

Northern Planning Committee

Agenda

Date:	Wednesday, 23rd March, 2011
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/ Pre Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 4)

To approve the Minutes as a correct record.

4. Public Speaking

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter

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A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/4702M-Two Storey Side Extension, 7, Padstow Close, Macclesfield for Mr A Storer** (Pages 5 - 12)

To consider the above application.

6. **10/2444M-Demolition of Vacant Building and Replacement with 5 Two Storey Houses with Parking, 11, Branden Drive, Knutsford for Mr K Jaber** (Pages 13 - 22)

To consider the above application.

7. **11/0269M-First Floor Bedroom Extension Over Garage, 1, Edgehill Chase, Wilmslow for Mrs Sarah Grantham** (Pages 23 - 28)

To consider the above application.

8. **10/4764M-Demolition of Various Storage Buildings and Structures and the Erection of 11 New Build Townhouses and Retention of 2 Existing Dwelling Houses, Norburys Yard, Knutsford for Hillcrest Homes** (Pages 29 - 42)

To consider the above application.

9. **11/0432M-Proposed Change of Use from Light Industrial/Warehouse B1, B2 and B3 to Play Warehouse D2, Unit A, Marlborough Close, Knutsford for Mrs E Parks, Rock 'A' Baby** (Pages 43 - 50)

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 2nd March, 2011 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor B Moran (Chairman)
Councillor R West (Vice-Chairman)

Councillors J Crockatt, H Gaddum, M Hardy, T Jackson, J Narraway,
D Neilson, L Smetham, D Stockton and C Tomlinson

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Ms S
Orrell (Principal Planning Officer) and Mr N Turpin (Principal Planning Officer)

112 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss C M Andrew
and D Thompson.

113 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

None.

114 **MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman.

115 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

116 **10/4970M-CHANGE OF USE FROM D1 TO A1, 41, BUDWORTH WALK, WILMSLOW FOR MR MARK GALAZKA, HALEPARK LTD**

Consideration was given to the above application.

(Councillor P P Whiteley, the Ward Councillor, Veronica Croston, an
objector and Mr Galazka, the applicant attended the meeting and spoke in
respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Limitation on use
4. Noise insulation
5. Business hours 8am-6pm Monday to Saturday
6. Change of use - no consent for external alterations
7. No external storage
8. Hours of deliveries 7.30am to 8pm Monday to Saturday
9. No external fans
10. Submission of a Management Plan to provide details of deliveries
11. No background music
12. Method Statement for the control of deliveries to be accessed via the rear door
13. Temporary 3 year planning permission

(This decision was against the Officers recommendation to approve the application for a permanent consent).

117 **10/2393M-ERECTION OF RETIREMENT LIVING HOUSING COMPLEX FOR THE ELDERLY COMPRISING 30 X ONE BEDROOM AND 10 X TWO BEDROOM APARTMENTS IN A PART TWO/PART THREE STOREY BLOCKS (CAT II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING, 195 197 AND 199, WILMSLOW ROAD, HANDFORTH FOR MCCARTHY & STONE RETIREMENT LIFESTYLES LTD**

(During consideration of the application, Councillor D A Neilson left the meeting and did not return).

Consideration was given to the above application.

(Mr Butt, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion of a S106 Agreement comprising of the following Heads of Terms:-

- Provision of a commuted sum in lieu of affordable housing on site (£350,000) payable on occupation of the 10th unit or 2 years after commencement of development, whichever is sooner and to incorporate a cascade provision to allow priority spending of the commuted sum within the locality of the development and then if necessary to spend in a wider area

- Provision of commuted sum in lieu of leisure provision on site (£37,000)
- Monitoring costs
- Age Restriction of occupation of flats (60 years plus and 55 years for spouse/partner thereof a)
- Travel Plan Initiatives as detailed in the Transport Statement

And subject to the following conditions:-

- 1.Landscaping - submission of details
- 2.Tree retention
- 3.Submission of samples of building materials
- 4.Construction of access
- 5.Implementation of ecological report
- 6.Tree protection
- 7.Development in accord with revised plans (unnumbered)
- 8.Commencement of development (3 years)
- 9.Landscaping (implementation)
- 10.Protection for breeding birds
- 11.Closure of access
- 12.Refuse storage facilities to be approved
- 13.Protection from noise during construction (hours of construction)
- 14.Pile Driving
- 15.Details of ground levels to be submitted
- 16.Bin store and electricity sub station details tbs
- 17.Phase II contaminated land investigation
- 18.Details of boundary treatment to be submitted prior to the development proceeding
- 19.Submission of a Construction Method Statement to include Wheel wash and site compound details

(The meeting adjourned at 4.25pm and reconvened at 4.30pm).

118 **10/4702M-TWO STOREY SIDE EXTENSION, 7, PADSTOW CLOSE, MACCLESFIELD FOR MR A STORER**

Consideration was given to the above application.

(Mr Worthington, representing an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for the perceived inaccuracies in the report to be addressed and for a site visit to be undertaken in order to assess the impact of the development on the amenity of the area.

(This decision was against the Officers recommendation to approve the application).

119 **APPEAL SUMMARIES**

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 2.00 pm and concluded at 5.25 pm

Councillor B Moran (Chairman)

Application No: 10/4702M

Location: 7, PADSTOW CLOSE, MACCLESFIELD, SK10 3NG

Proposal: Two Storey Side Extension

Applicant: Mr A Storer

Expiry Date: 17-Feb-2011

Date Report Prepared: 17/02/11

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

Design

Amenity

Impact on the street scene

Impact on parking

REASON FOR REPORT

This application has been called in by Councillor Narraway on the grounds of the potential impact on the street scene and an overbearing effect on the neighbouring property; the application needs to be tested against policies DC1, DC3 and particularly DC43.

The application was deferred from the previous Northern Planning Committee to ensure corrections are made to the report in relation to the stated examples of similar extensions in the area.

DESCRIPTION OF SITE AND CONTEXT

7 Padstow Close is in a predominantly residential area of Macclesfield. The property is a two story, semi-detached house with pitched roof, gable end and garden to rear. To the front of the property is driveway and lawned garden. Access to the rear is gained via a gap between the gable end of no.5 and the boundary of the curtilage.

This site is in a mixed housing area consisting of a variety of design styles including 2, 3, and 4 bedroom 2 storey dwellings, bungalows and dormer bungalows.

Padstow Close has a varied building line and the neighbouring property to the north (no.5) is set forward of the development site by 1.125m.

DETAILS OF PROPOSAL

This proposal is to build a 2 storey side extension in the gap north of the dwelling.

RELEVANT HISTORY

No relevant history

POLICIES

Regional Spatial Strategy

DP2	Promote Sustainable Communities
DP7	Promote Environmental Quality

Local Plan Policy

BE1	Design Guidance
DC1	New Build
DC2	Extensions and Alterations
DC3	Amenity
DC6	Circulation and Access
DC38	Space, Light and Privacy
DC43	Side extensions
H13	Protecting Residential Areas

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable

OTHER REPRESENTATIONS

One letter of objection has been received from Barkers of Macclesfield representing no.5 Padstow Close. Issues raised are:

- Proposal is contrary to DC1.
- It is no longer possible to obtain bricks to match the existing.
- Proposal is contrary to DC2
- Proposal is contrary to DC3
- Proposal will have an overbearing effect on no.5
- Proposal will reduce the gap between properties to 2.25m and be overbearing on the street scene.
- No.13 Padstow Close is held as a similar example of side extension but is identified as having little impact on the street scene or neighbour.

These concerns are addressed in the main body of this report below.

OFFICER APPRAISAL

Principle of Development

The principle of this development is acceptable subject to compliance with MBLP policies which relate to design and amenity.

Design

This proposal seeks permission to construct a two storey side extension in the gap to the boundary at the northern elevation of 7 Padstow Close. This will include a fourth bedroom on the first floor and utility room with WC/shower at ground floor.

Dimensions of the extension are 2.145m (w) 6.m (l) and 7.175m (h). The roof is pitched to match the existing roofline. The ridge of the proposed extension would be 0.425m lower than the existing ridge.

Originally the submitted scheme set the extension back from the front elevation by 1.5m. Revised plans were requested, and subsequently received, which set back the extension 2m from the principal elevation.

To the front elevation a window and additional door will be installed to ground level, with double pane window at first floor. No windows are proposed to be installed in the side elevation. To the rear, a window and door will be installed to ground floor with a narrow, horizontal window installed under the eaves at first floor.

Eaves are to match existing level at 5.15m. Materials are also proposed to match existing.

Representation received on behalf of no.5 suggests the proposal contravenes Local Plan Policy DC1. DC1 seeks to ensure development is sympathetic to the character of the local environment, the street scene and adjoining buildings.

The design of this proposal is subservient to the existing dwelling and the 2m set-back ensures an appropriate scale of development which is considered to be acceptable in relation to the existing house and neighbouring properties, in compliance with both policies BE1 and DC1. Further, given the varied architectural style observed in this area, this proposal is considered to remain sympathetic to the street scene and character of the local environment

The representation from no.5 suggests the proposal does not comply with DC2 with concern raised that matching bricks are no longer obtainable. Whilst materials should be conditioned to match existing they are not stipulated to be the *same* as existing. Local examples demonstrate successful development utilising matching materials which are not necessarily the same as existing. It is the applicant's responsibility to source matching materials and development in this area suggests this is possible.

Local Plan Policy DC2 states that proposals should respect existing architectural features. In this case the matching eaves, materials and roof line angles satisfy this policy requirement.

Overall this proposal is considered to be of an acceptable design in compliance with policies BE1, DC1 and DC2.

Impact on the Street Scene and Amenity

Impact on the Street Scene.

Representation from no.5 suggests this development will be overbearing on the street scene. The purpose of Local Plan Policy DC43, is to protect the local character of an area and prevent harm to the street scene, and states that side extensions 'should not normally encroach within 1m of the boundary to prevent the creation of a terraced street effect' which can cumulatively undermine the character and amenities of a residential area.

Each application must be considered on its own merits and the creation of a terraced street scene is not simply measured by its encroachment to the boundary but also its potential harm to the street scene.

In this area housing is already built to a varied building line creating a staggered street scene with dwellings set forward and back from one another, sometimes at oblique angles, which helps to identify individual properties or pairs of semi detached dwellings.

