



CEC SADPD Examination Hearing Statement: Matter 11 – Recreation and Community Facilities

No 43 London Road North, Poynton

On behalf of PH Property Holdings Ltd
September 2021

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Asteer Planning LLP on behalf of PH Property Holdings Ltd (PH Property) and responds to the Matters Issues and Questions for the Examination (MIQs) prepared by the Inspector into Cheshire East Council's Site Allocations Development Plan Document (SADPD).
- 1.2 This Hearing Statement relates to Matter 11 – Recreation and Community Facilities.
- 1.3 PH Property is an SME housebuilder focused on delivering high quality residential development in Cheshire. Over the past 25 years, PH Property has developed a strong track record of developing housing in Cheshire East and their recent developments include: Alderley Park, Alderley Edge, Somerford Booths Hall, Somerford, Congleton and Heys Green, Henbury, Macclesfield.
- 1.4 PH Property has submitted representations to previous consultations during the preparation of the SADPD in relation to no 43 London Road North, Poynton (the site).
- 1.5 Asteer Planning's representations in this Hearing Statement relate to no 43 London Road North, Poynton and also reflect PH Property's role as an experienced regional housebuilder with various land interests in Cheshire East.
- 1.6 This statement responds to Question 172 of the MIQs related to Matter 11 – Green / Open Space Protection. Abbreviations follow those used in the MIQs.

2. BACKGROUND TO THE SITE

- 2.1 The section provides a summary of the sites current adopted Local Plan designation, the sites proposed SADPD designation, PH Property's proposed residential development and the sites recent planning history.

The Sites Current Adopted Local Plan Designation

- 2.2 According to the Council's current adopted Local Plan Proposals Map, the site is contained within the Borough of Macclesfield Boundary. The eastern part of the site (fronting London Road North) is designated as a Predominantly Residential Area and the western part of the site (to the rear) is allocated as Existing Open Space (Saved Macclesfield Borough Local Plan (MBLP) Policies RT1 and RT2).
- 2.3 The Poynton Neighbourhood Plan (PNP) was made on 21 November 2019. Policy EGB2 of the PNP relates to Open Spaces and states that:

"Areas of recreational land and existing open spaces within Poynton including within the housing estates which characterise the village identity shall be preserved and protected from development. PNP/C32 lists the locations of the sites with accompanying maps"

- 2.4 The site is not identified in document PNP/C32 as a location to be preserved and protected because it does not characterise the village. The reason why the rear part of the site does not characterise the village is because it comprises private residential gardens to the rear of existing housing. It therefore is not publicly accessible, is screened by existing housing and mature trees / landscaping and cannot be viewed from a public vantage point. As a result, the rear part of the site does not characterise the village.

The Sites Proposed SADPD Designation

- 2.5 The emerging SADPD proposes to retain the sites partial designation as Green / Open space in the western portion of the site (to the rear of No 43 London Road North). PH Property strongly object to this and detailed representations on this are set out below.

PH Property's Proposed Residential Development and the Sites Recent Planning History

- 2.6 Avison Young on behalf of PH Property, submitted a full application to CEC for a proposed residential development at the site dated 8 June 2020 (LPA Ref 20/2361M). The description of the development states:

"Demolition of existing dwelling and erection of a residential development with associated access, car parking, landscaping and infrastructure".

- 2.7 The application proposes 12 new residential properties comprising:

1. A principal apartment building facing the London Road North frontage. The building is 2.5 storeys in height utilising the roof space for the second floor and aligns with the ridge height of no 41 London Road North. The proposed building line sits back from the site boundary in line with the building line of the neighbouring properties on the position of the existing house.
2. To the rear of the site, 4no. semi-detached dwellings with private gardens are proposed. All proposed buildings were positioned to have sufficient offset distances and helpful angles to surrounding properties.
3. A compliant level of car parking is proposed in accordance with the Councils car parking standards and the site access is 5.5m wide (in the vicinity of London Road North) with 6m corner radii to meet the Councils required standards.

- 2.8 The Officer's report to CEC's Northern Planning Committee recommended the application for approval subject to conditions, and a Section 106 Agreement. The Section 106 Agreement heads of terms listed in the Officers report to committee are:

1. £36,000 towards public open space;
2. £12,000 towards recreation and outdoor sports; and
3. £6,750 towards allotments.

- 2.9 Contrary to the Officers recommendation for approval, planning permission for the proposed development was refused by CEC's Northern Planning Committee at its meeting on 10 March 2021.

2.10 The Councils formal decision notice refusing planning permission was issued on 23 March 2021 and contains two reasons for refusal, which state:

- "1. The scale of the proposed development would result in an overdevelopment of the site leading to a lack of private amenity space for the occupants of the apartments and would appear out of character with the surrounding area. The proposal is therefore contrary to policies SD2 and SE1 of the CELPS and paragraph 127 of the NPPF.*
- 2. The proposed development would be contrary to the interests of highway safety as it would result in an adequate internal road width, contrary to the Cheshire East Design Guide and saved policy DC6 of the MBLP".*

2.11 Neither of the reasons for refusal relate to the principle of the development or loss of open space. An appeal (PINS Ref. APP/R0660/W/21/3278045) against the Councils decision and its two reasons for refusal has been lodged and was confirmed as valid on 20 July 2021. The appeal is pending determination.

3. GREEN / OPEN SPACE PROTECTION (POLICY REC1)

3.1 This chapter presents PH Property's representations in connection Question 172 of Green / Open Space Protection (Policy REC1).

