

Application No: 13/2935M

Location: LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, CHESHIRE

Proposal: Outline application with all matters reserved except for means of access, for the erection of a high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces

Applicant: Mr Henry Brooks, The Tatton Estate

Expiry Date: 11-Oct-2013

### **SUMMARY RECOMMENDATION**

Approve, subject to conditions and the completion of a S106 agreement

### **MAIN ISSUES**

- Principle of the Development
- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Design, layout and density
- The scale of the proposal – impact of height, mass, bulk, character and appearance of the area
- Amenity
- Noise issues from the adjacent industrial estate and aircraft
- Sustainability of the site
- Agricultural Land
- Environmental issues
- Flooding and drainage
- Impact on landscape, trees and ecology
- Impact on highway safety and traffic generation
- Provision of open space
- Education
- Redevelopment benefits
- Heads of Terms for a Legal Agreement

### **REASON FOR REPORT**

The application seeks outline consent for 200 dwellings with a site area of over 4 hectares and therefore should be determined by Board.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is located to the north of Parkgate Lane, which lies to the north west of Knutsford. The entire site measures 16.22 hectares (approx. 40.11 acres). However, it should be noted that due to a proportion of the site falling within the Green Belt the net developable area is 9.3 hectares.

The site is relatively flat open land and is currently largely used for grazing.

The site is bounded to the north by a dense band of mature trees, known as Shawheath Plantation. To the east lies the Birkin Brook and a waste water treatment plant. Parkgate Farm lies to the northwest and west. Parkgate Industrial Estate shares a boundary with approximately two thirds of the site to the south. The remaining third of land is undeveloped and falls within the ownership of Cheshire East Council. The land to the north, east and west fall within the Green Belt.

The site includes single-storey, metal clad and blockwork structures.

The site is located approximately 2500m from the second runway at Manchester Airport and falls under the flight path of airplanes.

There are various ponds, which lie both within and adjacent to the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4. These policies allow for offices (Class B1(a)), research and development (Class B1(b)), and light industrial (Class B1(c)), general industry (Class B2), warehousing (Class B8), high technology (Class B1(b)), and light industry (Class B1(c)) usage. Policy E8 relates explicitly to the land adjoining Parkgate Industrial Estate (currently vacant).

## **DETAILS OF PROPOSAL**

Outline Planning permission is sought for the redevelopment of the site for residential development (up to 200 dwellings) with the entrance off Parkgate Lane. The proposed parameters for the residential as submitted would comprise 3 storey dwellings in the central portion of the site, with 2 storey on the periphery of the site. A buffer of between 20 and 30 metres is proposed along the boundary with the industrial estate and vacant employment land to the east.

It should be noted that this is a decrease from the originally submitted proposal, which was for up to a maximum of 250 dwellings.

The developer seeks agreement to the principle of development to be determined at this stage alongside the main access into the site, whilst matters of appearance, landscaping, layout and scale are reserved for subsequent approval.

The site is shown as being accessed from Parkgate Lane. The proposals include the provision of 30% affordable housing, public open space and a play area.

## **RELEVANT HISTORY**

- 08/2717P - Outline application for the erection of an employment development comprising Class B1, B2 & B8 Uses and associated highways works and landscaping buffer (Resubmission Of 08/0721P) – This application was considered by the Main Planning Committee of the former Macclesfield Borough Council. The committee's decision was to approve the application subject to a Section 106 Agreement. The S106 was however, not signed. Therefore, the application remains undetermined.
- 08/0821P - Erection of employment development comprising Class B1, B2 and B8 uses and associated highways works and landscaping buffer (outline with means of access only applied for) – Withdrawn 30-Oct-2008

## **POLICIES**

### **National Policy**

National Planning Policy Framework (The Framework)

### **Local Plan policy**

#### **Built Environment**

BE1– Design Guidance

#### **Development Control**

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree Protection

DC35 – Materials and Finishes

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC40 – Children's Play Provision and Amenity Space

DC41 – Infill Housing Development

DC63 – Contaminated Land

#### **Employment**

E1 – Retention of existing and proposed employment areas

E3 – Business

E4 – General Industrial Development

E8 – Knutsford

#### **Transport**

T2 – Integrated Transport Policy

## **Environment**

NE11 – Protection and enhancement of nature conservation interests

NE17 – Nature Conservation in Major Developments

## **Housing**

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing

H8 – Provision of Affordable Housing

H9 – Occupation of Affordable Housing

H13 – Protecting Residential Areas

## **Recreation and Tourism**

RT5 – Open Space

## **Implementation**

IMP1 – Development Sites

IMP2 – Transport Measures

## **Other Material Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

Ministerial Statement – Planning for Growth (March 2011)

Core Strategy Pre-Submission Document

Local Plan Strategy Submission Version

## **CONSULTATIONS (External to Planning)**

### **Strategic Highways Manager**

The Strategic Highways Manager has considered the application with regard to the impact on the local road network and junctions and sustainability. The existing junction of Mobberley Road and Parkgate Lane would not be capable of accommodating the proposed development. The applicant has submitted a new roundabout scheme that incorporates access to the Fire Station. The new roundabout junction would provide adequate capacity to accommodate the development.

It is clear that there is a traffic impact on certain junctions in Knutsford as a result of the development and congestion would increase with the development in place, the traffic impact diminishes as vehicles travel further away from the development. In addition, it is Strategic Highways view that site location is not readily accessible by pedestrians, or public transport and Strategic Highways concludes that the site is not sustainable.

Strategic Highways considers that there are clear reasons to reject this application, however, there is a need to deal with the congestion issues in Knutsford, not only to relieve the current congestion issues, but also to accommodate the planned development in the Local Plan. Therefore, on balance, the Strategic Highways Manager would support the application on the basis that it would make a significant contribution to the planned highway improvement works, not only mitigating for the impact of this development, but also be of benefit to the existing road users in Knutsford.

No highway objections are raised subject to a S106 contribution of £386 073 for highway improvements at the A537 Brook Street / Hollow Lane and A50 Toft Road / A537 Adams Hill junctions. In addition, a new roundabout junction should be provided at Mobberley Road / Parkgate Lane and works to Parkgate Lane to be delivered via a S278 Agreement with the Highway Authority.

## **Environmental Health Officer**

### *Noise*

The acoustic environment at this location is substantially affected by:

- aircraft noise from Manchester airport flight path
- industrial/commercial noise from the adjacent Parkgate Industrial Estate and to a lesser extent by
- railway noise (no further discussion, as it is a lesser source of noise that this site shall suffer)

It is the Environmental Health Officers view that the cumulative impact of the aircraft and industrial noise sources would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

If granted permission, it is the EHO's view that there will be a significant adverse impact on health and quality of life, arising from the existing noise climate at this location.

The indoor living environments will depend on extensive mitigation measures to achieve a satisfactory acoustic environment, such as non-openable windows, a mechanical ventilation system required in bedrooms with no openings in the facades of these rooms (bedrooms), which will also include trickle ventilators.

If permission were to be granted for housing at this location, then a number of conditions are recommended to ensure that all residential habitable rooms are acoustically insulated, to ensure that a continuous acoustic fence is erected along the southern boundary of the site with Parkgate Industrial Estate.