In this case the harm to the street scene is assessed against the relationship between the property at no. 5 Padstow Close and no 7 Padstow Close.

No.5 is sited 1.125m back from no.7. With the additional set-back of the proposal by 2m this creates a 3.125m distance between the principal elevation of no.5 and the front elevation of the proposed extension at no.7.

As indicated previously, the proposal is subservient to no.7 Padstow Close and would be significantly set back from the dwelling at no.5. Therefore, although this development will encroach up to the boundary of no.5, when viewed from the street, the difference in the projection of the elevations allows clear visual differentiation between the properties and the set back from the principal elevation means the extension has only limited visibility from the street. This significantly alleviates the creation of a terracing effect and harm to the street scene.

Representation on behalf of no.5 Padstow Close holds no.13 Padstow Close as an example of a two storey side extension in the vicinity. Representation suggests that this example cannot be held as a precedent as it is not comparable to the proposal site because it is not harmful to the neighbour or street scene. As this site is on a corner plot, it cannot be considered comparable.

There are a variety of examples of similar, although not identical, side extension development in this area. Several incorrect addresses were given as examples in the previous report. Examples of two storey extensions that project up to the side boundary include:

10 Newquay Drive
12 Newquay Drive
34 St Austell Avenue
95 St. Austell Avenue
97 St. Austell Avenue

These approved extensions have used a variety of effective design elements, including set back, to reduce harm to the street scene.

It is considered that the applicant has satisfactorily addressed potential harm to the street scene and the creation of a terracing effect by setting back the development and ensuring it's subservience to no.7 Padstow Close. It is considered this has achieved a proposal which will not adversely affect the character of the area or the amenities of nearby housing in compliance with DC43 and H13.

Neighbouring Amenity

The representation made on behalf of the neighbour at no.5 suggests an overbearing effect will be created by this development contrary to Local Plan Policy DC3 which seeks to protect the amenity of adjoining or nearby residential property. In this case a loss of privacy, the creation of an overbearing effect and any a loss of sunlight and daylight should be considered.

Currently the gap between the properties at no.5 and no.7 Padstow Close is 4.5m. This will be reduced to 2.25m under this proposal.

Although the side elevation of no.5 faces south, it does not benefit from uninterrupted access to sunlight due to the already close proximity of no.7 Padstow Close. The existing situation is that no.7 blocks sunlight to this elevation and, for much of the year, casts shadow over the window located at first floor.

It is considered that the existing situation will not be further undermined by the proposed development at no 7 Padstow Close and that the window to the first floor side elevation of no.5 will maintain access to an adequate amount of day light.

As the development does not extend beyond the front or rear of the property, it is considered that an overbearing effect will not be created here.

The rear garden of no.7 and no.5 face east and therefore benefit from full sun in the morning. In the afternoon an element of shadow is currently cast into part of the rear garden of no.5 by the existing dwelling at no.7. It is considered likely that the proposed development will extend this shadow beyond the existing situation. However, access to daylight will remain and, as this proposal will not extend beyond the rear of the property and the roof ridge of the proposal will be 0.425m lower than the existing roof ridge, loss of sunlight is considered to be minimal.

It should be recognised that in suburban areas a degree of overshadowing and a degree of overlooking from first floor windows is sometimes inevitable.

It is considered that the inclusion of a window to the first floor of the rear elevation has been sensitively addressed. Whilst this will potentially overlook some of the garden area of the neighbouring principal garden, this window is secondary to the room and the use of narrow, horizontal fenestration, located under the eaves, successfully reduces the potential to undermine privacy of neighbours. It should also be noted that the existing situation allows some mutual overlooking from first floor windows at both no.5 and no.7.

DC38 seeks to protect light and privacy between buildings. Guidance suggests a distance of 21m should be maintained between habitable rooms at front elevations and 25m between rear elevations. At this site the neighbour to the rear of no.7 maintains a distance of 15.5m and to the front 14.5m. Whilst this distance is contrary to guidance in DC38, the existing situation will not be further undermined by the addition of a side extension which does not project beyond the front or rear elevation of the existing building.

Parking

Local Plan Policy DC6 seeks to ensure safe and convenient access for vehicles and pedestrians. Parking facilities are currently satisfied by the existing driveway (8.9m long and 3m wide) to the front elevation which allows off-street parking. Potential to expand off street parking to the front of the property remains and the existing situation, which will not be undermined, is sufficient for safe and convenient access in compliance with Local Plan Policy DC6, Circulation and Access.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The main issues here are neighbouring amenity and the impact of the proposal on the street scene. The purpose of MBLP policy is to protect the street scene from the harmful creation of a terracing effect. This proposal is found to adhere to the aims of Local Plan Policies and is not considered harmful for the following reasons:

- The varied building line in this area ensures properties are identifiable as single entities.
- The development has been set back from the front elevation by 2m.

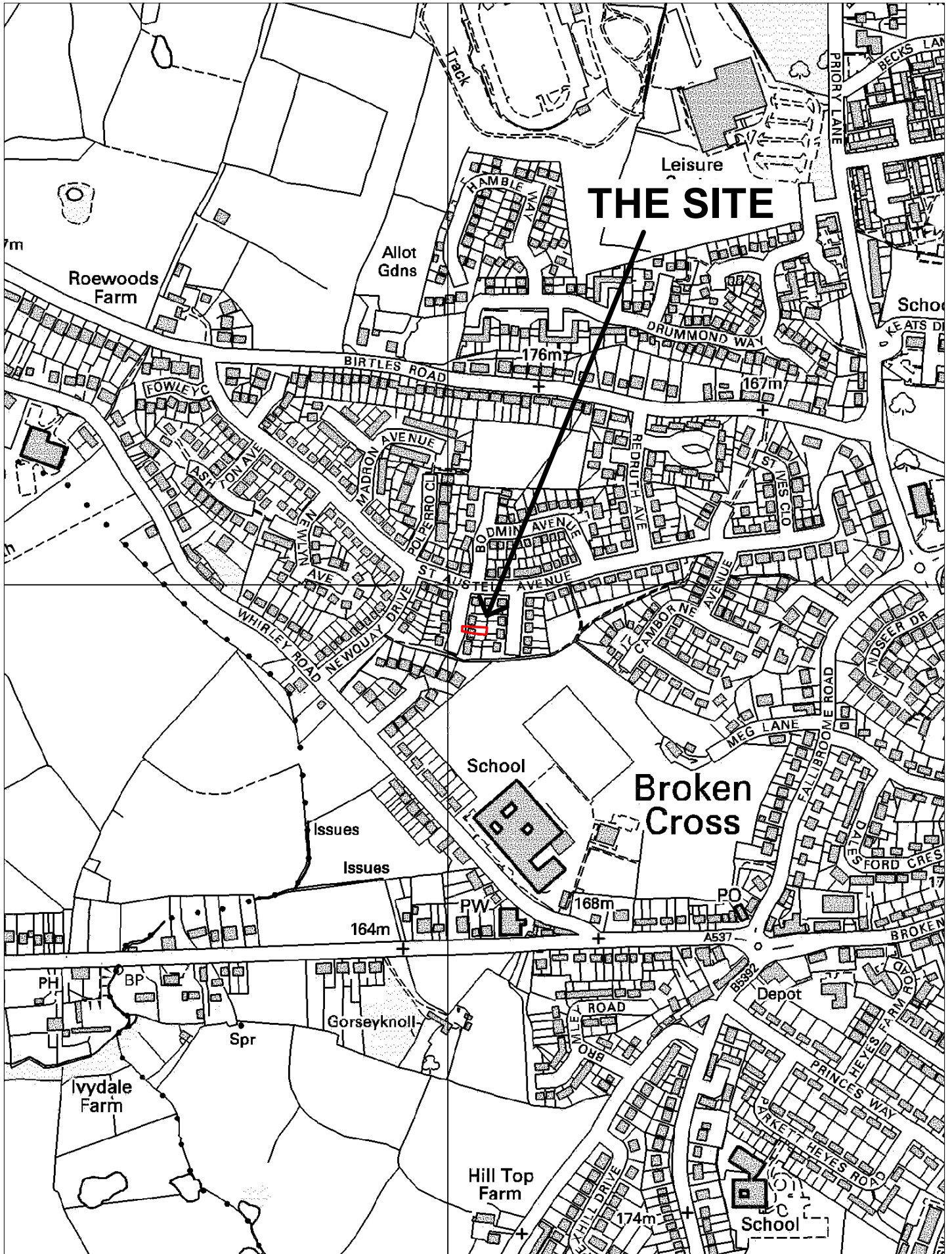
- The extension (which includes a lower roof ridge height), is subservient to the existing dwelling.
- Loss of sunlight and daylight will be minimal
- An overbearing effect will not be created
- Off street parking remains with the potential to expand to the front of the property.
- Very similar development can be identified within the Greenside estate.

The proposal is therefore recommended for approval with conditions.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A07GR - No windows to be inserted into the side elevation
4. A02HP - Provision of car parking (scheme to be submitted)
5. A03EX - Materials to match existing



10/4702M - 7, PADSTOW CLOSE, MACCLESFIELD

N.G.R - 389,030 - 373,950

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Application No: 10/2444M

Location: 11, BRANDEN DRIVE, KNUTSFORD, WA16 8EJ

Proposal: DEMOLITION OF VACANT BUILDING AND REPLACEMENT WITH 5 TWO STOREY HOUSES WITH PARKING

Applicant: MR K JABERI

Expiry Date: 15-Sep-2010

SUMMARY RECOMMENDATION	Refuse
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MAIN ISSUES

- Whether the principle of housing in this location is acceptable
- Whether the design, appearance and layout is acceptable
- Whether the proposal would adversely impact on the character and appearance of the adjoining conservation area
- Whether the proposal would result in an adverse impact on the amenity of nearby residents
- Whether the proposal would adversely impact on any nearby trees that are considered worthy of protection
- Whether the proposal would have any adverse impact on issues of nature conservation

REASON FOR REPORT

This application has been referred to Committee at the discretion of the Head of Planning and Housing.

