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## Appeal Decision

Site visit made on 24 April 2018

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 May 2018**

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**Appeal Ref: APP/R0660/W/18/3194435**

**Former Local Authority Depot, London Road North, Poynton, Stockport, Cheshire SK12 1BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ali Mohammad against the decision of Cheshire East Council.
  - The application Ref 17/4815M, dated 19 September 2017, was refused by notice dated 22 November 2017.
  - The development proposed is a new commercial garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council's decision notice made reference to Green Belt in the second reason for refusal. The Council have subsequently confirmed that the site is not located within the Green Belt and that the reference in the decision notice was made in error. I have determined the appeal accordingly on the basis of that updated information.

### Main Issues

3. The main issues are:
  - The effect upon the character and appearance of the area;
  - The effect upon highway safety, with particular regard to whether sufficient information has been provided in terms of traffic, parking arrangements and access;
  - The effect upon the living conditions of neighbouring properties, with particular regard to whether sufficient information has been provided with respect to parking arrangements, and;
  - The effect on the provision of open space.

### Reasons

#### *Character and appearance*

4. The site lies adjacent to London Road North (A523) and adjoins Poynton Park Lake close to the settlement of Poynton. The site is located on the outside of a gentle curve in the road and has two existing accesses. The highway frontage is otherwise enclosed by low brick walls and supplementary landscaping

consisting of trees and shrubs, which are also characteristic features of other surrounding boundaries along London Road North. Similar landscaping also encloses the other boundaries of the site resulting in visual and physical containment from Poynton Park Lake. Whilst there is evidence that the hardstanding covering the site has been used for open storage, the established landscape screening adjacent to London Road North softens the existing appearance of the site and assimilates it with its immediate surroundings.

5. The appeal proposal consists of a large commercial garage building of considerable length with outriggers of more modest height at either end. The main building would be set back from the road towards the rear of the site, with additional canopy areas nearby for the provision of gas, water and air. The submitted plans also indicate the formation of car parking areas adjacent to a new brick wall with railings to be erected along the highway frontage, together with a smaller car parking area close to the northern access. Both accesses would be fitted with new 1.2m high steel sliding gates and illuminated sign boards are proposed to be installed at either end of the site frontage.
6. With regard to the above, the proposal would remove the established landscaping along the highway frontage with insufficient space remaining for suitable replacement planting. The removal of existing landscaping would harmfully disrupt the established harmony and rhythm of the boundary treatments which characterise the highway frontage of London Road North. As a consequence, the commercial use of the site would be more conspicuous within the street scene, which together with the proposed scale, bulk and massing of the building, canopy, associated advertisements and presence of significant areas of car parking would result in a visually prominent, intrusive and incongruous development in an otherwise verdant setting. The proposal, therefore, would significantly harm the character and appearance of the area.
7. In reaching the above findings, I have taken into account that the appellant has expressed a willingness to accept a condition to limit or reduce the height of the building and make changes to external design features. However, there are no specific details before me in terms of alternative designs and in any case, amendments to the height and/or proportions of buildings are likely to involve material changes that could not reasonably be considered as part of the proposal before me or secured by a condition. I, therefore, determine this appeal on the basis of the proposals within the submitted plans. In that respect, a condition relating to the materials to be used as part of the proposed development would not overcome the harm I have identified.
8. I conclude that the proposal would significantly harm the character and appearance of the area. The proposal, therefore, would conflict with Policy SD 2 of the Cheshire East Local Plan Strategy 2010 - 2030 (CE-LP), adopted July 2017, which states, amongst other things, that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. Those matters include the massing of development in terms of the balance between built form and green/public spaces and the relationship to the street scene and wider neighbourhood. The proposal would also conflict with the National Planning Policy Framework (the Framework) in so far as it requires good design and seeks that developments are visually attractive as a result of appropriate landscaping.