### *Air Quality*

With regard to air quality an Air Quality Impact Assessment has been submitted with the application. The report concludes that people will be exposed to higher levels of pollution as a result of the development and its associated traffic. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an Air Quality Management Area.

Mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. Conditions should be attached which require a residential Travel Plan to be submitted and agreed, and Electric Car Charging Points should be provided on car parking spaces.

The odour assessment concludes that the odour from the Sewage Treatment Works is unlikely to cause a nuisance within the proposed residential development.

#### *Dust Control*

A condition should be attached to control dust emissions arising from demolition / construction activities on the site.

#### *Contaminated Land*

This application site is adjacent to an existing industrial estate 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 Contaminated Land officer recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

#### **Environment Agency (EA)**

Raises no objections in principle to the proposed development subject to the conditions and informatives which relate to the provision of a surface water regulation system and scheme to reduce the risk of flooding for future occupants.

The EA consider that the proposed development will only be acceptable if a planning condition is included requiring a scheme to be agreed to compensate for the impact of the proposed development on the ponds.

Previous investigations have identified that, although the overall risk to controlled waters was likely to be relatively low, there was the potential for contamination sources to exist at the site in relation to in-filled ponds.

The EA consider that planning permission should only be granted to the proposed development as submitted if a condition is included, which deals with the risks associated with contamination of the site.

## **United Utilities**

No objection subject to the following conditions being met:

- A public sewer crosses this site and United Utilities will not permit building over it. UU will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer, which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a watercourse and may require the consent of the riparian owner.

For the avoidance of doubt, no surface water from this development should be allowed to discharge to the public sewer network either through direct or indirect means.

United Utilities can readily supply water for domestic purposes, but for larger quantities we will need further information. Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

## **Public Rights of Way Team**

The development affects Public Footpath No. 11, Knutsford as recorded on the Definitive Map of Public Rights of Way and on the basis of the proposals for the footpath alignment in the initially proposed scheme, the PROW team submitted a holding objection.

The alignment of the footpath on the initial scheme was shown incorrectly on the Pedestrian and Cycle routes plan and proposal to divert the footpath along a central 'recreational boulevard' was considered unacceptable.

The PROW team have been asked to comment on the revised scheme and their comments will follow in an update report.

## **Housing Strategy and Needs Manager**

The Council's Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

The Housing Strategy and Needs Manager raises no objection to the application, subject to securing the affordable housing by way of a s106 Agreement.

## **Archaeology Planning Advisory Service**

An earlier application (Ref 08/0721P) for the industrial and commercial development of this site attracted a recommendation for a targeted programme of archaeological work, which would have examined the pattern of former field boundaries and a former stream channel or

palaeochannel. The proposed archaeological mitigation was based on recommendations contained in an archaeological desk-based assessment prepared by the University of Manchester Archaeological Unit and it was advised that the work could be secured by condition.

The present application is for residential development and the supporting archaeological desk-based assessment, which has been prepared by CgMs Consulting, recognises that these works will have a similar effect on any archaeological deposits present as the previous scheme. It recommends, therefore, that the previously-proposed scheme of mitigation should be implemented in the event that planning permission is granted and that the results should be the subject of a report. It is advised that this represents an appropriate approach and that the mitigation may be secured by condition.

### **The School Organisation and Capital Strategy Manager**

The local primary schools are forecast to be oversubscribed and this development is expected to generate 36 primary school pupils (based on 200 dwellings). A contribution of £390 466 is required towards primary education.

### **Manchester Airport**

Manchester Airport have not been able to undertake a full examination of the proposal from an aerodrome safeguarding aspect. Should outline approval be granted for this development, it is requested that conditions be attached to the permission to ensure that aviation safety is protected.

#### Landscaping

The site is located in a critical location for aircraft operations, at just over 3km from the threshold of Runway 05R and slightly offset from the centreline. The proposed development therefore requires careful consideration of any birdstrike hazard that may be created. The drawings provided indicate the creation of seven new ponds and the loss of a larger existing pond on the site. Manchester Airport will require the details of the size of each pond, their profile, sections and planting to determine whether the net result would be likely to increase, decrease or not change the site's overall attractiveness to water birds.

#### Lighting

The development is close to the aerodrome and approach to the runways. Manchester Airport therefore need to carefully design any associated lighting proposals. A condition will be required should permission be granted to ensure that no lighting during construction and for the completed development conflicts with safeguarding criteria, to ensure that lighting does not confuse or distract pilots in the vicinity of the aerodrome and to ensure the safe operation of aircraft.

#### Height limitation

No objection is raised to the height of the dwellings being 2/3 storeys. Care should be given to the height of any cranes used during construction to ensure they comply with Manchester Airport Obstacle Limitation Surfaces, which is 45m above ground level in this instance. An informative is suggested to ensure compliance with this.

### Noise

Manchester Airport note that the site is located within an area close to the source of aircraft noise. Noise should therefore be taken into account as a material consideration and, where appropriate, conditions imposed to ensure adequate acoustic insulation.

## **VIEWS OF THE TOWN COUNCIL**

### **Knutsford Town Council**

Members resolved that they neither wish to show its support, nor to oppose the application. The committee supports the principle of a development providing 250 houses; which is not in the Green Belt and provided it is part of the allocation defined in the emergent Local Plan. The committee have misgivings about access to the development, and traffic on Mobberley Road and would oppose the proposed solution as inadequate.

The committee further comment that:

- The development would benefit from a footpath/cycleway connecting the development to the Town Centre to increase connectivity to the rest of the Town;
- Planning officers need to consider the application within the context of the emerging Local Plan; having regard to the expansion of Mobberley as well as the proposals for Knutsford;
- Consideration must be given to any impact on the low lying flood plains near the development site;
- The provision of a second access point to the development would greatly enhance the scheme and reduce potential traffic problems;
- Consideration must be given to the potential loss of land previously set aside for Industrial Expansion at the Parkgate Industrial Park, if planning permission were to be granted. The Committee would wish to see how the potential expansion needs of current enterprises on the Parkgate Industrial Estate site will be met.

### **Mobberley Parish Council**

Mobberley Parish Council have revisited the above application, in view of further information received. They stand corrected in that the development site area is a brown site and does not fall within the Green Belt as was first believed.

Having spoken to the Planning consultants in greater depth, they are of the opinion that residential development is preferable to the previously granted commercial permission. They understand that by utilising this land for residential development would mean that less Green Belt land would need to be released elsewhere in Knutsford to meet the future needs of the Local Plan.

Although Mobberley Parish Council still have grave concerns for the increased traffic that will inevitably be generated through Mobberley village, Mobberley Parish Council no longer oppose the application in principle.

### **Knutsford Groups**

A letter has been received on behalf of the Knutsford Conservation and Heritage Group, North Knutsford Community Group, Nether Warm Community Group, and South Knutsford Residents Group.

The Groups would have preferred to comment on the proposed development had it been put forward as part of the Cheshire East Local Plan. However, they agree that a residential development on land to the north of Parkgate Industrial Estate would make a significant contribution within the limit of additional dwellings for the town yet to be agreed in the Cheshire East Local Plan.

## **OTHER REPRESENTATIONS**

A lengthy submission has been made by the National Trust, which is summarised as follows: -

In terms of site specific impacts the proposal for residential development exhibits some benefits compared with the earlier proposals for employment development. However, for those benefits to be realised better consideration needs to be given to the impacts upon the setting of the Registered Historic Park and Garden at Tatton and in particular the details of the boundary treatment and of the landscaping works within the 'woodland buffer'.