DESCRIPTION OF SITE AND CONTEXT

The application site is located and accessed off Branden Drive, within a predominantly residential area of Knutsford. It is surrounded by residential properties located on Branden Drive, Richmond Hill and Hollow Lane. An area of open space is located on the opposite side of Branden Drive and this marks the boundary of the adjoining Conservation Area. The site contains a timber, single storey building that is currently used as a yoga centre. The area to the rear of the building is used as a car park. The site boundary with the rear garden areas of properties to the north and east of the site is marked by a brick wall, the boundary to the south is marked by a chain link fence with the western boundary marked by a timber panelled fence. The site slopes gently down both from east to west and also from north to south.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of 5 x two storey dwellings with associated parking. Two dwellings are proposed at the front of the site as a pair of semis, with a block of three dwellings in the car park area. Access to the semis is to be taken directly off Branden Drive with access to the other dwellings via a shared drive.

The proposal has been amended during the course of the application in an attempt to address concerns that were raised regarding the impact of the proposal on the amenity of nearby residents. These are summarised below.

- Reduction in overall width and gable width of Plots 1 & 2, two storey gable feature replaced by single storey gable and amendments to rear elevation fenestration
- Reduction in overall width, gable width and height of Plots 3 – 5, , two storey gable feature replaced by single storey gable and amendments to rear elevation fenestration
- Distance between end gable of Plot 2 and 15 Branden Drive increased
- Distance between end gable of Plot 1 and 9 Branden Drive reduced
- Distance between rear elevation of Plot 3 and 9 Branden Drive increased
- Rear projection of Plots 1 & 2 relative to 9 & 15 Branden Drive reduced
- Gap between side gable of Plot 5 and southern site boundary increased

RELEVANT HISTORY

09/0227P

Construction of 6 flats – resubmission of 08/2221P

Withdrawn 27.04.09

08/2221P

Construction of 6 flats

Withdrawn 19.11.08

06/0003P

Change of Use from D1 to D2 for teaching of yoga

Approved with conditions 27.02.06

05/2061P

Erection of 2 storey building to provide a MRI scanning facility

Approved with conditions 28.09.05

04/2358P

Construction of new building for a meeting hall for Jehovahs Witnesses

Approved with conditions 27.10.04

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

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
MCR3 Southern part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE3 Conservation Areas
RT3 Recreational Facilities
H1 Phasing Policy
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H13 Protecting Residential Areas
T2 Integrated Transport Policy
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC35 Materials and Finishes
DC38 Space, Light and Privacy

Other Material Considerations

PPS3: Housing
PPS5: Planning & The Historic Environment
PPS9: Biodiversity & Geological Conservation

CONSULTATIONS (External to Planning)

Strategic Highways Manager: no objections though notes that there will be a requirement to provide a bin store near the junction with Branden Drive as there is inadequate turning provision within the site for access by refuse vehicles.

Environmental Health: no objections subject to conditions regarding contaminated land and hours of construction.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council: no objection in principle subject to neighbours views and control over the hours of construction.

OTHER REPRESENTATIONS

36 representations have been received in relation to the originally submitted plans objecting to the proposal. 23 of these were in the form of a standard objection letter. 5 letters specifically relate to the loss of the yoga centre.

The main points of objection raised are summarised below:

- Additional traffic on Branden Drive and Mobberley Road
- Not enough parking incorporated within the proposal
- Loss of privacy and enjoyment of gardens to properties on Branden Drive and Richmond Hill
- Current building is not vacant and the proposal will result in the loss of a community facility

- Loss of light – in particular to 9 Branden Drive
- Overlooking of properties and gardens
- New properties will not complement but will detract from the character and appearance of the area
- Properties will detract from the church opposite
- Proposal would adversely affect the quiet, restful country setting
- Overdevelopment
- Loss of popular yoga centre
- Increased noise
- No need for additional housing
- Impact on embankment adjacent to flats
- Impact on trees
- Potential impact on archaeology
- Bats have been seen in the car park area and need to find out where they are nesting to make sure that none of their habitats will be disturbed

Other comments made with regard to loss of view, loss of property value and regarding a restrictive covenant that affects the application site are not material planning considerations.

Following the re-consultation on the receipt of amended plans, a further 16 representations have been received objecting to the amended proposal, 13 of which are in the form of a standard letter. The main points raised in the additional representations are summarised below.

- Very little difference to original scheme therefore original objections still stand
- Right to light
- Loss of privacy and quiet
- Increased traffic congestion
- Not in keeping with existing character
- Threat to Conservation Area
- Building not currently vacant
- Need for ecological appraisal to be carried out
- Structural impact on existing houses which will be at risk as floor level being lowered
- Overdevelopment of the site

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement has been submitted in support of the application. This can be viewed in full on the application file with the conclusions summarised below:

- Proposal to replace a non residential building with a residential development in a residential area conforms with Development Plan policies and national guidance
- Replacement houses are of good design and of high quality materials and are sensitively sited with respect to neighbouring properties

OFFICER APPRAISAL

Principle of Development

The site lies in a predominantly residential area where the principle of residential development is acceptable. There are no relevant policies protecting the existing yoga centre use.

Policy

Relevant policies are listed under the policies section above. More information is provided on the most relevant policies below.

Policies contained within the RSS and the Local Plan seek to locate new development in accessible locations in terms of transport and services (DP1, DP2, DP4, DP5, T2). With regard to housing schemes, RSS policies L2 and L4 relate to housing provision and Local Plan housing policies H1, H2, H5 and H13 seek to ensure that sufficient new housing is provided and that its design and layout is acceptable and that new housing does not adversely impact on the amenities of the occupiers of adjoining or nearby houses. Local Plan policies DC3 and DC38 also seek to ensure that proposals do not result in a significant loss of amenity or privacy. Policies DC1, DC35 and DP7 seek to ensure the quality of new developments, including housing.

Highways

There is an existing vehicular access off Branden Drive into the site and this is to be retained as part of the proposal, though it would be reduced in width. The amended access would provide vehicular access to the three dwellings proposed to be erected to the rear of the site, with vehicular access to the two properties fronting Branden Drive to be taken directly off Branden Drive.

4 parking spaces would be provided for the three dwellings at the rear with 1 space to be provided for one of the dwellings fronting Branden Drive and 2 spaces for the other providing a total of 7 spaces.

The Council's Strategic Highways Manager has been consulted on the application and has raised no objections to the proposal noting that the proposed access width and visibility is sufficient to serve the three dwellings proposed.

A number of objectors have expressed concern regarding the lack of parking proposed and regarding the additional traffic. However in light of the comments of the Strategic Highways Manager, it is not considered that an objection to the proposal could be sustained on highways grounds. Additionally as the existing building is currently used as a yoga centre, it is likely that the existing use generates a large amount of traffic when classes are taking place. At the time of the officer site visit, a class was underway and there were a number of cars parked in the car parking areas to the side/rear of the existing building. With regard to parking, the amount of spaces proposed is considered adequate given the relatively accessible location of the site and the scale and nature of the proposed dwellings.

Design

The proposed houses are fairly traditional in appearance, with both the semi detached and mews properties having pitched roofs and a gable feature to the front. It is stated that the dwellings are to be constructed from brick under a tile/slate roof with timber windows and doors. The ridge height of the dwellings would be 8m, with an eaves height of 5.5m.

The site lies in a predominantly residential area and the area is characterised by a mixture of dwelling styles with a row of traditional cottages to the north/east, more modern properties to the east and west and a modern flat development to the south. The site lies opposite the Cross Town Conservation Area.

The Council's Conservation Officer raises no objections to the proposal subject to the imposition of appropriate conditions regarding materials, rainwater goods and fenestration. He considers that the massing to the frontage is in reasonable proportion to neighbouring properties on Branden Drive.

A number of objections have been raised with regard to the impact of the proposal on the character and appearance of the area and on the setting of the Church opposite. Whilst these comments have been noted and considered, for the reasons outlined above, it is not considered that the proposal would adversely impact on the character and appearance of the area. Similarly whilst the proposal is located in close proximity of the listed church, it is not considered that the proposal would result in an adverse impact on its setting.

Amenity

The site is surrounded on all sides by residential properties whose rear elevations face towards it. Properties on Branden Drive to the west of the site and Legh House to the south are set down at a lower level in relation to the current site levels. As part of the proposal it is proposed to reduce site levels by 1.4m at the easternmost boundary thereby creating a level site for the mews properties and the associated parking/turning area.

Local Plan policies H13, DC3 and DC38 deal with the issue of amenity. Policies H13 and DC3 state that development which would adversely affect the amenities of the occupiers of adjoining or nearby houses will not normally be permitted. Policy DC38 sets out guidelines for maintaining light, privacy and space between buildings. The guidelines require a distance of 25m back to back and 21m front to front where habitable rooms face habitable rooms and 14m where habitable rooms face non habitable rooms or blank walls.

A number of objections have been received from nearby residents on the grounds of loss of amenity in terms of loss of privacy, overlooking of properties and gardens, noise and loss of light. Additionally concerns were raised by officers to the originally submitted scheme on amenity grounds. Having regard to this, amended plans were submitted during the course of the application in an attempt to address these concerns.

With regard to the impact of the proposal on the row of cottages fronting Branden Drive, these properties contain windows in their rear elevations facing towards the site that appear to serve kitchens or kitchen/diners at ground floor and bathrooms at first floor. Kitchen/diners are considered to be habitable rooms. The properties also have modest rear garden areas that are enclosed by a brick wall which marks the boundary with the site. The properties currently have an open outlook to the rear over the car park to the rear of the yoga centre and rear gardens to properties fronting Richmond Hill. The rear elevation of the mews properties (Plots 3 – 5) would be positioned in line with the side elevation of 9 Branden Drive. The rear elevations of the new properties would contain habitable room windows at both ground and first floor. The new properties would lie to the south west of the cottages and would therefore have the potential to restrict the amount of sunlight received to the rear of these properties at certain times of the year, with a particular impact on 9 Branden Drive, the property closest to the new dwellings. Whilst this property also has a side garden area, this appears to be utilised primarily as a drive and in any event this area would also be affected by the proposal. In terms of loss of

privacy and overlooking, this is considered to be less of an issue given the juxtaposition of the dwellings which would mean that views onto the rear of the cottages would be oblique.

With regard to properties on Richmond Hill, the distance between the rear elevations of the properties would be 25.6 metres. This is in compliance with the privacy distance standards as set out in DC38. As a result it is not considered that the proposal would result in a significant loss of amenity to the occupiers of properties along Richmond Hill.