### *Highway safety*

9. The site adjoins the southbound dual carriageway section of London Road North and is currently served by two vehicular accesses that lie between sections of adjoining pedestrian footway. The site frontage has double yellow line parking restrictions along its length, which are also present nearby on both sides of London Road North. The northbound and southbound dual carriageways are divided by a raised central reservation that includes street lighting, bollards and signage. The central reservation commences close to the southern access and continues beyond the site to the north up to an access with Glastonbury Drive on the opposite side of London Road North. The central reservation changes to white diagonal road markings opposite to the southern access and the section of road reduces to single lane carriageways close by with an associated speed limit change from 40mph to 30mph.
10. As the site is positioned on the outside of a curve in the road, the available visibility splays for vehicles would be sufficient to safely enter and leave the site via the southbound dual carriageway from both the northern and southern accesses. There would be adequate space for vehicles leaving the site to wait for gaps in the heavy traffic flows that I observed and those emerging from the accesses would have suitable visibility of pedestrians using the footway. However, the northern access serving the site would only be capable of being used to enter from and exit onto the southbound carriageway of London Road North due to the presence of the central reservation. As a consequence, the only direct means of access onto and from the northbound carriageway would be via the southern access.
11. With regard to the above, in the absence of an existing right turn refuge, vehicles when seeking to enter the site from the northbound carriageway would have to wait within the central markings and at least partially obstruct the overtaking lane whilst waiting for gaps in traffic on the southbound dual carriageway. In addition, to exit the site onto the northbound dual carriageway would require either a wide turn across at least three lanes of the dual carriageway or at busy times crossing the southbound carriageways first, then partially obstructing the outside lane and central markings whilst waiting for gaps in traffic on the northbound carriageways. Furthermore, there would also be potential for the inside lane of the southbound dual carriageway to be obstructed if a vehicle were to attempt to enter the southern access at the same time as a vehicle is exiting. In that respect, the width of the southern access would preclude such manoeuvres taking place simultaneously.
12. The above manoeuvres would take place in close proximity to the transition between single lane and dual carriageway sections of London Road North where road users are required to exercise care and attention to safely negotiate a busy stretch of highway where vehicles are changing lanes and speed, including the frequent occurrence of buses being overtaken when stationary at nearby bus stops. In such circumstances, the use of the southern access to serve the development would result in an increased risk of accidents and would have an unacceptable impact upon highway safety.
13. In reaching the above findings, I have taken into account that the existing access arrangements have served an open storage use within the site and that there is no substantive evidence with respect to traffic generation that would arise from the proposed development. Nonetheless, it is reasonable that a

commercial garage with capacity within the building and canopy areas to accommodate up to 10 vehicles and with further off street parking for up to 13 vehicles, would considerably intensify the use of the accesses when compared with the previous use of the site by the Council. In that respect, the unsafe manoeuvres to access the northbound carriageway are likely to take place much more frequently as a matter of convenience for site users in preference to alternatives, such as only turning left out of the site and turning around via surrounding streets.

14. I have considered whether conditions could be imposed to overcome the harm identified. In that respect, I cannot rule out that alterations to the internal and external site access arrangements, together with works to London Road North, may be capable of reducing the risk of accidents arising from the use of the site. Nonetheless, there are no specific details before me with respect to the extent of highway works and restrictions that would be feasible or the means by which they would be delivered. I cannot, therefore, conclude with any certainty that the harm I have identified would be overcome and in any case, any amendments of that nature would likely involve material changes that could not be considered as part of this appeal or secured by condition. I am satisfied that safe pedestrian access into the site and buildings could be secured by condition and there is no evidence before me that the off street parking provision within the site would not be suitable to meet the demands of the commercial garage. However, such matters are a neutral factor.
15. I conclude that the proposal would result in significant harm to highway safety. The proposal, therefore, would conflict with Saved Policy DC6 of the Macclesfield Borough Local Plan (MB-LP), adopted January 2004, which states, amongst other things, that vehicular and pedestrian access should be safe and convenient. The policy accords with the Framework which seeks to ensure safe and suitable access to the site for all people and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