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A letter of objection has been received from one of the adjacent business. The writer feels strongly that no further development in the areas should take place until transport improvements are completed including a second access to Parkgate Estate across the nearby railway line. Provision of this crossing, once a definite requirement of future plans, has now been skilfully sidelined to the detriment of all except the developers.

Knutsford is in desperate need of further industrial and business developments to give employment to residents of the town. Parkgate Industrial Estate is very busy with thriving businesses currently strangled by traffic and access causing those businesses to consider locating elsewhere.

New residents of a large housing development will come into confrontation with businesses over traffic problems, noise and working times. The very necessary operation of an industrial estate has many aspects which will lead to complaints to their authorities on environmental issues, not to mention that the proposed site is directly under the flight path of Manchester Airport. Manchester and the Airport can make its own plans to house its workers more locally to them. The people of Knutsford need to have local employment without having to travel by road to work thereby reducing overloading the area roads and fuel costs. Mixing residential and industrial development so closely will not work.

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A letter of objection has been received from a business owner, who has been located on the Parkgate Industrial Estate for 28 years. The writer objects for the following reasons:

Parkgate Industrial Estate is a long established site, which significantly contributes to the local community and economy through job creation. It has many established companies

who've been located here for decades (like Valro Manufacturing Ltd.), many of whom are growing fast and will therefore, need to expand. There is a large mix of businesses, and plenty of manufacturers engaged in moulding plastics, processing plastic raw materials, joinery, engineering, metal fabrication, electronics, water jet cutting etc - and many of these manufacturers are growing. There is a belief this country needs to see a return to manufacturing, and by constraining the industrial estate with housing on both sides, gives the businesses no room to expand.

Furthermore, the writer is quite sure that a high end housing development will not want some of these 12-24 hour manufacturing activities backing onto their gardens, making noise smells and bringing heavy goods vehicles. So the council will receive complaints and most likely put restrictions on the business activities, or hours of work etc. This would be totally unacceptable, and personally the writer expects this to happen if this development went ahead. The result of all this will be a certain flight of established businesses from Parkgate to other locations away from Knutsford, or even outside Cheshire East - as businesses will always seek the certainty of expansion potential and operational stability. The knock on effect of jobs and Knutsfords reputation as a business friendly location will, in the writers view, be tarnished.

It is suggested that the field in question is rather designated for business/industrial use, so these fast growing companies, who wish to expand, or consolidate premises can do so without relocating far away. This in turn will free-up their old smaller premises for new smaller companies to come and setup. This way it all works nicely and job/wealth creation can keep growing in Knutsford.

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A letter of objection has been received on behalf of one of the businesses on Parkgate Industrial Estate. The writer states that the proposed road improvements will not be adequate. There needs to be an additional access route on and off the estate. Traffic flow currently means that at peak time it can take 30 minutes to get out of Parkgate Lane and the addition of yet more cars will only add to this issue. Para 3.14 of the Transport Report refers to the current situation as adequate. The writer suggests that 30 minutes to exit a road is not adequate. There is an issue with parking to access the shop at the exit point of Parkgate Lane and even the proposed changes will not allow lorries and cars to pass when there are cars parked to use the shops. the improvements need to allow for lorries and cars, it is not a case of 2 cars passing, its an industrial estate and the junctions and road layout needs to cater for lorries in addition to cars.

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A letter has been received from a local business who is a specialist 'movement' consultancy specialising in crowd, pedestrian and transport consultancy work.

The writers are not formally objecting to the application, but would appreciate if the applicant and the council could consider the questions posed and the writers thoughts. The key questions relate to sustainability, walking access routes and access to the site being served from a 'cul-de-sac'.

The writer has considered the location of the proposed development from a walk, bus and general car access perspective. It is their view is that the site, at least from a movement perspective may not be the most sustainable location for housing in Knutsford. Detailed consideration is given to the vehicular movements from the proposals and the other locations being considered by the Council for new homes in Knutsford, as well as the potential impacts on the key junctions in the town centre of housing on Land North of Parkgate with housing to the north of the town centre

From a congestion perspective the land north of Parkgate may not be the optimal site for housing in Knutsford, it having greater impacts on the most congested junctions than other possible housing sites. In particular, it generates much more traffic at the highly congested junction of Hollow Lane/ Brook Street, but also at the Adams Hill Traffic signals. Other factors are obviously very important and it is suggested that Cheshire East Council need to consider and provide consultees with the relative impacts (traffic and others) of potential residential sites across Knutsford before a decision is made on this site.

A further issue that should be borne in mind when considering impacts on the highway network, especially on Mobberley Road and at Hollow Lane/Brook Street in particular, is the potential residential development at 'Ilfords' in Mobberley. This will increase traffic volumes in these critical areas. The 'Ilfords' development is on a 'brownfield' site and hence is likely to be more acceptable in planning terms than the site on Land north of Parkgate.

#### Bus Accessibility

Walk distances to existing bus services from the development are considered too long and the quality of the links to these services inadequate for bus to be a significant mode of travel to the land north of Parkgate. With the site being a 'cul de sac' the opportunity for buses to directly service the site is considered very limited unless the applicant is willing to fund dedicated bus services. Such services are unlikely to be financially viable without considerable financial support. Firm commitments to funding for several years as a minimum is necessary and after that the council must recognise the likelihood of such services being withdrawn is very high. In summary, the long term accessibility of the site by bus is considered very poor.

#### Walk Accessibility

The transport assessment identifies the local destinations that are within walking distance, in particular schools and shops. The sole walk route from the site to schools, shops, town centre is via Parkgate Lane. A footpath across fields to the east is available but in practice Parkgate Lane is the walk access route for the site. The writer questions whether this latter route is adequate and safe.

#### Walking routes

All residents of the development walking to schools, shops or the town centre must use the footways across the railway bridge on Parkgate Lane. The writer does not consider the existing footways across the railway bridge are adequate. The writer does not consider they can provide a safe route to schools. The road at this point is not a residential access road but also a commercial distributor road serving Parkgate Industrial estate. This route has served the industrial estate adequately for a large number of years but the residential development will increase the overall flow of traffic across the bridge but crucially the number of pedestrians will increase markedly. Large HGV's using Parkgate Lane are required to pass

very close to these already inadequate width footways. At the present time these footways are lightly trafficked. This will not be the case if the residential site is to be sustainable. Many parents and children should be using these footways.

At one time local authority highway design standards were prescriptive on the scale of development that could be served via a cul-de-sac. Typically standards identified that developments of over 150 houses should have more than one access to minimise the risk of the one entry point not being available due to an incident or closure and hence access for emergency vehicles not being possible. The latest design guidance 'Manual for Streets' has adopted a risk based approach rather than a fixed number, or scale of development. However, the principle remains that having a large scale of development off a single access increases the risk for emergency vehicles. In the case of Parkgate the scale of proposed development served via a cul de sac is large, it is not only the proposed residential development but also the whole of the industrial estate. Such a scale of development far exceeds what would have been the norm and as 'Manual for Streets' suggests a risk assessment should be undertaken by the emergency services. The writer has concerns in that both the residential development and the commercial development are accessed over a single, aged railway bridge. Given its width any repairs on such a structure will be difficult without impacting on access. This is already tolerated for the industrial estate but the issue is magnified with the provision of the residential development.