The properties along Branden Drive to the west of the site the rear elevations of which face towards the proposal are no.s 15, 17 & 19. These properties are set at a lower level than the appeal site and contain habitable room windows in the rear elevations and have garden areas to the rear of the properties. There is existing mature landscaping to the rear of no.s 17 & 19 which serves to restrict views into and out of the site. The rear boundary to no.15 is marked by a boarded timber fence. The side of the proposed dwelling at Plot 2 would be located 14.5m away from the rear elevation of 15 Branden Drive. DC38 requires a minimum distance of 14m between habitable rooms and blank gables but does state that 2.5m should be added to the distance per additional storey. As previously stated, the existing site levels would be reduced as part of the proposal. According to the submitted plans, this would result in a difference of approximately 1.6m between the floor level of the new semis and 15 Branden Drive. Whilst this isn't the equivalent of a full storey, it is considered that the height difference together with the fact that a single storey building is being replaced by a two storey building with the gable facing towards no.15, means that the proposal needs to be assessed in order to ensure that it is not overbearing on the property at no.15. The relative ridge of the new dwelling would be 0.8m higher than the existing building, but the highest part of the building would be 6m nearer to no.15. However, the new dwellings would not project as far back into the site as the existing building. Therefore, on balance, it is considered that whilst the replacement of the existing buildings by the dwellings will have some impact on the amenity of the occupiers of No.15, this impact would not be significant enough to warrant refusal of the application.

With regard to the impact on no.s 17 & 19, it is not considered that the amenity of the occupiers of these properties would be significantly affected by the proposal. There would be a distance of 23m between the front elevation of the mews properties and the rear elevation of no.17. No distance is specified for front to rear within DC38, with front to front being 21m and back to back 25m. At 23m, the distance falls between the two standards and it is considered that the distance together with existing screening to the rear of no. 17 & 19 means that the impact on these properties would be at an acceptable level.

A block of flats (Legh House) is located to the south of the site, the rear elevation of which appears to contain habitable room windows facing towards the site. The side elevation of the end mews property would be located between 0.9m and 1.8m away from the shared boundary. The ground level of the adjacent site is much lower than the application site, with a steep embankment located between the two sites. It has not been possible to measure the exact distance between the rear elevation of the flats and the proposed dwellings, though the distance appears to be below the minimum distance of 14m required by policy DC38. Whilst there is some existing screening along this boundary, there are gaps in this boundary and it is considered that the close proximity of the proposed dwellings to this screening will eventually result in the loss of this screening. As such it is considered that the proposal would have an adverse impact on the amenity of the occupiers of the flats, due to the inadequate distance proposed.

To conclude, it is considered that the proposed development would have a significant adverse impact on the residential amenity of the occupiers of No.9 Branden Drive and

occupiers of units located within the rear elevation of the flats located to the south of the site. Whilst it is considered that the proposal would also impact on the occupiers of No.15 Branden Drive, given the existing relationship between this property and the existing building, it is not considered that the impact on this property arising from the proposal would be significant enough to warrant refusal.

Ecology

The Council's Nature Conservation Officer has been consulted on the application and raises no objections noting that he does not anticipate there being any significant adverse ecological impacts associated with the proposed development.

One objector has stated that bats have been seen in the car park area and suggests that an ecological survey is required. However, having considered this representation, the Council's Nature Conservation Officer is satisfied that the building that is the subject of this application has limited potential to support roosting bats and that the only bat species likely in this type of environment would be more likely to roost in other nearby buildings. Therefore for the purposes of PPS9, he does not feel that bats are reasonably likely to be present or affected by the proposed development.

Landscaping & Trees

There are a number of trees located along the southern boundary of the site. The application form states that there are no trees on the proposed development site and no information has been provided about the existing trees and whether it would be possible to retain them and also what relationship they would have on the new dwellings.

The Council's Forestry Officer has been consulted on the application and considers that given the close proximity of the proposed dwellings to existing trees on site, that any existing trees or other screening along the side boundary between the application site and the flats to the south would not survive following the construction of the development. However, he does not consider that any of the trees are worthy of retention in their own right.

OTHER MATTERS

As outlined within the history section of the report, there have been previous applications for large replacement buildings on the site, one for an MRI scanner building which was approved and remained extant until September 2010 and one for a three storey block of flats which was withdrawn following concerns regarding the proposal. However it is not considered that either of these proposals would justify the approval of the current application. Whilst the MRI scanner building was approved, and whilst this was for a larger building than the existing building on site, it is not considered that the impact of this building on either the occupiers of the flats or of 9 Branden Drive would be as great as that which would result from the current proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the principle of residential development on the site is acceptable and is the general design and appearance of the proposed dwellings, it is considered that the proposal for 5 dwellings would result in a significant adverse impact on the amenity of nearby residents by virtue of loss of light, overshadowing and the dwellings being overbearing and as such would be contrary to Local Plan policies H13, DC3 and DC38. It is considered that the

amendments made to the scheme during the course of the application have not adequately addressed the concerns relating to amenity.

Application for Full Planning

RECOMMENDATION: Refuse for the following reason

R07RD - Development unneighbourly

Location Plan: Cheshire East Council Licence No. 100049045



Application No: 11/0269M
Location: 1, EDGEHILL CHASE, WILMSLOW, SK9 2DJ
Proposal: FIRST FLOOR BEDROOM EXTENSION OVER GARAGE
Applicant: MRS SARAH GRANTHAM
Expiry Date: 21-Mar-2011

Date Report Prepared: 9th March 2011

SUMMARY RECOMMENDATION

Approval subject to conditions

MAIN ISSUES

Impact on the character and appearance of the existing site and wider street view;

Impact on the Green Belt

Impact on the residential amenity of neighbouring properties.

REASON FOR REPORT

This application was called to committee by Ward Councillor, Jim Crockatt on the grounds that the proposed development would be un-neighbourly in that a solid wall would be created and further the window from the bedroom would look almost directly into a living kitchen area of no.2 Edgehill Chase. In addition the extension would alter the design layout of the existing development and the addition of an extra bedroom would create the need for another parking car parking space.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an end terraced dwellinghouse, situated in a small residential cul-de-sac. There are six properties within the cul-de-sac which were all constructed as part of one development in 1984. The application site occupies the first plot on the right hand side as you enter Edgehill Chase and has not previously been extended. The site is situated within the Green Belt and there is a blanket Tree Preservation Order on a group of trees situated along the rear boundary of the site.

DETAILS OF PROPOSAL

Planning approval is sought for a first floor extension situated above an existing single storey attached garage.

RELEVANT HISTORY

There is no relevant history relating to this proposal.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

Local Plan Policy

BE1 Design Guidance
DC1 New Build
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC9 Tree Protection
DC38 Space, Light and Privacy
GC12 Extensions and Alterations to Houses

OTHER REPRESENTATIONS

One letter of representation has been received on behalf of the occupiers of 3 neighbouring properties raising objection to the proposed development. The concerns raised are summarised as follows –

- The proposal would detract from the Victorian ambience of Edgehill Chase;
- Due to the scale and siting of the extension in relation to No.2 Edgehill Chase, the proposal would blot-out views of trees and limit the degree of sunlight to the front of this property;
- The proposal may lead to an increase in the number of cars on the site which would have a harmful impact on highway safety.

OFFICER APPRAISAL

Principle of Development

The application site is situated in a small residential cul-de-sac within the Green Belt. The principle of development in this location is therefore subject to compliance with Local Plan policies BE1, DC1 and DC2 which seek to promote a high standard of design which is compatible with the character of the existing site and of the immediate locality. Local Plan policies DC3 and DC38 which seek to protect the residential amenities of neighbouring properties. Local Plan policy GC12 which ensures appropriate development in the Green Belt, policy DC9 which seeks to ensure the long term retention of existing trees and DC6 which seeks to maintain appropriate and safe access to and from a site.

Highways

The proposed extension would create an additional bedroom resulting in a 4 bed property. Consideration has been given to concerns raised with respect to highway safety due to additional cars within the close. The existing site has on site parking provision for up to 4 vehicles which is considered adequate for a property of this scale. The proposal would not lead to a loss of existing on site parking provision and would therefore not be considered detrimental to highway safety.

Design

Approval is sought for a first floor extension, extending 5.7m in width and 5.8m in depth. It is proposed to extend directly above an existing attached garage which currently sits

forward of the main dwellinghouse. The eaves level of the extension would match that of the existing property however the ridge line would sit approximately 1.5m below that of the existing dwelling.

Concern has been raised with respect to the overall impact the proposal would have on the character of Edgehill Chase. Though all properties within the cul-de-sac were evidently constructed as part of one development, to a degree, they do vary in design and scale. Furthermore, the scale and appearance of the extension is considered to adequately reflect that of the existing dwellinghouse and other properties within the cul-de-sac. It is therefore considered that the proposal would not significantly detract from the character of the existing site and wider visual amenity of Edgehill Chase.

Amended plans have been received to an additional first floor window to the front elevation. This was requested to prevent an expanse of brickwork on the front elevation and to ensure an acceptable standard of design.

Amenity

MBLP policy DC38 advises that a distance of 21m should remain between a habitable room window when facing another habitable room window when at 2 storey and facing front to front. Similarly a distance of 25m is recommended when facing back to back. A distance of 28m would exist between the proposed first floor habitable room windows within the front elevation of the extension and those within the front elevation of no. 6 Edgehill Chase opposite. In addition, there is an oblique relationship between the application site and this property. It is therefore considered that the proposal would not result in a detrimental loss of amenity to this neighbouring property.

Consideration has been given to concerns raised in respect of the loss of light, loss of privacy and loss of a view to No.2 Edgehill Chase. Right to a view is not a planning consideration and as such can not form part of this assessment. A first floor habitable room window is proposed to the east elevation of the extension which forms the point of concern in respect of loss of privacy for these neighbouring occupiers. This window would overlook the front garden and driveway of this property. However, the front of the site is open and does not provide any private amenity space that is not already overlooked from neighbouring properties or from public vantage points.

In respect to loss of privacy by virtue of direct overlooking into an existing kitchen diner window to the front elevation of No.2 Edgehill Chase. The proposed extension would sit at a right angle to the front elevation of No.2 Edgehill Chase. No.1 Edgehill Chase sits 4m forward of the front elevation of this neighbouring property and as such the proposed window, in addition to much of the proposed extension, would be screened by the eastern corner of the existing dwelling. It is therefore considered that there would not be a detrimental loss of privacy or amenity to the neighbouring properties as a result of the extension, in accordance with policy DC3.