172. Is Policy REC 1 justified, effective and consistent with the LPS and national policy in protecting open space in Cheshire East of recreational or amenity value? In particular:

- a) Is the inclusion of term 'green space' clear and unambiguous, is it clearly defined in the SADPD and is it consistent with national policy for the protection of open space?**
- b) Is the methodology used to define open spaces for protection robust and are the areas of land identified on the Policies Map as protected open space justified, based on proportionate evidence?**
- c) Is the identification of the following areas of land as protected open space justified based on their current status?**
 - Land at Goddard Street, Crewe
 - Dyers Mill pond, Bollington
 - Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford
 - Car park on land at Radbrooke Hall, near Knutsford
 - Land to the rear of 43 London Road North, Poynton
 - Land at Waterworks House, Dingle Lane, Sandbach • Land at Pownall Park, Wilmslow
- d) Is the protection of incidental open spaces and amenity areas which are not identified on the Policies Map justified and effective, and is it compliant with Regulation 9(1)5 which requires the Policies Map to illustrate geographically the application of the policies in the Plan?**

- 3.2 PH Property strongly objects to the proposed open space allocation which covers the western portion (rear part) of no 43 London Road North. PH Property's response to the Inspectors questions 172 a), b) and c) is that the proposed open space allocation at no 43 London Road North, Poynton is not sound or in accordance with paragraph 35 of the National Planning Policy Framework (NPPF).
- 3.3 The proposed open space allocation at no 43 London Road North, Poynton is not justified, for the following reasons:
1. The part of the site designated as Existing Open Space in the MBLP and proposed for allocation in the emerging SADPD is a domestic residential garden which has been wholly in private ownership for over 25 years. The site has no public recreational value. It is not accessible to the public and therefore not utilised for public recreational purposes.
 2. The site has no amenity value. It offers no visual amenity value from any public vantage points, including from the access point off London Road North. The area may be partially seen from the rear first floor windows of a limited number of properties on Milton Drive however these views are not from a publicly accessible vantage point. The site is surrounded by existing residential dwellings. The size, location and context of the site makes it unsuitable for recreational use by the public, even if it were accessible to the public.
 3. PH Property encourage the Inspector to undertake a site visit to no 43 London Road North which will confirm that the site has no public recreational or amenity value from a green / open space perspective.
 4. The most up to date Development Plan document is the PNP made on 21 November 2019. Policy EGB2 of the Neighbourhood Plan relates to open spaces and refers to document PNP/C32 which identifies locations to be preserved and protected for open space and which characterise the village. No 43 London Road North is not identified in document PNP/C32 as a location to be preserved and protected for open space because it does not characterise the village.
 5. The Officer's Report to CEC's Northern Planning Committee in March 2021 concludes in the Planning Balance section that:

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

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

In addition, the application site, as with all the adjoining site that fall under this open space allocation in the MBLP, is in individual private ownership, is surrounded by other private dwellings, and therefore public access to it is restricted. In visual terms, the site has very limited benefits to the wider area due to it being at the rear of the existing property, and landlocked by other private properties. As such its visibility, and appreciation as a public amenity, from public vantage points is very limited. Therefore, in terms of the function of the land as open space as it currently stands, there are not considered to be any significant physical or visual benefits to it.

The site is in a very sustainable location and the proposal would provide a residential development of 12 units within the key service centre of Poynton, very close to the public transport facilities, shops and services within the town centre. As noted above, the proposal raises no significant issues relating to the impact upon the living conditions of neighbouring properties, the character of the area, trees or flood risk.

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

6. Given that the Councils Northern Planning Committee Members did not refuse planning permission on the grounds of loss of open space then it can be taken that

the Members agreed with the assessment presented above and by the Officer in the Officers report.

- 3.4 The proposed designation of green / open space in the western portion of no 43 London Road North is also not positively prepared or consistent with national planning policy. The NPPF defines "open space" as:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".

- 3.5 The SADPD imports the NPPF open space definition in its Glossary. As demonstrated the site has no public value, does not offer any opportunity for sport and recreation and does not act as a visual amenity. As such, the Councils proposal to designate the western portion of no 43 London Road North as green / open space in the SADPD is contrary to national planning policy.

- 3.6 It is also noted that paragraph 11.3 of the SADPD states that (with Asteer Planning's emphasis in **bold**):

*"Made neighbourhood plans are part of the development plan and can show areas of valuable green/open space plus local green spaces. **There is no need for the council to repeat this information in the local plan but, to ensure consistency across the rural areas, strategic areas of green/open space such as playing fields and play areas, and large amenity areas such as village greens, will be shown on the adopted policies map. Strategic/important areas of green/open space will therefore be reflected for all parishes, regardless of whether they have a neighbourhood plan in place.**"*

- 3.7 Paragraph 11.3 of the SADPD delegates the protection of valuable green / open space plus green spaces to Neighbourhood Plans. As stated above, the PNP does not list the site as a location to be preserved and protected for open space. Furthermore, the proposed designation is definitely not a strategic area of green / open space. This is therefore a further reason as to why the site should not be designated as green / open space in the SADPD.

Summary

- 3.8 In light of the representations set out above, the proposed green / open space designation on the western portion (rear part) of no 43 London Road North, Poynton is not justified, not positively prepared and not consistent with national planning policy and therefore does not meet the tests of soundness in accordance with paragraph 35 of the NPPF.
- 3.9 To rectify this soundness failing, PH Property respectfully request that the green / open space designation at no 43 London Road North, Poynton is removed from the SADPD.