Plans for a second access road into Parkgate have been around for many years but have stalled because of cost. Should further development in Parkgate north of the railway not follow the provision of a second access? This would assist with bus, walk and vehicular accessibility and remove the risk associated with it being served from a single access point. It is the writer's view that this is the appropriate solution if Land north of Parkgate is to be permitted. If the site is considered to be a suitable location for housing in Knutsford, compared with other possible sites, the writer considers a condition requiring a second access before development is permitted should be applied by Cheshire East Council.

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A letter has been received from a resident of Longridge. The writer considers that there would be better sites in the town for this type of development, which already have better infrastructure and access available. The site at Parkgate Farm is currently a busy equine livery yard. If the plans were to go ahead, there would no longer be grazing for the horses there, meaning that the business could not provide the service for which it is meant. People currently using this service would be forced to move their horses away. For many this could cause them to lose their horses altogether. If this was to happen the current proprietors would lose their business and their livelihood that they have built up over many years.

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A resident from Croft Lane supports the development. This proposed development, largely on brown field land, is a very well thought-out scheme in a semi rural setting. It should create a strong community feel particularly as it is located some distance from other housing. The settlement would benefit from a pedestrian/cycle route skirting Tatton Park Wall to connect more directly with The Moor and Town Centre.

The landscaping, screening and ecological mitigations and enhancements are carefully planned. They take particular account of the nearby industrial/commercial estate and the designs to reduce noise and atmospheric pollution from that source seem to be effective. However, noise and unburned fuel pollutants from aircraft using runway 1 at Manchester Airport are less easily dealt with. Apart from triple glazing, residents will have to rely on improvements in aircraft design to reduce these irritants.

The design code employed in the variety of building types is especially responsive to the historic nature of Knutsford. If sensitively executed, the buildings could provide an eclectic mix of housing reflecting English vernacular architecture from the 18th to the early 20th century translated into a 21st century fuel-efficient community.

The proposal for 250 dwellings, including affordable and market-oriented units, is therefore worthy of support provided it is included within the overall total of dwellings in CEC's forthcoming final draft of its Local Plan. The size of this development could reduce substantially the number of dwellings that would have to be built on the Green Belt elsewhere in the town. If it is not included within that total it is less worthy of support.

The loss of employment land for which the site was originally proposed does not provide an insuperable obstacle. Some units are likely to become available as new commercial premises are constructed to the east of the existing site. Also, the nature of businesses is changing and demand is likely to be for small units often in a rural hub. The present estate is in any case poorly placed for access to the motorway network and HGV traffic would have to negotiate the already-stretched Town Centre arteries.

The revised plans for traffic management to include a roundabout and pedestrian crossings at Mobberley Road/Parkgate Lane junction should improve traffic flows into and out of the industrial area and the proposed housing estate, and help to limit the speed of traffic to the present maximum on Mobberley Road.

The major drawback is the single access via the overbridge across the railway. However, the vulnerability of the potential residents to closure of the road as a result of damage to the bridge through, say, collision of an HGV with a parapet resulting in Railtrack closing the bridge for safety reasons, already applies to the businesses located on the industrial estate. It is a longstanding cause for justifiable anger by businesses that a second access road has not been provided. Should this application be approved, it should be the catalyst for Railtrack, CEC and the landowner/developer to find a cost-effective solution to crossing the railway as part of the process of development of the area

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Cheshire Peaks and Plains Housing Trust have written in, in support of the application. As a quality landlord, CPP are conscious of the lack of market and affordable housing to meet the identified need. CPP's research evidences a huge demand for affordable housing across all types with the strongest demand being for general needs family housing. Typically, CPP have experienced a bid ratio of over 40 bids for every family house advertised in the Knutsford area. CPP are pleased that the proposals address the provision of affordable housing and are further encouraged by the approach being taken through the Design Code, which will ensure a quality development.

The proposed location is within close proximity to a range of amenities, services and local schools. There are good links to public transport and road networks creating a sustainable location which CPP feel will integrate into the existing community.

It is pleasing to see that the application proposes a mix of accommodation and tenure, which will provide a range of sized properties from 1 to 5 bedrooms, creating a mixed and balanced community and addressing the current shortfall.

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A letter of objection has been raised by an equine user of Parkgate Farm. The writer states that they have spent their whole life at the farm. The writer states that they have quite a few horses on the yard, and if the fields are taken away the writer will have nowhere for their horses to graze. The oldest horse is 25 and he has been on this yard all of his life. For him to move to a different yard would be the most stressful thing he would have to go through - he is an old man now and the move could kill him. The writer states that the occupiers of the yard are a family and if planning goes through you, many lives would be destroyed. There is a herd field at the bottom where houses are planned to be built. Where are they expected to go? They live out for specific reasons and cannot, or will not be stabled.

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Geo-Environmental Ground Investigation Report
- Planning Statement
- Landscape and Visual Impact Assessment
- Tree Survey
- Noise Assessment
- Archaeological Desk Based Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Ecological Assessment
- Badger Report
- Mining Report
- Environmental Report
- Agricultural Land Classification Report
- Sustainability Strategy
- Statement of Community Involvement

In addition, revised plans and documents, reducing the total number of dwellings to 230 were received on 11<sup>th</sup> December, accompanied by a revised Design Code and Highways Statement and Design and Access Addendum. An Addendum Noise report and a letter about the Education contribution was also provided. On February 17<sup>th</sup>, a revised parameters plan was

received, which reduced the total number of dwellings to 200. This plan included a 30m buffer with the existing Parkgate Industrial Estate and 20m buffer with the vacant employment allocated land to the east.

These documents are available to view on the application file.

## OFFICER APPRAISAL

### Principle of Development

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

*“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”*

The:

*“NPPF constitutes guidance for local planning authorities and decision-takers”...*

and is:

*“a material consideration in determining applications”.*

Paragraph 14 states:

*“At the heart of the NPPF is a presumption in favour of sustainable development”...*

*“For decision-taking this means” (unless material considerations indicate otherwise)...  
“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or*
- *Specific policies in this Framework indicate development should be restricted”*

The National Planning Policy Framework marks a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this*

*would compromise the key sustainable development principles set out in national planning policy”.*

The site is allocated as an existing employment area where policies E3, E4 and E8 (which, normally permits Use Classes B1(a), B1(b), B1(c), B2, B8, B1b and B1c) apply. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Macclesfield Local Plan policy E8 states that proposals should provide for an element of accommodation for small businesses. Planning permission will normally be granted providing the following criteria are met:-

- 1 A new access road via Mobberley Road should be provided before any development is constructed;
- 1 The structural planting is carried out on adjoining land;
- 2 Existing wetlands are retained in a landscape structure.

The policy states that the Borough Council will seek to enter into planning obligations to secure the provision of these criteria.

In this case, there are a number of relevant material considerations when considering the proposed loss of proposed employment land. These are:

- The delivery of up to 200 residential dwellings comprising a mix of detached, semi-detached, mews, apartments and bungalows. The indicative scheme provides a good mix of housing types. 30% of which is offered to be affordable.
- Extensive landscaping and formation of an attractive woodland buffer.
- Extensive ecological works
- Some on-site public open space would be provided.
- HGV's associated with the proposed employment allocation of the site would be removed from the highway.
- Highway improvements to provide a new roundabout on the junction of Mobberley Road and Parkgate Lane.
- Highways improvements to Knutsford Town Centre at the A537 Brook Street and Adams Hill. The amount of contribution would be £390 466.
- The site is vacant and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.

- Increased spending in the local economy.
- New construction jobs. The construction phase of the development would provide up to 500 full time equivalent jobs in the construction sector over 1 5 year period.
- New Homes Bonus. A development of up to 250 houses would generate approximately £2.15 million from the New Homes Bonus Scheme to CEC for investment in the local area.
- The site has good access to the major road network (B5085, Mobberley Road).
- There is an identified shortage of housing land supply and a need for affordable housing.
- The site is deliverable.

Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential-led development on this site is acceptable in this location and that a case to retain employment land would not be sustainable. This is looked at in more detail below.

### **Loss of Employment land**

The application site is designated for employment uses within the Macclesfield Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

No Employment Land and Market Overview report has been provided with this application.

The loss of employment land has however, been included within the applicant’s submitted Planning Statement.

In conclusion, the Planning Statement advises:

- The Council has identified in its draft Development Strategy that Knutsford should deliver 10 hectares of employment land between 2010 and 2030. As part of the draft strategy, a series of employment allocations were proposed across Knutsford to meet the identified need, which did not include the application site.
- The application site was proposed as Safeguarded Land in the Draft Strategy which the Estate has strongly objected to. Whilst the Estate does not agree that it is an

appropriate response to the constraints affecting this is to safeguard the land (because of the housing merits of the site) the Council's proposals confirm that the site is not required to meet the future employment needs of Knutsford.

- Furthermore, the land to the immediate south and east of the application site currently owned by the Council extends to 6.5 hectares and will be retained as an employment allocation. This land will make a positive contribution towards Knutsford's employment needs in the north east part of the town.
- The Council's Employment Land Review contains an assessment of the attractiveness of the application site for employment. The report concluded that there are more appropriate locations within Knutsford for office development which is a local and niche market. The report states: -

*The main employment location in the town is the Parkgate Industrial Estate. Oliver Valves is a major occupier of the Estate. There is considerable expansion land at this location, but there has been difficulty bringing it forward due to infrastructure costs. Agents surveyed for this report consider Knutsford to be a local market. Parkgate Industrial Estate is not on the radar when industrial agents are looking for inward investment sites. Its poor access and lack of infrastructure are reasons for this. Office development is mainly local and niche occupiers."*

In short, the site does not meet the modern day requirements of industrial occupiers and there are more suitably located sites within the wider area that are better connected to the strategic highway network. There are also other more suitable locations for office demand in Knutsford. As a result, the site has limited market attractiveness for employment development.

- In summary, the development of the site for housing will not have any materially detrimental impact on Knutsford's or the wider Borough's employment land supply. Furthermore, the Local Plan will be making new allocations in more appropriate locations better related to the strategic road network.

A number of the points made above are considered to be valid.

#### Cheshire East's Annual Monitoring Report 2010/2011

Table 5.3 of the 2011-2012 Annual Monitoring Report indicates there is 328.43 hectares of employment land in Cheshire East. Of this, 5.51 hectares is committed for non-employment uses, leaving 322.92 hectares.

The key consideration for this application is whether there is sufficient employment land with the local area, to meet current needs. The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate

- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth
- Parkgate Industrial Estate, Knutsford
- South Macclesfield Development Area

At this juncture, it is considered that there is adequate Employment Land available across the District, and the loss of this site will not lead to an inadequate supply in this area.

## **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium. A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*. A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present. The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

On 10 February 2014, the Council published a 5 Year Supply Update report. The calculations for which clearly identify residential development at Parkgate forms part of the Council's 5 year housing supply position. Since the site is relied upon in the Submission version of the Local Plan Strategy and is required for the 5 year housing land supply, it will be necessary to factor this into the planning balance when assessing the merits of the application.

The application site is allocated as a housing site (CS19: Parkgate Extension, Knutsford) within the Submission version of the Local Plan Strategy.

The strategy envisages:

1. Phased provision of 200 houses (at approximately 25 dwellings per hectare);
1. 6 hectares of employment land;
2. Incorporation of Green Infrastructure;
3. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities

Site Specific Principles of Development

- a. Undertake a Landscape Character Assessment to guide the scale and massing of new development and to ensure it is acceptable with the surrounding landscape. Also ensure a high quality design, which reflects and respects the character of the area, built form and surrounding landscape. Provision of a landscape buffer to the boundary of the Tatton

Park Estate to the north and west of the site and between the employment site to the south.

- b. Provide a comprehensive landscaping scheme which retains and enhances existing mature trees and hedging where possible, or provide appropriate mitigation;
- c. Improve the connectivity and accessibility into and out of the site to the town centre and wider local area with the provision of or contribution to cycle paths and pedestrian linkages;
- d. New development will be expected to respect any existing ecological constraints on site and where necessary, provide appropriate mitigation and enhancements;
- e. Avoid development on the eastern boundary of the site which falls within Flood Zones 2 and 3.
- f. Undertake investigations of potential contamination and mitigation;
- g. Provision of improved access to the site, over or under the railway line
- h. Contributions towards highway infrastructure such as the Brook Street/Hollow Lane, Adams Hill/A50 junction improvements and Mobberley Road and Parkgate lane junction;
- i. Provision of green infrastructure to include open space and woodland buffers;
- j. Archaeological mitigation will be required in accordance with the completed desk-based assessment.
- k. The Core Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

## **Conclusion**

The site is identified within the Submission Version of the Local Plan Strategy, which is expected to be ratified at SPB and Full Council at the end of February.

The application site is identified for Housing and this therefore carries weight.

The above, therefore identifies the site as a strategic site for housing. If the application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

## **Need for additional affordable housing in the area**

Policy H8 of the Local Plan requires the negotiation for the provision of 25% affordable housing. However, since then the Council has adopted the Interim Planning Statement on Affordable Housing which, on sites of 0.4ha or 15 or more dwellings in settlements of over 3,000 population, seeks to provide a minimum proportion of affordable housing of 30% in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally, the Council would expect a ratio of 65/35 between social rented and intermediate housing. In addition, this document also looks for developments of 10 or more dwellings to provide a minimum of 25% low cost housing.

The SHMA (2013), identifies that for the Knutsford Town sub-area there is a net requirement for 38 affordable homes per annum during the period 2013/14 – 2017/18. In addition, updated needs information from Cheshire Homechoice shows there are currently 280 live applicants broken down to a requirement for 115x 1 bed, 97x 2 bed, 53x 3 bed, 8x 4/5+ bed properties (there are 7 applicants who have not expressed their bedroom requirement).

The detailed provisions to the scheme have reduced the number of dwellings on the site to 200 units and outlined that the affordable housing offer will be 30% (60 dwellings), with 39 provided as social rent and 21 as intermediate tenure dwellings which reflects the requirement for 30% of the dwellings to be affordable on a tenure split of 65% social rent and 35% intermediate tenure.

The affordable housing offer is compliant with the Interim Planning Statement on Affordable Housing. The agents supporting letter dated 10 December 2013 details that the affordable housing provision be secured by condition. Such affordable housing is however normally secured by the Council via a s106 agreement.

The type of property the affordable housing will be delivered as can be agreed as part of the reserved matters application as the type of property needed could change over time. As a large number of affordable dwellings are proposed, the Housing Strategy and Needs Manager would like to see the delivery of houses, apartments and bungalows, in order to meet the widest range of affordable housing needed possible.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

5.1 of the Interim Planning Statement: Affordable Housing states the following:

*The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this Statement to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended).*

If the application is approved, it will be necessary to secure that the applicant enters into a s106 agreement in relation to affordable housing –

1. 30% of the total dwellings to be affordable housing;
1. The tenure split of the affordable dwellings to be 65% social rent and 35% intermediate tenure;
2. An affordable housing scheme to be submitted with the reserved matters application, with no commencement of development allowed unless the affordable scheme has been approved;

3. The affordable housing scheme to identify the location type and tenure of the properties;
4. The affordable housing to be pepper-potted (in clusters is acceptable);
5. The affordable housing to be built in accordance with the Homes & Communities Agency Design & Quality standards and meet Code for Sustainable Homes Level 3;
6. A requirement that social rented or shared ownership dwellings are transferred to a Registered Provider;
7. Affordable dwellings to be delivered no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high degree of pepper-potting in which case the number of open market dwellings which can be occupied can increase to 80%. If the development is phased the section 106 agreement needs to secure a proportion of affordable homes on each phase.

In addition to the above, there should be no 'spiral out' clauses included in the s106 agreement. These are clauses developers seek to introduce to s106 agreements which could enable them to not deliver affordable housing as per the planning resolutions either by allowing them to sell affordable dwellings as open market dwellings if they have not been able to deliver them as affordable housing, or convert social rented housing to intermediate dwellings if they have not been able to transfer them to a Registered Provider after a certain period of time. These types of clauses are proposed and are usually the main delay in affordable housing provisions for s106 agreements being finalised.

### **Loss of Agricultural Land**

It is noted that Policy GC13 (Agricultural Land) of the Macclesfield Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (Grades 3b, 4 & 5) in preference to higher quality land.

In this instance, 2.99ha (19.8%) of the site is classified as Grade 2, 11.59ha (76.9%) is Class 3b, 0.29ha (1.9%) is Class 4 and 0.21ha (1.4%) is Non-agricultural land. Therefore, 19.8% is considered to be very good agricultural land and 76.9% is considered to be moderate quality agricultural land. The remaining 0.5ha (3.3%) is poor, or not suitable.

However, it is important to note that the area of farmable land is not significant, measuring only 2.99ha. At present, the plot is divided into paddocks and is used for the grazing of horses. It is not in agricultural use for crop production at present. Due to its limited size and the existing site constraints (i.e. surrounded by development to the south, The Plantation at Tatton Park to the north and woodland buffer to the east), it does not offer a significant contribution to the high quality agricultural land in the area.

In conclusion, whilst the proposal would result in the loss of a small quantity of Grade 2 and 3b agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The site is considered by the SHLAA to be sustainable. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case, the development is the following distance from local facilities (the distances are taken from the site access):

- Leisure facilities – Knutsford leisure centre (2300m)
- Public park / village green (1300m)
- Post box (Parkgate Lane / Mobberley Road junction) 550m
- Post office (1100m)
- Local shop (Co-op) Parkgate Lane / Mobberley Road junction 550m
- Builders Arms public house – Mobberley Road (1500m ),
- Shawheath Social Club (1000m)
- Railway station Brook Street (1300m)
- Bus stop – Parkgate Lane (550m)
- Amenity Open Space - on site
- Children’s Play Space - on site
- Bank or cash machine (Co-op) Parkgate Lane / Mobberley Road junction 550m
- Manor Park Primary school and Nursery - 1100m
- Knutsford High School (2300m)
- Knutsford Medical Centre (1800m)

There is a significant failure to meet the standards for a medical centre, leisure facilities, and public house. It is noted that the distance from the site to the nearest amenities such as post box, primary school, local meeting place, public park and child care facilities are not met.

Although some facilities are accessible on foot, there are a number that are not considered to be convenient, as they are long walks from the development. This also applied to walking to the nearest bus stops on Mobberley Road and railway station in Knutsford. It is not considered that the site would be easily accessible to non-car modes.

The development would bring in certain economic benefits beyond the construction phase, as new residents would add to the local economy.

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Future residents would also contribute to economic activity in Knutsford.

### **Design, layout, density and impact on residential amenity**

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy DC38 provides the space, light and privacy guidelines for housing development.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy H2 requires new residential development to create an attractive, high quality living environment.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

It is considered that, in the context of this site (which is on the periphery of the town), it should be possible to design a scheme of up to 200 dwellings, which satisfies the policy requirements highlighted above. The indicative layout shows that the properties on the site would overlook the highway and the housing is orientated to allow for passive surveillance of the open space. The indicative layout is therefore considered to provide an appropriate layout that makes the most efficient use of the site.

The parameters plan proposes that the dwellings proposed adjacent to the existing industrial estate would be up to 3 storeys in height, up to 12m in height. The housing on the periphery of the site and adjacent to the land adjacent (allocated for subsequent employment use) is identified for 2 storey dwellings, up to 9m in height.

The indicative layout submitted would appear to broadly satisfy the Local Plan separation distances for the two storey dwellings. However, the indicative proposals for three storey fall substantially short of the distances recommended between properties as outlined in Local Plan Policy DC38. It is therefore suggested that a condition be attached to any approval granted which restricts the dwellings to two and a half storeys in height. This will allow a better opportunity for the number of dwellings proposed to be reached at the time of a Reserved Matters application, within a decent landscaped setting. Whilst three storey dwellings could be accommodated within the area shown on the parameters plan, this would require the heavy presence of terraces, which would be an inappropriate scheme and would

not reflect the high quality design outlined in the Design Code. The number of dwellings and number of storeys ultimately needs to allow for realistic mitigation, and the key points of design and landscaping.

The indicative layout illustrates that satisfactory separation distances can be achieved between the existing buildings on the adjacent industrial estate and the houses proposed within the new development. Subject to a two and a half storey restriction, it is considered that it should be possible to design a scheme with separation distances which would comply with the requirements of Local Plan Policy DC38.

The basic principles have been outlined, but the content of the current design and access statement should not be assumed as an acceptable level of detail for design consideration. The basic parameters identified (subject to the two and half storey restriction) are acceptable, but work will need to be undertaken to address a number of issues at the detailed design stage. Officers are confident that a high quality design package can be accommodated on the site.

### **Design and Access Statement / Design Code**

The applicants have produced both a Design and Access Statement and a Design Code, which examine the indicative details for the final form of the development and provides supporting information for the design of the scheme. Many of the concerns initially raised by officers with the applicant's agent have largely been addressed.

The Design Code and Design and Access Statement provide a detailed character assessment most of which is very attractive and should provide a good and useful guideline for the reserved matters. The vernacular context and surrounding estate buildings to the Tatton Estate are largely in brick, therefore a reclaimed Cheshire brick, or similar is likely to be the preferred choice of material.

In Urban Design terms, a substantial buffer will be required, which will prevent any buildings within a minimum of 10 metres of the industrial estate. Adequate space will be required to be provided for garden space, an adequate buffer zone and maintenance areas.

The site is constrained largely by industrial units, which threatens to blight the development if not carefully well managed and screened, the Tatton Estate offers a very picturesque backdrop if the opportunity is taken and the Reserved Matters scheme is designed correctly.

### **Scaled parameters**

Bearing in mind:

- a) the location of the site, on the periphery of Knutsford, adjacent to fields, and
- b) factors such as distance standards, amenity and outlook (which will have to be satisfied on a reserved matters application).

The proposed maximum ridge height of 12m is considered unnecessarily high for the central part of the site. It is therefore recommended that the ridge height of the dwellings be conditioned to scale parameters which will allow for two and a half storey dwellings

throughout the whole site. An informative could be attached to state that the height of dwellings which follow with the Reserved Matters application should be around 9m in height.

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality and space between dwellings standards as outlined in the Macclesfield Borough Local Plan.

### **Design layout which responds to impact from the industrial estate**

Concern was raised to the previously submitted plans that some of the properties were sited too close to the existing adjacent buildings on the industrial estate and associated amenity issues would prevail. (This matter is considered in further detail in the Environmental Issues section which follows further on in this report).

Therefore, a condition is proposed which would give a minimum distance that any house or garden should be sited from both the existing industrial estate and adjacent land, which is also allocated for future development. This is for space, light, noise and odour purposes. It is suggested that there should be a minimum distance of 30 metres between the dwellings backing (or siding) onto the existing industrial estate and 20m along the boundary with the adjacent allocated employment land. This should, in addition, allow for issues relating to access for maintenance of the landscaped areas to be addressed. It is thought that this buffer would consist of a treed mound with acoustic fence incorporated at the highest point.

### **Highways Implications**

It is noted that although the Strategic Highways Manager identifies that there are certain issues raised by the scheme, on balance, the Strategic Highways Manager does support the application. There are 3 key highways related issues for consideration, which are as follows: -

- Traffic impact on the Mobberley Road / Parkgate Lane junction;
- Traffic impact on the already congested junctions in Knutsford;
- The sustainability of the site.

In considering the traffic impact of the development proposals, it is important to remember that the site is allocated for future employment use and a previous application was considered by the former Macclesfield Borough Council, who resolved to approve an employment development comprising Class B1, B2 & B8 Uses and associated highways works, subject to the signing of a s106 Agreement. It is noted that this application was not determined as the s106 was not signed.

The industrial development will have produced trips on the local highway network, including HGV movements.

The development of 200 units is likely to generate some 167 vehicles in and out of the site in the morning peak hour and the AM peak is used for assessment purposes, as it is the worse case in terms of traffic impact for a residential scheme.

### The existing junction of Mobberley Road / Parkgate Lane

This is currently a priority junction design that would not be capable of accommodating the proposed development and therefore, an improvement is required. The applicant has submitted a new roundabout scheme at this junction that also incorporates access to the Fire Station. The design is supported by a safety audit that does not highlight any major safety issues. The capacity junction assessment submitted indicates that the roundabout can operate within capacity with the development in place in 2018, as there is also some spare capacity available with the roundabout design. The Strategic Highways Manager accepts this proposed improvement at this junction.

As the main access to the site will be using Parkgate Lane, there is a requirement to widen Parkgate Lane at its southern end, opposite the existing shops to allow for some on-street parking to occur. There is existing parking associated with the shops on Parkgate Lane and it would be inappropriate to restrict this parking and therefore, the carriageway in Parkgate Lane would be widened to cater for the on-street parking demand.

As already discussed, the site is to be accessed from Parkgate Lane and this effectively will form a long cul-de-sac, there are no specific highway standards that state that this level of development cannot be served from one point of access, but normally another access is provided, even if it is for emergencies. The fire service would ask for a risk assessment to be provided for the site and its affect on response times.

All development traffic would need to pass over the existing railway bridge on Parkgate Lane, the strength of the bridge has been assessed by Cheshire East Council to ensure that it is capable of accommodating the resultant additional traffic flows. The assessment indicates that the current strength of the bridge is sufficient and therefore, no further strengthening work is required from this development.

### Traffic impact on the already congested junctions in Knutsford

Knutsford town centre has existing problems at various junctions and the applicant was tasked with assessing these junctions in terms of capacity with the development added. The results of the capacity tests indicate that the most congested junctions that are directly impacted by this development are the A537 Brook Street / Hollow Lane junction and A50 Toft Road / A537 Adams Hill junction and these will operate in excess of capacity in the opening development year with development traffic added. These results are consistent with CEC capacity assessments undertaken at the same locations in connection with the Knutsford infrastructure plans. There has already been some road improvement works undertaken recently on the A537 Brook Street, in connection with the Aldi development, although these works were only intended to accommodate the supermarket development and did not provide any spare capacity to allow for other developments to come forward.

Therefore, it is clear that the existing infrastructure could not accommodate this development without causing further congestion and even though the applicant is stating that the development only has a small percentage development impact, it is still a considerable number of trips and this addition would exacerbate the congestion at both the Adams Hill and Hollow Lane junctions.

As part of the Local Plan infrastructure improvements for Knutsford, CEC have designed two junction improvements at the A537 Brook Street and at Adams Hill. It is likely that a number of developments would be required to fund these infrastructure improvements and as these particular junctions are directly affected by this development, this is one of the developments that can be used to provide a contribution towards the improvements.

A contribution would be based upon the number of trips that use the junctions in the AM peak hour as this is the worse case traffic impact. As this development is likely to consist of 200 units the amount of contribution that would be applicable is £386 073.

### The sustainability of the site from a Highways perspective

The accessibility of the site has been considered elsewhere in this report, where it was concluded that although the development can be accessed by foot, and there are a number of local facilities within walking distance from the site, there are certainly some facilities that are not considered convenient, as they are a long walk away from the development. This also applies to walking to the nearest bus stops on Mobberley Road and the railway station in Knutsford. Overall, the Strategic Highways Engineer does not consider the site accessible to non-car modes and this would increase the impact on the road network as the development trips are likely to be car borne.

It is noted that Access has been sought as part of this application. No objections are made to the main point of access being formed off Parkgate Lane, however, the details provided for the internal access roads are indicative only. It will be necessary therefore, to attach a condition which requires the details of the internal access roads to be submitted at the time of the Reserved Matters application.

### **Environmental Issues**

The acoustic environment at this location is substantially affected by:

- aircraft noise from Manchester airport flight path
- industrial / commercial noise from the adjacent Parkgate Industrial Estate and to a lesser extent by
- railway noise (no further discussion, as it is a lesser source of noise that this site shall suffer)

The cumulative impact of the aircraft and industrial noise sources (if not appropriately designed out) would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

The Environmental Health section has assessed the application with reference to current policy and guidance which relates to noise. The assessments follow several meetings with the applicants' agent and specialist noise consultants.

### Noise

The NPPF revoked Planning Policy Guidance 24 (PPG 24) which was previously used to assess noise impacts of planning applications. The NPPF indicates that the Noise Policy Statement for England (NPSE) should be used to define “significant adverse impacts”. It further, provides some general guidance to local authorities on taking noise into account in planning policies and decisions. Paragraph 123 of the National Planning Policy Framework (NPPF).

