

Application No: 17/1676M

Location: LAND AT PARK LANE, POYNTON

Proposal: Proposed demolition and redevelopment for 4 no. detached houses plus associated infrastructure

Applicant: Mr J Hill, Henderson Homes Ltd

Expiry Date: 09-Jun-2017

SUMMARY

As Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

In any event the site has the benefit of previous planning permission for 4 detached houses and whilst this was granted some time ago the development has been formally commenced and therefore remains able to be completed.

The site is a previously developed site located in a highly sustainable location. The scale of the development reflects the character and appearance of the area and materials will be dealt with by way of a condition.

The development raises no issues in respect of highway safety, residential amenity, flooding, noise, or ecology. Some matters will be dealt through conditions.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REPORT

Councillor Murray has requested that the application be determined by Northern Planning Committee for the following reason;

One area of concern is access. That is along Footpath 79, the public footpath which connects Park Lane to Yewtree Lane. This is well used, both by local residents (many elderly) and pupils going to Poynton High School. These houses may have more vehicle movements when the path is busy.

Another issue is flooding. The applicants, Henderson Homes, have submitted a Planning Statement. This contains the statement: "The site does not lie within an area of flood risk." (Page 9, paragraph 4.2). In fact the stream immediately next to the site flooded badly on 11 June 2016. This is not a question of "flood risk", but "flood certainty" - it has happened.

Finally, it is unclear from the plans provided if there will be any overlooking. The site is lower than the houses bordering it on Yewtree Lane and Maple Avenue and their gardens. The proposed houses are 3 storeys high. This might lead to embarrassing overlooking, where people in their gardens could be at eye level with bedroom windows in the new houses? It is not clear from the plans.

PROPOSAL

The application is for the demolition of the existing commercial units and redevelopment for 4 no. detached houses plus associated infrastructure.

SITE DESCRIPTION

The application site consists of single storey commercial units that appear to be in limited use at the time of the site visit. The units are brick built and are of a functional design. The site is accessed from an opening between 234 and 234a Park Lane, the access is quite narrow and only allows for one vehicle to use this at any one time.

The site is located in a predominantly residential area. To the south the site adjoins the rear gardens of the properties on Maple Avenue, these properties sit on a slightly higher ground level and are partially screened from the application site by mature planting along the boundary. The same can be said about the properties to the east on Yewtree Lane.

To the west of the site is the Grade II listed Brook House Farmhouse and to the north the site is bounded by a stream that separates the site from the rear gardens of the terraced properties fronting Park Road.

RELEVANT HISTORY

The site has been subject to numerous applications in the past, most of which have no relevance in considering this application. Two applications that are highly relevant are;

04/3111P - 4 DETACHED DWELLINGS (RESERVED MATTERS) FOLLOWING APPROVAL OF 01/2872P. Approved 28 February 2005.

01/2872P - 4 DETACHED DWELLINGS (OUTLINE APPLICATION). Approved. 14 January 2002.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

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

DC38 (Guidelines for space, light and privacy for housing development)

DC41 (Infill housing development or redevelopment)

H2 (Environmental quality in housing developments)

H5 (Windfall housing sites)

H13 (Protecting residential areas)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC4 Residential Mix

SE1 Design

SE2 Efficient use of land

Other Material Considerations:

National Planning Practice Guidance (NPPG)

CONSULTATIONS (External to Planning)

Highways – No objection.

Nature Conservation – No objection. A condition has been requested relating to the timing of works in relation to bird nesting season.

Flood Risk Management – No objection. The site is in flood zone 1 and a condition is requested requiring details of how surface water will be drained from the site.

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council - *Recommends objection to this development on the following grounds:*

- 1. That the access road includes a public footpath which is well used by residents of the Yew Tree Lane area and by pupils attending Poynton High School*
- 2. That contrary to the statement in the applicant's supporting documents, there is a severe flood risk from the stream and the area flooded extensively on the 11th June 2016.*
- 3. That bearing in mind that the development is at a lower level than adjacent houses on Yew Tree Way and Maple Avenue there is a potential risk of overlooking and would be unneighbourly as a consequence*

OTHER REPRESENTATIONS

Three representations have been received in relation to the application. One of these relates to a land ownership issue that has since been resolved and the followings points have also been made;

- The development should not restrict use of the public footpath.
- The site should be protected from flooding.
- The proposed access is inadequate and will cause hazards for the users of the public footpath.
- The proposal will increase on-street parking in the area.

APPRAISAL

Principle of Development

The site is in an area that is identifies as being 'predominantly residential' and as such the redevelopment of sites for further residential use are generally acceptable. The site is within walking distance of local shops and services and public transport links. The site is considered to be a sustainable location.