Green Belt

The application site is situated in the Green Belt and as such MBLP policy GC12 is applicable. This policy states that alterations and extensions to existing houses in the countryside may be granted for up to 30% of the original floor space providing the scale and appearance of the house is not significantly altered. There are three exceptions to this rule namely where the proposal lies within a group or ribbon of development; where the extension is to provide basic amenities and where the extension is to provide a conservatory.

The application site is situated in an established residential cul-de-sac and as such is considered to form part of a group of houses. Nevertheless, the proposal would result in a floor space increase of 13%. In this respect the proposal would not be considered a disproportionate addition to the dwellinghouse that would significantly alter the scale and appearance of the existing property.

Taking into account the context of the site within an established residential development, in addition to the scale of the proposed extension, the proposal is not considered to adversely affect the character and appearance of the Green Belt.

Trees

The proposed extension would sit directly above an existing single storey garage and not result in any increase in the footprint of the existing property. No trees are proposed to be removed and those protected by a Tree Preservation Order are located to the rear site boundary approximately 30 metres away. It is therefore considered that the proposed development would not lead to the loss or threat to the well being of these trees.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In conclusion, consideration has been given to objections received in respect to loss of amenity and impact on the character and appearance of Edgehill Chase. It is considered that the overall design of the extension would reflect that of the existing site and neighbouring properties. Though all properties within Edgehill Chase were constructed as part of one development, they all vary to a degree in both lay-out and scale. It is therefore considered that the proposal would not be out of character with the area and would therefore not be considered detrimental to the wider street view. In addition, consideration has been given to concerns raised in respect of a potential for increased number of cars on the site. There would be adequate on site parking to accommodate a property of this scale and would therefore have minimal impact on highway safety.

It is therefore considered that the proposed first floor extension would be compliant with Local Plan policies and a recommendation of approval is given subject to condition.

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. AD01 - Complies with development plan
2. AD02 - Complies objections considered
3. AD14 - Acceptable relationship adjacent and wider
4. AD15 - Acceptable impact on amenity
5. POL01 - Policies
6. A03FP - Commencement of development (3 years)
7. A01AP - Development in accord with approved plans
8. A03EX - Materials to match existing

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: 10/4764M

Location: NORBURYS YARD, KNUTSFORD, WA16 6DR

Proposal: DEMOLITION OF VARIOUS STORAGE BUILDINGS
AND STRUCTURES AND THE ERECTION OF 11 NEW
BUILD TOWNHOUSES AND RETENTION OF 2
EXISTING DWELLING HOUSES

Applicant: HILLCREST HOMES

Expiry Date: 11-Apr-2011

Date Report Prepared: 11th March 2011

SUMMARY RECOMMENDATION Approve subject to conditions and completion of a Section 106 Agreement

MAIN ISSUES

- Scale, design and layout of the development
- Impact on the character of the area
- Impact on the Knutsford Town Centre Conservation Area
- Impact on residential amenity
- Traffic generation and parking
- Impact on protected species

REASON FOR REPORT

The proposed development is for 11 dwellings, therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Norburys Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings (built circa 1820) within the site are to be retained. Part of the site currently appears to be used for parking. The site lies within the Knutsford Town Centre Conservation Area, adjacent to The Moor, an existing area of open space.

DETAILS OF PROPOSAL

Planning permission is being sought for the redevelopment of the site to form 11 residential units with associated parking in a basement, this is in addition to the existing 2 no. three-storey dwellings which are to be retained. A parallel application for Conservation Area Consent has also been submitted (10/4758M).

The units comprise 8 no. 4 bedroom 3 storey townhouses, 2 no. 5 bedroom 3 storey townhouses and 1 no. 3 bedroom 2 storey dwelling. The two existing dwellings to the rear of no 19 King Street are proposed to be retained. The proposal makes provision for car parking in the basement for the proposed residents (45 spaces) and this would be accessed by way of a ramp which would be to the east of the site (off Church Walk). Access is also proposed to an area of open space and service/turning area to the rear of 19 King Street, and to provide access to the 2 dwellings which are proposed to be retained. This access would run to the rear of 1-19 King Street.

RELEVANT HISTORY

10/4578M – Demolition of various storage buildings and structures (Conservation Area Consent) – awaiting decision

08/0175P – Demolition of various storage buildings and structures and the erection of 14 residential units – Approved 09.06.08

08/0169P - demolition of various storage buildings & structures (Conservation Area Consent) – Approved 09.06.08

04/1355P - Demolition of various storage buildings and walls (resubmission of planning application 03/2396P) (Conservation Area Consent) - Refused 02.08.04 - Appeal Dismissed 11.04.05

04/1360P - Erection of 19 apartments in 2 three-storey blocks with additional roofspace accommodation and associated car parking (resubmission of planning application 03/2370P) (Full Planning) - Refused 02.08.04 – Appeal Dismissed 11.04.05

03/2396P - Demolition of various storage buildings (Conservation Area Consent) - Refused 20.11.03 – Appeal Dismissed 08.12.04

03/2370P - Erection of two three-storey blocks containing 21 apartments and associated car parking (Full Planning) - Refused 19.11.03 - Appeal Dismissed 08.12.04

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies DP1 (Spatial Principles), DP5 (Managing Travel Demand), DP6 (Maximising Opportunity and Need), DP7 (Promoting Environmental Quality), and EM1 (Enhancement and Protection of the Region's Environmental Assets).

Local Plan Policy

Environment

NE11 – Nature Conservation

NE12 – Sites of Special Scientific Interest

Built Environment

BE1 – Design

BE3 – BE5 – Conservation Areas

BE21 & BE24 - Archaeology

Development Control

DC1 – Scale and Design

DC3 – Amenity
DC5- Layout and Surveillance
DC6 - Circulation and Access
DC8 & DC37 – Landscaping
DC9 – Tree Protection
DC18 & DC20 – Water Resources
DC35 – Materials and Finish
DC36 – Road Layouts and Circulation
DC38 – Space, Light and Privacy
DC40 – Children’s Play Provision and Amenity Space

Housing

H1 – Phasing Policy
H2 - Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
H6 – Town Centre Housing
H13- Protecting Residential Areas

Transport

T1, T3, T4 & T5 – Integrated Transport

Knutsford Town Centre

KTC1, KTC2 – Conservation of the Historic Environment (Knutsford)
KTC4 – Importance of the skyline – especially when viewed from The Moor
KTC12 – Housing and Community Uses

In addition, the Supplementary Planning Guidance document on Section 106 Agreements is also of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -
PPS1: Delivering Sustainable Development
PPS3: Housing
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

PPS5: Planning for the Historic Environment was published in March 2010. This scheme has been accompanied by a Heritage and Demolition Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no highways objections subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

The **Public Rights of Way Unit** raise no objections as the development does not appear to affect a public right of way.

The **Community Fire Protection Officer** has commented in relation to Access for the Fire Service - the access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000. In

relation to Water Supplies – the applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. In relation to the Means of Escape – the applicant should be advised that the means of escape should be provided in accordance with the current Building Regulations. The applicant is also advised that they should consider the inclusion of an automatic water suppression subsystem to enhance any proposed design. The above comments should be forwarded to the applicant.

The **Strategic Crime Reduction Officer** from Cheshire Constabulary has commented with regard to the safer sustainable criteria of PPS1. Good practice comments are offered regarding the proposal and in particular in relation to the basement parking facility. Every effort must be made to prevent unauthorised access into the car park. Therefore, an access control system must be applied to all pedestrian and vehicular entrances. Inward opening automatic gates or roller grilles must be located at the building line or at the top of ramps to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters shall be as quick as possible to avoid tailgating by other vehicles. Internal lighting must also be good with the walls and ceilings painted in light colour finishes. Any internal door that gives access to the residential floors must have an access control system. However, this will be subject to requirements for means of escape. Closed circuit television may be required. The residents must be able to monitor the car park from individual dwelling units if no formal monitoring agreement is planned.

The **Environmental Health Officer** raises concerns with this proposal in respect of noise, vibration and contaminated land. The proposed development is in relatively close proximity to a railway line, and as such there is potential that residential units could suffer loss of amenity as a result of the impact of environmental noise. In addition, there is potential for noise, vibration and dust caused during the construction / demolition phase to adversely impact on existing residential receptors in the vicinity. These concerns can be addressed by way of the following conditions: -

- The submission of an acoustic report (prior to the development commencing) which will assess the acoustic impact of the railway noise on residential properties. The report shall include a recommended mitigation scheme to ensure that noise levels at sensitive residential dwellings achieve, as a minimum, the “reasonable” standard in accordance with the British Standard. It is recommended that internal noise levels achieve the “good” standard.
- An hours of construction condition to restrict works to during daytime hours (Monday to Friday), Saturday mornings and no generative works on Sundays.
- A piling method statement condition

In relation to contaminated land, the application area has a history of use as a Smithy and therefore, the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application is out of date and requires updating to current standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

No objections are raised, subject to a condition requiring a Phase II Investigation (in respect of any land contamination, and remediation works if required, and an Environmental Regulation informative.

Natural England note that the proposal is close to the Tatton Mere Ramsar site which is a European site protected under the Habitats Regulations. The proposal is also close to the Tatton Mere Site of Special Scientific Interest (SSSI). Natural England is of the opinion that the proposed development will not materially, or significantly affect either of the above providing a condition is attached to ensure Tatton Mere and Tatton Mere SSSI's are protected from any contamination during the demolition of buildings on the site.

In addition, a condition preventing contamination of the River Lily during the demolition/construction phase of the development should be attached. It is also noted that both foul sewage and surface water will be via the mains sewer and this should be included as a condition to ensure the protection of Tatton Mere from discharges which could affect the site.

Natural England is of the opinion that there is a reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason it is recommended that either planning permission be refused or deferred in order that the deficiencies can be addressed. These concerns relate specifically to the likely impact upon bats

Natural England believes in encouraging the adoption of the principles of sustainability in all plans and projects. The standards included in, 'The Code for Sustainable Homes' should be adopted. Natural England also considers that the provision of high quality green infrastructure should be an integral part of the creation of sustainable communities.

The Environment Agency raise no objection in principle to the proposed development, but requests that an informative is attached to the decision notice which relates to the Agency's consent being required for the removal or installation of any culverts. The Environment Agency are pleased the developer is intending to partially re-open Lily Brook which is currently culverted at this location.