#### *Living conditions*

16. The appeal site is located some distance from the nearest residential properties on the opposite side of London Road North. In that respect, the separation distance to residential properties would be sufficient to ensure that the proposed development would have no impact upon the living conditions of their occupiers in terms of noise, disturbance, privacy, outlook or light.
17. The Council have expressed concern in terms of the extent of information that accompanied the application in so far as it would affect the living conditions of occupiers of neighbouring properties. It can be seen from my previous findings that although substantive evidence relating to traffic generation and associated demand for parking arising from the development has not been provided, the off street parking provision indicated on the submitted plans would appear sufficient to serve a commercial garage of the scale proposed.
18. Nonetheless, I cannot discount the possibility of peak demand resulting in some overspill parking at limited times. Furthermore, given the on-street parking restrictions along London Road North, such overspill parking would likely be dispersed onto surrounding residential streets. However, I consider that such instances would be so infrequent and at such a limited scale so as to have little effect on the existing on-street parking arrangements and capacity

in those areas. Consequently, local residents would not suffer any significant inconvenience in that respect.

19. I conclude that the proposal would not harm the living conditions of occupiers of neighbouring properties. The proposal, therefore, would not conflict with Policy SD 2 of the CE-LP or Saved Policy DC6 of the MBLP in so far as they seek to ensure a satisfactory relationship to neighbouring properties and the wider neighbourhood in those respects. The policies are consistent with the Framework.

#### *Open space*

20. The site is designated as open space and it directly borders Poynton Park Lake, a Local Wildlife Site (LWS). In that respect, Policy RT1 of the MBLP indicates that areas of recreational land and open space will be protected from development, and the proposal does not accord with exceptions listed in terms of redevelopment of a building footprint or educational buildings given that there are no permanent structures currently within the site. As a consequence, the proposal is contrary to Policy RT1 of the MBLP.
21. Notwithstanding the above, the site is privately owned, has a long established use for commercial purposes and has no public right of access as open space or for recreational purposes. It is also visually and physically separate from Poynton Park Lake and its LWS, and the development would neither encroach upon nor harm the use, function, access or ecology of those areas if appropriate conditions were imposed in terms of nesting bird surveys and drainage arrangements. The lower site levels relative to Poynton Park Lake and existing retaining walls would ensure no harm to the health and longevity of existing mature trees within neighbouring land and any details of crown lifting in that respect could be secured by condition. Consequently, although there is a technical conflict with Policy RT1 of the MBLP, in the particular circumstances of this case, it would not result in any adverse effect upon the existing provision of open space and recreational land or public access thereto.
22. I conclude that the proposal would not have a harmful effect upon the provision of open space. There would be conflict with Policy RT1 of the MBLP which reflects the designation of the land. However, in the particular circumstances of the site and the development proposed there would be no loss of publicly accessible open space, recreational land and no adverse impact on the ecological value of the adjoining LWS.

#### **Other Matters**

23. The development is located close to the settlement of Poynton and would have associated economic and community benefits in terms of provision of a local service and employment opportunities, which are benefits that are afforded significant weight.
24. The appellant has indicated that all opportunities to minimise use of energy and materials and to ensure an energy efficient design of the commercial building would be explored. However, the specific details in that respect are not before me and could only be secured by condition to the extent that they would make the development acceptable. As a consequence, I afford little weight to any benefits in that respect.

25. Issues relating to contaminated land within the site and site security could be overcome by the imposition of conditions. Furthermore, the development would not result in the loss of agricultural land or unacceptable risk of flooding. However, the absence of concern in those respects is a neutral factor.
26. The appellant has expressed concern with respect to the advice given by the Council when purchasing the site. However, such matters are unrelated to the planning merits of the proposal before me.

### **Conclusion**

27. I have found no harm with respect to the effect upon the living conditions of occupiers of neighbouring properties and the provision of open space. There would also be benefits of the development in terms of provision of a local service and employment opportunities that are afforded significant weight. However, there would be significant harm with respect to the effect of the development upon the character and appearance of the area and highway safety, which are overriding factors that reflect conflict with the development plan and the Framework when taken as a whole.
28. For those reasons and taking all other matters into consideration, I conclude that this appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR