

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