Comments are awaited from United Utilities and Leisure Services.

Knutsford Town Council recommends refusal of this application on the following grounds:

- The development constitutes site overdevelopment by virtue of size and impact.
- The development is out of character, as design and finish are inappropriate to the location
- Pose a potential of flooding risk to the underground car park.
- There is risk of contamination to the site, from the 'Moor'.
- Concerns are raised with regard to the structural impact to the adjacent listed building at 19 King Street.
- The proposal will cause traffic generation, or an unacceptable level due to the existing high flow of two way traffic.
- The proposal will neither preserve nor enhance the Conservation Area
- If the development proceeds the council request that the cobbled throughway from King Street be retained.

- The Council also wish to highlight that a 'Private Right of Way' exists behind 19 King Street.
- They also wish to express concern as to the structural suitability of the land due to ground conditions.

OTHER REPRESENTATIONS

4 no. representations had been received at the time of report preparation. The letters are available on the application file, and are summarised as follows: -

- An objection is raised to the suggested vehicle access to the rear of 19 King Street. This is a retail property which requires access to the rear for unloading/loading of goods. The plans appear not to show access for goods vehicles to fully reach the rear of the property.
- The proposed houses are 3 storey. These are too high and will substantially alter the townscape and impede the overall character of the vicinity due to the increased height.
- Concerns are raised in relation to the amount of earth extraction and piling procedures which will be required to provide the underground car parking. Many of the existing surrounding properties are Victorian and these may be damaged by the works.
- The existing drainage and water pipes from nos 1-13 King Street leave the properties at the rear of the terraced row of terraces and into the exiting track. Will the existing drain/water supply pipes be incorporated and integrated into the proposed drains of the proposed development?
- There will be a substantial reduction in the number of car parking spaces in Church Walk. Residents and member of the public have been able to use this area for many years and the loss of the area will affect many people.
- Concern is raised that the proposed development utilises an area of land which has been used as a public parking area. Parking on King Street is time restricted and the loss of this parking facility would have a significant impact on amenity of local existing dwellings along the southern end of King Street. It is not clear how the loss of parking currently available is overcome by the development and this should receive due consideration, especially as it has always been understood that existing residential use in the town centre was to be encouraged.
- The ground floor of 15 King Street 'Clarity Contemporary Jewellery' is 'shielded' by the walls running along the 'cut through' passage from King Street and the yards and outbuildings due to be demolished. From the plans that have been drawn and submitted, this area will now be open plan offering seemingly clear access to the rear of the building and the back doors to the shop and cellar area. As a jewellers security is an important priority, what provision is in place to provide some form of defined separation walling or 'barrier' from the open plan courtyard? On the Landscape Layout document there are plans – marked Number 4 – to create a high brick wall (1.8m approx) with stone copings and contemporary horizontal railings at 13 King Street. Can it be confirmed that a similar wall will be erected behind 15 King Street? The wall will need to have a gate to provide access to the back of 15 King Street for taking the refuse bin in and out and for emergency access.
- There seems to be a tree due to be planted directly in front of the rear window of 15 King Street – marked Number 5. Is this necessary? As this will (in time...) reduce the amount of natural light entering the rear of the building for years to come.

In addition to the above, the owner of 23 King Street welcomes the development which hopefully will change the area from an eyesore into a residential area. Concerns are raised in relation to: -

- The ONLY access to the flat of the writers property is through Norbury's Yard and this could be made very difficult if not impossible during what is going to be a very long and complicated build. To a lesser extent the shop below the flat also uses this route.
- The water supply and drains both run into the development area and could result in disruption.
- On completion of the project will there still be vehicle access to the yard at the rear of no. 23 King Street?
- There is reference to parking being made available for the residents of King Street but little information is provided.

APPLICANT'S SUPPORTING INFORMATION

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

- Design and Access Statement
- A Planning Statement
- A Heritage and Demolition Statement
- PPS3 Housing Self Assessment Checklist
- North West Sustainability Checklist
- Archaeological Building Assessment
- Basic Site Investigation Report
- Draft Heads of Terms – to cover open space and recreation/outdoor sports facilities

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Principle of Development and Policy

The proposed development needs to be considered with regard to the Knutsford Town Centre and Conservation policies contained within the Macclesfield Borough Local Plan, and policies contained within PPS1, PPS3 and PPS5. Policy KTC12 encourages permitting housing where a satisfactory housing environment can be created.

In this case, there are a number of relevant material considerations.

- The proposals follow extensive consultation with English Heritage and the Conservation Officer
- The existing buildings on site are in poor condition and are an eyesore in a conservation area

SITE HISTORY

In August 2004 planning permission was refused for the erection of 19 apartments in two, three-storey blocks. The reasons for refusal were that approval of the proposal would lead to an over supply of housing contrary to the Council's Restrictive Housing Policy and that the proposed development would provide inadequate levels of private open space. This refusal was subsequently appealed and the appeal was dismissed solely on the grounds of over supply of housing. With regard to amenity space, the Inspector concluded that given the nature of the accommodation proposed, its location within a town centre and its proximity to the Moor the limited amount of open space on the site would not seriously compromise the living conditions of future occupants noting that prospective purchasers would note these factors before purchasing. The parallel application for Conservation Area Consent was refused and dismissed on appeal, due to the absence of an acceptable

scheme for replacement development. The 2008 applications were broadly similar to the appeal schemes with some minor alterations to fenestration, balconies, parking, layout and landscaping and therefore, that scheme was considered in relation to the Inspectors comments and findings from the 2004 appeals.

CURRENT PROPOSAL

This application differs to that previously approved in 2008, in that it now proposes the erection of 11 new townhouses and the retention of 2 existing houses. The 2008 scheme provided 14 new units of residential accommodation, most of which would have provided 3 bedrooms (the previous 2004 scheme was a mix of 1 and 2 bedroom apartments). This proposal seeks 6 no townhouses to be erected at a 90 degree angle to the existing King Street properties. The three town houses which would front The Mere and two town houses which would be attached to the two houses to be retained would broadly be on similar footprints to the previously approved scheme from 2008.

Housing policy and supply

As stated above, the site falls within an area where housing is encouraged. The number of dwellings falls short of the number needed for affordable housing to be achieved.

It is considered that the proposal would contribute to the housing needs of the area and provide a reasonable mix of properties. The site is considered to be in a very sustainable location. It is within the town centre, which provides a wide variety of shops and services, churches and businesses. It is also close to the train station and bus stops. Overall, the proposal accords with current housing policy.

Design, layout, density and impact on residential amenity

The current site is made up of a collection of small workshops, garages and car parking areas. Visually the existing buildings are an eyesore which provide little merit in a conservation area. It is considered that the uses although not particularly unneighbourly at present times could cause noise and disturbance to local residents within the vicinity of the site. The proposed development would change the nature of the site to a residential use.

The layout illustrates that the relationship with the rear of the King Street properties will be tighter than that previously approved in 2008. However, the distance between the rear facing windows of the King Street properties and side gable of the proposed development would be approximately 13m. This falls narrowly short of the space distance required by Local Plan policy DC38 (policy DC38 would normally require 16.5m in such cases). The relationship of the rear of the townhouses (house types 'A' and A+) and the side gable of the 2 no. houses to be retained and house types C and C+, and relationship of house types B and B+ and D+ are considered to be tight and do not reflect the spaces distance standards of policy DC38. However, these relationships are considered to reflect the tight historic fabric of the surrounding area.

Given the scale, relationships, amenity and outlook of the buildings which exist in the vicinity of the site, it is considered the three storey development proposed is acceptable within the character and appearance of the area and street scene of the area around Church Walk.

Design and Impact on the Conservation Area

The application site is at the lower end of King Street and beyond the southern extent of the original burgrave plots of the medieval settlement. This is thought to have been built out in the 18th century. There was probably a mixture of residential and commercial property on the east side of the street and the development site would always have been a series of courtyards, gardens and workshops, running back from the principal frontage buildings

lining the street. Two small courtyard cottages survive and these are retained as part of the development scheme.

The proposed layout has to respond to the requirement to retain the two court houses. It also has to reflect the original plots which ran at 90 degrees to the King Street frontage. This informed a decision to create a new pedestrian street along the line of the existing ginnel, not only to give access to the new houses, but also a safe route towards the Moor. The top end of Church Walk is not pedestrian friendly.

The new layout quite consciously adopts a tight urban grain that reflects the high densities and close building relationships of a town centre location. In this regard, it will not achieve the required separation standards, but historic development rarely did. The aim is to create new urban spaces of character. The layout does have the support of English Heritage, following pre-application consultations.

The proposed house designs will be sympathetic to Victorian terraced precedents in the area, but are careful to employ crisp and unmistakably modern detailing. In this way, they avoid pastiche. The rear elevations are fairly formal. This is important as the terrace backing on to Church Walk will be prominent when viewed from the railway line. The houses are reasonably tall (at three storeys in height), but as the site falls away quite strongly they will always remain subservient to the frontage buildings on King Street.

The hard landscaping area within the development will be important, particularly in respect of the new public space. The materials for this should be natural and of high quality. Consideration should also be given to retaining or reusing any surviving areas of traditional paving or surfacing found on site.

A method statement will be required for the excavation techniques to be used for the basement parking, to control the danger of vibration affecting the historic properties on King Street.

Highway Safety (in respect of the proposed access and parking arrangements)

There are visibility difficulties at the existing access point, but as this is an already established access and the level of usage will reduce as a result of the development, no highway objections can be raised. The new access will allow two-way flow into and out of the car park and also provide visibility splays at the access point. The basement parking layout provides some 45 car parking spaces, which appears to be an overprovision of parking for the number of dwellings proposed. The applicant's agent has confirmed that parking would be included for the previous owners of the site. The access to the car park is via an access ramp, this caters for two way flow and is designed to an acceptable gradient. There are no highway objections to the application subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

Environmental Issues

The Environmental Health Officer raises no objection to the application, subject to conditions in relation to noise and vibration, contaminated land and piling. A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. The report submitted with the application is out of date and requires updating to current standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

The Environment Agency raise no objections in relation to the proposed development. The EA welcome the partial re-opening of Lily Brook, however, no comments are made in relation to flooding.

Trees and landscape

This proposal presents a no worse relationship to trees (an avenue of mature Limes situated within the Moorside and protected by virtue of their inclusion within the Knutsford Town Centre Conservation Area) than the previously approved application (08/0175P).

