements of policy DC38. Whilst the front elevations of Plots 4 & 5 will be visible from the rear elevation and garden of Tower Gardens, the front elevations will not contain any habitable room windows and as such it is not considered that any loss of privacy or overlooking would occur. Additionally it is not considered that the new dwellings would be overbearing to Tower Gardens given the separation distances proposed. With regard to the proximity of the access road to the garden boundary of Tower Gardens, it is not considered that the comings and goings associated with access to three properties (Plots 4, 5 & 6) would cause a significant amount of noise and disturbance to the occupier of Tower Gardens. Similarly it is not considered that any lights from vehicles using the access road at night would cause issues of amenity given that they would be low level and given existing and proposed boundary screening between the two sites.

The rear elevation of 6 Millstone Close faces towards the application site and appears to contain a number of habitable room windows at ground and first floor. It is located at an angle to and faces towards proposed Plot 5, with a minimum distance of 31.5m between the two properties. The side elevation of Plot 6 would be located to the south west of 6 Millstone Close. However, this elevation would not contain any habitable room windows. It is not

therefore considered that the proposal would result in a loss of privacy to 6 Millstone Close. As with Tower Gardens, it is not considered that the comings and goings associated with the access road or lights from vehicles would result in an adverse impact on the amenity of this property.

Plot 6 would be located to the rear of 11 Millstone Close. The rear elevation of 11 Millstone Close appears to contain habitable room windows, however these are positioned at an angle to the front elevation of Plot 6. Additionally the front elevation of Plot 6 would not contain any habitable room windows. As such given the distances involved and given existing and proposed boundary treatment, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of 11 Millstone Close.

The relationship between the proposed houses is considered to be acceptable.

Trees and Landscaping

A Tree Report was submitted with the application together with a number of tree constraint plans. Additionally an indicative landscaping scheme has been submitted during the course of the application. The Council's tree officer and landscape officer have been consulted on the application.

The tree officer notes that the development proposals require the removal of 14 individual trees (7 due to condition), 5 tree groups, 7 hedges and 8 shrub areas. However, whilst a significant number of trees, shrubs and hedges require removal to facilitate the proposed development, only 1 tree is considered to be a category A species and none of the trees to be removed form part of the existing TPO.

On balance the tree officer is comfortable that the development can be implemented without having a detrimental or negative impact on the retained individual specimen trees or the wider woodland aspect. The loss of the single category A tree can be mitigated by a suitable specimen landscape scheme and woodland management plan with the retained trees and hedges protected in accordance with current best practice. A number of tree related conditions are proposed.

With regard to landscape impact, the Council's landscape officer raises no objections to the proposal subject to appropriate conditions regarding landscaping, boundary treatments, tree retention and woodland management. It is not considered that the submitted landscape scheme is sufficiently detailed and can only therefore be treated as indicative.

Highways

A new site access is proposed off South Park Drive and more than 200% parking provision is proposed for each of the dwellings, with each dwelling having an attached double garage together with in curtilage parking provision. The site layout plan was amended during the course of the application as some of the driveway lengths as originally submitted were not long enough for a standard car length.

The Strategic Highways and Transportation manager has been consulted on the application and raises no objections to the proposal noting that adequate visibility will be provided at the

site entrance. As the intention is for the site access to be gated, it would not be adopted except for the access point itself. It is not clear whether the proposed turning heads would be large enough to accommodate refuse vehicles and the road width of the internal access roads seems narrow. However as the development will remain private and given that the access is designed to a good standard, no highways objections are raised.

The comments made in representation regarding highways matters have been noted and considered. However, for the reasons outlined above, no highways objections are raised to the proposal.

Ecology

An ecological survey and a bat report have been submitted in support of the application and the Council's Nature Conservation Officer has been consulted.

The ecological survey concludes that there would be no adverse impact on protected species as a result of the development. However the survey appears to relate to the previously withdrawn scheme. As there have been changes to the proposed layout meaning that on the eastern part of the site development is located further towards the woodland, it is considered that the ecological information needs to be updated to reflect the current layout. An updated report has been requested, the contents of which will be reported to Members either in an update report or at Committee.

A number of representations received have expressed concern regarding the impact of the proposal on protected species. The initial view of the Council's Nature Conservation is that there are unlikely to be any significant ecological issues associated with the proposed development. A number of conditions were suggested regarding breeding birds and roosting bats. However, in light of the comments received in representation and of the fact that updated ecological information has been requested, any further comments received from the Nature Conservation Officer will be reported directly to Members either in an update report or at committee.

Housing

As the application site area exceeds 0.4 hectares, in line with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for affordable housing to be provided in association with the development. In this case given the scale and nature of the dwellings proposed, it is considered more appropriate for a commuted sum to be provided in lieu of on site provision. The Housing department has advised that a figure of £280,107 is required. This is based on the number of dwellings being proposed, their estimated market value and the cost of providing a two 2 bedroom dwellings off site.

The applicant has been advised of the requirement for the commuted sum and the amount that is being sought. This matter would be addressed by a unilateral undertaking/S106 legal agreement should permission be granted.