Planning approval 04/3111P was for a very similar development to this one proposed. It was confirmed in a letter from the then Macclesfield Borough Council on 24 January 2007 that the excavations for the foundations of plot 2 constituted a commencement of the development. As the development had commenced within the required timescales it ensured that the planning approval remains extant and can be completed at any time. The current proposals are slightly different from those previously approved and this will be addressed later in the report.

The principle of residential development on the site is considered to be acceptable.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Residential Amenity

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.

New residential developments proposing three storey properties should generally achieve a distance of between 21m and 25m between principal windows and 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 distance between the existing properties on Maple Avenue and plot 1 are in excess of 18 metres and the distance from the properties on Park Lane to the side elevation is over 19 metres. No windows are located on either of the side elevations facing the existing properties and therefore comply with the 14 metre requirement.

No habitable room windows are located in the elevation of Brook House farmhouse and therefore the distance of 18 metres between this property and plots 3 and 4 meet the standards.

The properties on Yewtree Lane and over 38 metres away from the front elevations of the proposed properties, therefore this comfortably meets the requirement of 25 metres.

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does

not occur. In any event a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

The proposed layout ensures that all the required separation distances set out above are met and therefore no overlooking will occur to a level at which permission could be withheld and the requirements of Local Plan policies DC3, DC38 and H13 are met.

ENVIRONMENTAL SUSTAINABILITY

Layout & Design

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The design and layout of the proposed properties is similar to that previously approved. The two main differences are that a single storey rear projection has been added and the ridge height of the properties has been increased by 1 metre to allow for additional accommodation within the roofspace.

The immediate area is characterised by a range of house types from a listed farmhouse, Victorian terraced properties and typical 1960's/1970's housing. Therefore the area has little in the way of a dominant vernacular and the proposed dwellings will not have a detrimental impact on the character or appearance of the area. The details of the materials used for the dwellings will be agreed through a condition on the decision notice.

The proposal will not have a detrimental impact on the setting of the nearby listed building taking into account the implemented planning permission and the already restricting views of the building from the public footpath.

The proposal therefore complies with Policies BE1 and DC1 of the Macclesfield Local Plan.

Highways

There are no highway implications associated with this development proposal; off street parking provision is in accordance with the required minimum standards and space exists within the site so vehicles can leave and enter the site in forward gear.

The traffic associated with four dwellings is likely to be lower or not materially different from than that associated with the current on-site commercial use. The access arrangements are not proposed to change and as the proposal will not generate more traffic the access is considered appropriate. The proposal for refuse collection at the front of plot 4 is acceptable.

The site is located next a public footpath and this runs alongside the access between the site and Park Road. It is not considered the proposals will have a detrimental impact on the users of the footpath. The level of trip generation will not be any more than the existing uses on the site and it is an important consideration that the site has an implemented planning permission. Therefore the proposal will not have a worse impact on the public right of way than either the consented scheme or the existing use of the site.

There are no other material highway considerations associated with this proposal; accordingly, the Strategic Infrastructure Manager has no objection to the planning application. The proposal therefore complies with the requirements of Local Plan Policy DC6.

Flood Risk

The site is located within flood zone 1 and therefore is considered by the Environment Agency to be at a low risk of flooding. The Brook to the north of the site is not classified as a main river.

It is acknowledged that the area was subject to flooding to June 2016, however the Council's Flood Risk Manager has not raised any objections to the application subject to a condition on the decision notice requiring details of surface water drainage to be submitted before works can commence.

Again it must be acknowledged that although the site has previously flooded the fact the site has an implemented planning permission for residential properties. Given that no changes in flood zone for the site following the flooding event it is considered the application is acceptable in respect of flood risk.

ECONOMIC SUSTAINABILITY

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Poynton for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

PLANNING BALANCE

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted. The benefits in this case are:

- The development would provide benefits in terms of market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The character of the area is not detrimentally harmed but it cannot be necessarily stated that the character of the area is improved.
- There is not considered to be any significant environmental implications raised by this development.
- Highway impact would be broadly neutral due to the scale of the development.
- Residential amenity is not harmed but the impact is neutral as it cannot be demonstrated it is necessarily improved.

No adverse impacts of the development have been identified.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the conditions listed below.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Implement in 3 years
2. Carry out development in accordance with the approved plans
3. sample of materials

4. Details of boundary details
5. Remove permitted development rights
6. Details of surface water drainage
7. Construction management Plan
8. details of levels
9. Details of refuse storage
10. bird nesting
11. broadband