The trees, which have been pollarded, now have reformed crowns and present a dominant feature within the locale, contributing significantly to the visual amenity of the area. The previous application set the new build within 8-11 metres from the stems of these trees, which are located to the west of the buildings. It is however accepted that this relationship does not present an ideal relationship in terms of social proximity, however existing properties on Swinton Square/Tatton Lodge appear worse. As the trees are within Council ownership it is anticipated that this issue can be controlled in terms of the trees future maintenance, however it is also accepted that the trees probably now require some management/pruning to remove deadwood and some crown containment/lifting over the adjacent road in the interests of safety.

The submission and implementation of a landscaping scheme will be required that reflects the landscape character of the Conservation Area and to address boundary treatment along the Church Walk frontage.

Ecology

The proposed development should not impact on the nearby Tatton Mere SSSI, provided satisfactory measures to prevent surface water and groundwater contamination are enforced.

Impact upon protected species

The Council's Nature Conservation Officer assesses the risk to protected species as being low. The site was subject to a site visit by the Council's Nature Conservation Officer in 2008 and given the nature of the site and its man-made features, the site should not have changed significantly since that assessment, however, there always remains a risk that small numbers of bats and/or breeding birds could be using the buildings and same could be encountered during demolition and/or restoration works. Therefore, a survey has been requested to ensure that the LPA have all the information before them, should planning permission be granted. It is understood that this survey will be carried out prior to the committee meeting. At this stage, given the nature of the buildings on the site and Nature Conservations initial view that it is unlikely that bats will be found on site, the proposal is not recommended for refusal on the grounds that insufficient information has been submitted. If the survey does conclude that bats are present, then the recommendation may have to be altered to one of refusal.

The comments made by Natural England in relation to the Tatton Mere Ramsar site and Tatton Mere Sites of Special Scientific Interest are noted and suitable conditions can be attached to ensure that there is no contamination of the Tatton Mere, the SSSI's and the River Lily during construction.

OTHER RELEVANT INFORMATION

The comments from the Fire Protection Officer, Strategic Crime Reduction Officer, Environment Agency, Environmental Health Officer are noted and appropriate conditions/informatives should be attached as required.

The comments provided by residents and Knutsford Town Council in relation to overdevelopment, the development being out of character, contamination, structural impact on adjacent buildings, traffic impact, flooding, impact on the Conservation Area and retention of the cobbled throughway from King Street, are noted. It is considered that these issues have been covered in the report above. The issues raised in relation to retaining private rights of way to various King Street properties are noted, however, this is a civil matter which will need to be resolved between the applicants and the individuals affected. The query in relation to existing drain/water supply pipes and integration with the proposed development would also be a private matter. However, it is noted that comments are awaited from United Utilities. The loss of the existing parking areas is noted, however, this land is privately owned and therefore, this use is beyond the Council's control. In addition, there is an extant permission for 14 houses which would result in the loss of these parking spaces. A comment is made with regard to a proposed tree being planted in front of the rear window of 15 King Street. A landscape scheme should be conditioned, where details of issues such as impact on existing residents can be considered in further detail.

SUBJECT TO

Comments are awaited from Leisure Services in relation to the potential requirement for an additional open space contribution in relation to this scheme. If an additional commuted sum is required, then this would need to be included within a S106 Agreement.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, it is considered that the scheme for 11 new dwellings and retention of 2 existing dwellings is acceptable with regards to Local Plan Policies. The site is in a sustainable location and the proposals are considered acceptable with regard to the character and appearance of the area, neighbouring residential amenity, highway safety and the impact on the Conservation Area. Although the relationships between properties within the proposed development are tight, this is considered to reflect the historic form of the locality. A recommendation of approval is therefore made, subject to the comments of United Utilities and the Leisure Services Officer.

HEADS OF TERMS

A Draft Heads of Terms proforma has been submitted to accompany the application. This raises the requirement for a financial contribution towards recreation/outdoor facilities. Formal comments are awaited from the Leisure Services Officer in relation to whether financial contributions for public open space and outdoor recreation facilities are required. In the event that a legal agreement is required, this will have to be tested against the CIL criteria.

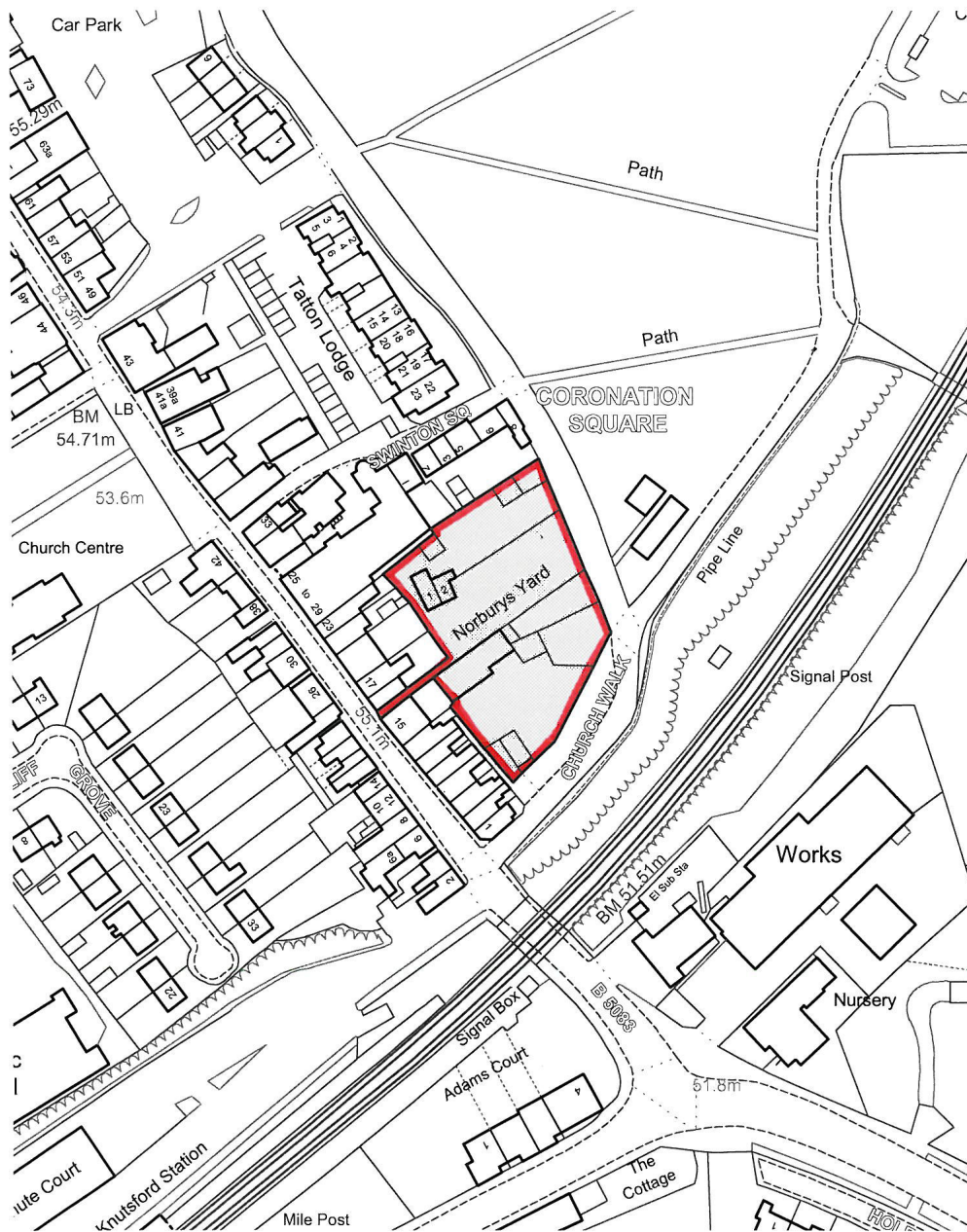
Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush

7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows
11. A18EX - Specification of window design / style
12. A11EX - Details to be approved
13. A25GR - Obscure glazing requirement
14. A02HA - Construction of access
15. A03HA - Vehicular visibility at access (dimensions)
16. A06HA - Pedestrian visibility at access in accordance plans to be approved
17. A07HA - No gates - new access
18. A12HA - Closure of access
19. A13HA - Construction of junction / highways
20. A15HA - Construction of highways - submission of details
21. A18HA - Construction of footways
22. A24HA - Provision / retention of service facility
23. A26HA - Prevention of surface water flowing onto highways
24. A30HA - Protection of highway from mud and debris
25. A32HA - Submission of construction method statement
26. A01HP - Provision of car parking
27. A07HP - Drainage and surfacing of hardstanding areas
28. A09HP - Pedestrian visibility within car parks etc
29. A12MC - No lighting
30. A17MC - Decontamination of land
31. A01LS - Landscaping - submission of details
32. A04LS - Landscaping (implementation)
33. A12LS - Landscaping to include details of boundary treatment
34. A23MC - Details of ground levels to be submitted
35. A01GR - Removal of permitted development rights
36. A22GR - Protection from noise during construction (hours of construction)
37. A23GR - Pile Driving and excavation
38. A07EX - Sample panel of brickwork to be made available
39. Surface water drainage system
40. Protection of River Lily during construction

Location Plan: Cheshire East Council Licence No. 100049045



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Application No: 11/0432M

Location: Unit A, Marlborough Close, Knutsford, WA16 8XN

Proposal: Proposed Change of Use from Light Industrial/Warehouse B1, B2 and B3 to Play Warehouse D2

Applicant: Mrs E Parks, Rock 'A' Baby

Expiry Date: 30-Mar-2011

Date Report Prepared: 11th March 2011

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- **Loss of employment land**
- **Impact on highway safety**

REASON FOR REPORT

The proposed development does not accord with all of the provisions of the Development Plan in force in the area within which the application site lies.

DESCRIPTION OF SITE AND CONTEXT

The site is located within the Parkgate Industrial Estate in Knutsford. The site and its surroundings have the characteristics of a typical business / industrial park. The site lies in proximity to the junction of Marlborough Close and Haig Road. Various industrial and office units are located in the vicinity of the site. The building on the site is a vacant warehouse of approximately 445sqm. Access is off Haig Road and parking areas exist in front of the units.