Whilst normally provision of affordable housing would be sought on site, regard should be had low density housing policies that apply to the site. To comply with policy H12 of the Local Plan, the developer is required to meet higher standards in terms of the low density housing

provided. Insisting on affordable housing provision on site would conflict with these objectives and would require a higher density of housing to be provided when considering redevelopment in low density housing areas.

Public Open Space and Recreation/Outdoor Sport Provision

Due to the size of the site area there is also a requirement for public open space and recreation/outdoor sports provision in association with the development. As no provision is proposed on site, a commuted sum of £28,000 is required. The commuted sum would be used for the nearby Poynton Pool/Park and Princes Incline.

The applicant has been advised of the requirement for the commuted sum and the amount that is being sought. This matter would be addressed by a unilateral undertaking/S106 legal agreement should permission be granted.

Design

As stated, the proposed dwellings are contemporary in style and would be constructed from a mixture of painted render, timber panels, glass and timber/powder coated aluminium doors and windows. Given the nature and location of the site and given the mixture of property types and styles in the locality, no objections are raised to the design proposed.

Archaeology

The Town Council raised a query regarding the archaeological potential of the site and the impact of the development on the lake. The Council's Archaeology Service has been consulted on the application. Whilst it is acknowledged that the lake lies approximately 170m to the south west of the site of the former Poynton Hall, given the distance of the lake from the hall, the lack of any structures within the development on the earliest available mapping, and the extent of disturbance from previous development, it is not considered that the proposal would have any archaeological implications.

Flooding/Drainage

A Flood Risk Assessment was submitted with the application and the Environment Agency was consulted.

No objections are raised by the Environment Agency subject to the imposition of conditions regarding surface water run off and flood risk management.

Other Matters

With regard to other issues raised in objection, the applicant's have confirmed that the site would not be opened up to the public but that the land to the rear of the dwellings and the lake would be for the use of occupiers of the development only. It is proposed that a woodland management company be set up with each dwelling signing up to this to ensure the future maintenance of the woodland and communal areas. Additionally it is not proposed to use the lake for motorised boats or jet skis etc and the applicants would be willing to accept a planning condition to restrict the use of the lake. It is not considered that the development

would set a precedent for the infilling of other gardens in the area as each case would be assessed on its merits. Similarly it is not considered that the proposal would result in an increase in crime as the proposal is for a private development which would if anything, provide more surveillance of the area. The existing house is not listed or locally listed and as such, there are no objections in principle to its demolition.

It is understood that there is concern that the applicant's had previously been advised by the Planning department that no more than 4 or 5 houses would be acceptable on the site. It appears that this number of dwellings was suggested to the applicants by the Planning Officer who dealt with the withdrawn application (11/3085M). However, subsequent to that, the applicants have engaged in formal pre application discussions with the Council, with two formal pre application responses being issued. The most recent letter accepted the principle of 8 dwellings on the site subject to site planning issues being resolved. Whilst pre application response letters are not formal determinations on applications, they are material considerations to be given weight in the determination of subsequent applications.

SUBJECT TO

- The submission of a unilateral undertaking//S106 legal agreement to provide commuted sums for the off site provision of affordable housing (£280,107) and for off site public open space and outdoor sport/recreation facilities (£28,000)
- The submission of an updated ecological survey which demonstrates that the impact of the proposal on protected species is acceptable
- No further representations being received in relation to the amended plans raising issues that have not already been considered or which could not be adequately dealt with by condition

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the demolition of the existing dwelling and associated outbuildings and the erection of 8 detached dwellings is acceptable and would not be harmful to either the character of the low density housing area or the amenity of nearby residential occupiers. The access and parking arrangements are acceptable. Whilst the proposal would result in the loss of a number of trees and existing landscaping on the site, on balance it is considered that the proposed development can be implemented without having a detrimental effect on retained individual specimen trees or the wider woodland aspect. Subject to the receipt of an updated ecological report that demonstrates no adverse impact on protected species, there are no ecological objections to the proposal. Whilst the comments of Poynton Town Council and of local residents have been carefully considered, for the reasons outlined within the report, the proposal is considered to be acceptable.

The application is therefore recommended for approval.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the 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. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A23GR - Pile Driving
7. A02HA - Construction of access
8. A32HA - Submission of construction method statement
9. A06HP - Use of garage / carport
10. A01LS - Landscaping - submission of details
11. A04LS - Landscaping (implementation)
12. A12LS - Landscaping to include details of boundary treatment
13. A16LS - Submission of landscape/woodland management plan
14. A17MC - Decontamination of land
15. A23MC - Details of ground levels to be submitted
16. A01TR - Tree retention
17. A02TR - Tree protection
18. A03TR - Construction specification/method statement
19. A04TR - Tree pruning / felling specification
20. A07TR - Service / drainage layout
21. A14TR - Protection of existing hedges
22. A06NC - Protection for breeding birds
23. Scheme to limit surface water run off to be submitted and agreed
24. Scheme to manage risk of flooding to be submitted and agreed
25. Scheme to minimise dust emissions to be submitted and agreed
26. No use of motorised equipment on the lake
27. Details of entrance gates and associated walls and fencing to be submitted and agreed
28. Details of proposals for incorporation of features suitable for breeding birds to be submitted and agreed



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