DETAILS OF PROPOSAL

The application seeks the change of use from a vacant warehouse to a children's play warehouse. The ground floor would comprise largely of a play area, café, servery/kitchen, toilets, crèche and a reception area at ground floor level and an office and beauty therapy area would be located on a mezzanine area above.

The proposed hours of operation are 9am – 6pm seven days a week, including bank holidays. The scheme proposes 12 full time equivalent employees (10 full-time and 4 part-time). The scheme proposes 14 parking spaces in front of the unit.

RELEVANT HISTORY

10/3328M - Proposed change of use from light industrial/warehouse B1, B2 & B8 to play warehouse D2 – Withdrawn 05-Nov-2010

POLICIES

Regional Spatial Strategy

Relevant policies of the North West of England Plan Regional Spatial Strategy to 2021 include:

DP1 (Spatial principles applicable to development management)
DP2 (Criteria to promote sustainable communities)
DP3 (Promotion of sustainable economic development)
DP4 (Sequential approach to make the best use of existing resources)
DP5 (Objectives to reduce the need to travel and improve accessibility)
DP6 (Linking economic opportunity with areas in greatest need)
DP7 (Criteria to promote environmental quality)
W1 (Strengthening the regional economy)
W3 (Supply of Employment Land)
W4 (Release of Allocated Employment Land)
L1 (Health, Sport, Recreation, Cultural and Education Services Provision)
RT2 (Strategies for managing travel demand and regional parking standards)
RT9 (Provision of high quality pedestrian and cycle facilities)
MCR3 (Strategy for the Southern Part of the Manchester City Region)

Local Plan Policy

Relevant policies of the Macclesfield Borough Local Plan include:

E1 (Employment Land Policies)
E4 (Employment Land – Industry)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

Other Material Considerations

National planning guidance is relevant in the form of PPS1 Delivering Sustainable Development, PPS4 Planning for Prosperous Economies, PPG13 Transport.

CONSULTATIONS (External to Planning)

Highways: recommend refusal

Spatial Plans: no objection provided that there are no more central sites for the development

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford TC: comments awaited

OTHER REPRESENTATIONS

None received to date

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a supporting statement, which is available to view online as background information. The main crux of the statement is:

create an all weather play area

Knutsford is a prime location: 25% of homes have families with dependent children living in them; there are 1,581 children in the Knutsford area aged between 4-11 years old.

There are 9 empty industrial units in Knutsford and plans to create a further 500,000 sq ft development

Local estate agents confirmed they are struggling to let the units due to the economic crisis,

Unit A became available in mid 2009 and its marketing price has reduced from £6.50/sq ft to £3.95/sq ft.

The nearest children's soft play centre is at least 6 miles away/families drive great distances to other sites

Easy access by bus, 3 minutes walk from bus stop to Unit A and within easy walking distance of a number of residential areas with footpaths right to the site.

No suitable sites in the town centre due to size of unit required for business (in excess of 4,000 sq ft) – many of which are listed so would be unable to carry out internal alterations

People who travel by car will be able to park without causing obstructions to the other units. Discussions taking place with landlord to extend the existing 13 spaces and with other tenants to use their spaces when they are closed, plus there is parking available on either side of the road.

Competitors businesses also on industrial estates with 14/15 parking spaces available

None of the available units on the Stanley Road industrial estate (closest industrial estate to the Town Centre) are large enough for the business requirements, parking is minimal and there are no footpaths.

Industrial units provide sufficient floor space and height for the children's climbing equipment

Encourage people to travel to Knutsford and spend money locally

Create jobs and locally sourced food for the café

More suitable sites i.e. Knutsford Leisure Centre not available

OFFICER APPRAISAL

Key Issues

The keys issues with the proposal are the impact on the availability of employment generating sites in the area and wider Borough, the effect on vehicular and pedestrian safety, and considerations of sustainability.

Principle of Development

The use class of a play warehouse is generally considered to be D2 these uses are considered to be more appropriate to a town centre location. Such a use falls outside the normal employment uses (use classes B1, B2 and B8) for which employment areas such as the Parkgate Industrial Estate are reserved.

Policy

As the use class of a play warehouse is generally considered to be D2, which covers other leisure facilities, when granting permission, some LPAs have been keen to ensure that the approved use remains specific only to a play warehouse taking into account the particular circumstances of allowing such a use on a business park or industrial estate.

Policies E1 and E4 are the relevant employment policies of the Macclesfield Borough Local Plan that govern this particular site. Policy E1 states that existing employment areas will normally be retained for employment purposes. Permission will normally be granted in accordance with policies E3-E5, on a scale appropriate to the size and character of the area. Policy E4 specifically seeks to encourage the industrial use of this part of the Parkgate Industrial Estate, particularly specifying general industrial, warehousing, high technology and light industrial uses. The proposed development is therefore a departure from this normal policy and has been advertised as such.

PPS4 takes a wider view of 'economic development' and requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. The unit has been vacant for more than one year, and there are a number of similar vacant units available to let in Knutsford. The proposal would secure the occupation of a vacant unit and provide a number of new job opportunities.

Built leisure uses are classed as a main town centre uses and therefore the proposal should be subject to a sequential assessment to ensure that there are no more central sites for development. The Development Plans teams have noted that there are unlikely to be any suitable sites within the historic centre of Knutsford, but PPS4 policy EC15 requires local planning authorities to "ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access". As a result, during the course of the previous application it was advised that premises on the Stanley Road Industrial Estate (located at the southern end of the town centre in close proximity to both the bus and rail stations) could be sequentially preferable and as such an analysis should be carried out.

Policy EC17.1 is clear that applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where the applicant has not demonstrated compliance with the sequential approach.

Consequently the applicant has undertaken her own sequential analysis that has discounted the vacant sites on the Stanley Road Industrial Estate as none are large enough for the business requirements, parking is minimal and there are no footpaths available.

The proposal represents a departure from policies of the Development Plan designed to retain sites for traditional employment uses, in particular policy E1 and E3 of the Macclesfield Borough Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act requires that decision must be made in accordance with the Development Plan unless material considerations indicate otherwise. On balance, taking into account the particular circumstances of this application and the information advanced in support of the proposal (particularly the analysis of other available sites in proximity to the Town Centre) it is considered that the information submitted by the applicant indicates that it would be difficult to find a more sequentially appropriate site.

It is also recognised that such uses have been typically located on industrial and business parks in other parts of the North West.

Furthermore the proposal would benefit nearby residential occupiers in Knutsford and would meet objectives for social inclusion and access to recreational facilities. The employment generated from the proposal is also comparable to, and potentially greater than, other industrial employment uses of the site. There are therefore advantages to the local economy in bringing the unit into an active use, particularly noting the availability of similar units in the area for traditional employment uses. It is considered that these material considerations outweigh the presumption against the loss of the employment use on the site.

Highways

Ensuring safe use of the highway for vehicles and pedestrians is of primary importance for this type of application. Given the nature of the use, notwithstanding that nearby residential areas are accessible by foot, the majority of customers would be likely to access the site by private car. Ensuring adequate car parking is therefore critical to prevent overspill into surrounding areas that would create conflict with other industrial users.

Although the site is situated alongside other industrial units that are accessed by large vehicles such as HGV's, the parking area for the site is set back from the main access road and does not introduce conflicts for parents and children in accessing the building, as they do not have to cross the access road. However, the 14 parking spaces to be provided on site are considered to be a significant shortfall on requirements for the proposed use.

In January 2011 National Planning Policy - PPG13: Transport was revised to reflect changes to parking standards and charges. Whilst maintaining the principle of ensuring sustainability, the revisions move away from maximum parking standards and allow local authorities the freedom to decide what level of planning is right based on the local needs of the community.

DC6 states that sufficient space should be available to enable all parking to take place off the street. It is envisaged that the majority of its clientele will arrive by private motor vehicle. Whilst 14 spaces are proposed to the front of the building, concern is raised that this would be insufficient, given the various combinations of uses proposed and the proposed number of employees. The application forms state that 12 full time equivalent staff would be employed; the seating area would accommodate 80 people and that 100 children are expected per day Monday to Friday (approx 11 children per hour), whilst 300 children are expected on Saturday and Sundays (approx 33 children per hour). The applicant has estimated that the ratio of children to adults would be 1 child: 1.5 adults. This does not account for potential customers to the first floor uses (beauty therapy and office area).

Further concern is raised that the supporting statement outlines parking arrangements at existing play centers. Antz in your Pants has been based on a busy industrial estate in Timperley for the past 2 years, which originally traded with 15 parking spaces, has recently purchased more. Head Over Heels in Chorlton has 14 parking spaces and the applicant notes that "you often have to park on the road". Concern is raised that this would result in an impingement on the interests of the adjoining businesses and onto Haig Road, which is not subject to any Traffic Regulations Orders (TRO's) in the vicinity of the site. Ultimately this could intensify the number of vehicles parked on Haig Road, further affecting the free flow of traffic up and down Haig Road.

It would appear that parking spaces marked '8 & 9' would be located on an existing access off Marlborough Close, no disabled spaces are proposed and spaces no. '1 & 2' would partially block the proposed entrance.

In 2009 The Council approved a similar development (albeit a larger development – 1500 sqm) on the Stanley Green Trading Estate in Handforth, this included 73 car parking spaces, incorporating 3 disabled spaces and 6 cycle spaces. The land owner also had ownership of adjoining units on the estate and at peak operational times (Saturday and Sundays) this could be utilized by customers of the play warehouse.

The Strategic Highways Manager recommends refusal of the application as the site does not provide for adequate parking facilities and would lead to the overspill parking causing obstruction to the detriment of road safety and the free flow of traffic.

Others Matters

Design

No external changes are proposed to the building. It is likely that the use would generate the requirement for new signage which would be dealt with separately and would be acceptable in principle.

Amenity

There are no issues of amenity for residential property due to the location of the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

On balance sufficient information has been provided to justify the out of town location of the proposed use and the loss of the traditional employment use on the site. However, the development is considered to be detrimental to the interests of highway safety through the potential for increase in parking taking place in unsuitable locations on the highway or within the site, taking account of the nature of the proposed development, the location of the site and the predicted number of parked vehicles arising from the development. The application is therefore recommended for refusal.

Application for Full Planning

RECOMMENDATION: REFUSE

R06HW - Parking provision detrimental to highway safety

Location Plan: Cheshire East Council Licence No. 100049045



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