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The National Planning Policy Framework states that the planning system should "prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"

Another requirement of Paragraph 123 of the NPPF is that “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

#### *Macclesfield Local Plan*

The Macclesfield Borough Local Plan Policy T18 states:

“In Areas Subject To Daytime Noise Levels Between 57 And 66 Laeq 16hr (0700-2300), And/Or Night-Time Noise Levels Between 48 And 57 Laeq 8hr (2300-0700), Planning Permission For Residential Development (Which Satisfies Other Planning Policies For The Area), Will Only Be Granted If Soundproofing Is Provided To The Satisfaction Of The Local Planning Authority. In Addition, Planning Permission For New Dwellings Will Not Normally Be Granted Where Individual Noise Events Or Aircraft Overflights Regularly Exceed 82 Dbla Max (Slow Time Weighting), Several Times In Any One Hour Period Between 2300 And 0700 Hours”

It is noted that the site is within this zone, however the policy above *does not* mitigate noise in external areas. Whilst the acoustic report states there is nothing in this policy to justify the refusal of planning permission, it is noted that the Macclesfield Local Plan allocates this site for employment use and as such (using the Macclesfield Local Plan) the test of “satisfies other planning policies for the area”) fails.

As such the development is contrary to the Macclesfield Local Plan

#### *Aircraft Noise*

There are no regulatory instruments available to control the noise impact from aircraft noise on the proposed residential dwellings, post development. Therefore, it is essential that amenity issues are appropriately assessed and addressed at the planning application stage. Statutory noise nuisance enshrined in the Environmental Protection Act 1990 does not apply to transportation noise sources.

Aircraft noise propagates differently to road and rail noise. Aircraft noise can cause greater annoyance because it is heard on all sides of a building unlike road/rail noise. Overhead aircraft noise at this location will be heard uniformly in all directions.

#### Manchester Airport Noise Impact Assessment

This site lies under the Manchester International Airport flight-path. The application seeks to introduce noise sensitive dwellings within the 57-63 LAeq 16 hr (daytime) noise contour. The site is subject to aircraft take-off noise for (on average) 80% of the year.

Aircraft noise will negatively impact the proposed noise sensitive dwellings and is contrary to Para 123 of NPPF: Avoid noise from giving rise to a significant adverse impact on health and quality of life.

In order to assess the impact of aircraft noise on the proposed noise sensitive dwellings at this location, reference has been made to Manchester Airport Noise Action Plan 2012.

The noise contours used at Manchester Airport are prepared annually by the Environmental Research and Consultancy Department of the Civil Aviation Authority (CAA). The assumptions on aircraft departure profiles (rate of climb, speed and thrust) are taken from the actual departure profiles for the predominant types of aircraft in use at the Airport (B737-300, B737-800, A319, A320 and B747). Data on time of operation, destination, departure route, aircraft type etc. is all actual data from summer 2012.

#### Industrial Noise Sources – Parkgate Industrial Estate

Parkgate Industrial Estate contains various noise sources. The site is allocated for employment development in the adopted Macclesfield Borough Local Plan (2004) and the Environmental Health Officer would support development of this type at this location.

It is the Environmental Health Officers view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence.

The proposal will create a 'mixed use' environment: introducing residential development in close proximity (adjacent) to a commercial / industrial estate, introducing sensitive noise receptors to this location and may result in future noise problems from fixed plant and equipment, mobile vehicles and machinery, or worn out (poorly maintained) equipment such as fans and pumps, that would not have been an issue prior to the introduction of noise sensitive neighbours at this location.

Noisy industrial/commercial businesses are sited within industrial estates such as Parkgate Industrial Estate because they rely heavily on separation distances from noise sensitive receptors in order to reduce the impact on residential amenity and quality of life. Business and commercial operators have located noisy activities to the north of this estate for this reason, which unfortunately is located adjacent to the application land for noise sensitive properties.

By permitting noise sensitive dwellings at this location will further restrict the use of the adjacent site to the south-east, which is also allocated as an employment site. Development at this site will be required not to materially impact noise sensitive dwellings by way of: noise, odour, vehicle operations, and hours of operation.

The Environmental Health Officers noted during a site visit that there is a tank farm located at the boundary of Parkgate Industrial Estate and the proposed development site. Pulse Jet units are located at the top of the silos. These units emit a sharp “hiss” every 25 seconds or so (measured during a site visit on 21 November 2013 at 63 – 64.4 dB LAMAX at ~20m).

Noise from these units was clearly audible, as an aerial noise source across the proposed residential site. As an aerial noise source, and on the basis of the originally submitted schemes (for 250 and 230 dwellings) it would be difficult, if not impossible for the applicant to mitigate garden and outdoor amenity areas against noise from this source in order to comply with the WHO guidelines.

Mitigating Aerial noise sources from Parkgate Industrial Estate by acoustic fences or earth bunds is problematical, however, it is considered that a wide bund of 30m will allow for a treed mound and acoustic fence, which will reduce the impact of the industrial noise sources associated with the silo and number of other noise sources (motors, fans, hisses, pumps, reversing beepers, tankers blowing material and other impulsive events), which have been noted and contribute to the overall noise climate, on the proposed noise sensitive residential properties.

It should be noted that there are no controls limiting occupants of the Industrial Estate from undertaking their activity at any time of the day / night 365 days / year. There are also no controls on future occupiers of the industrial estate being noisier than present businesses.

### *Emerging Local Plan*

The Environmental Health Officer considers that the site allocation potentially conflicts with the Local Plan Sustainable Communities “Pollution” Policy.

*Development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.*

Unless the buffer between the housing and commercial premises is substantial, it is likely that the commercial and industrial businesses located on the adjacent industrial estate will be negatively impacted by the residential properties. The businesses currently rely on the distance between noise sensitive dwellings to mitigate noise. The noise sensitive dwellings

will have to be sufficient distance away from the noise sources to minimise the likelihood of impacts resulting in a change in the boundaries of statutory noise nuisance and ensure as far as possible that noise mitigation penalties on industrial operators are minimised.

Officers have worked with the applicants agent and noise and landscape consultant to design out as far as is practically possible the potential for noise related complaints to come forward from the future occupants of the dwellings.

#### *Noise Policy Statement for England (NPSE), March 2010*

The NPSE was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy: "Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development".

#### Aims of NPSE:

- *Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*

As such, it is the Environmental Health Officers view that the development does not comply with the NPSE, especially with regard to aircraft noise.

#### *National Planning Practice Guidance*

Although the National Planning practice Guidance is still draft in status, it is noted that noise impacts fall into the following bands:

**Significant observed adverse effect level:** This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

**Lowest observed adverse effect level:** this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

**No observed effect level:** this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Based on the acoustic report submitted, together with site visits and measurements undertaken by officers from the Environmental Health section, the Environmental Health Officer categorises the noise environment as Noticeable and Disruptive. The outcome of this category is that the noise causes a material change in behaviour and/or attitude, e.g. having to keep windows closed most of the time, avoiding certain activities during periods of intrusion. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature

awakening and difficulty getting back to sleep. Quality of life due to change in acoustic character of the area.

As the windows in the dwelling would have to be kept closed (as the mitigation suggests), and following visits to the site, the aircraft noise (take off) interferes with conversation at a 1m distance and would make conversation at greater distances increasingly difficult resulting in a diminished quality of life in outdoor living areas.

On the basis of the above, the recommended action from the Environmental Health Officer is to “avoid” residential dwellings with this relationship.

#### *Other Policy Considerations*

The Air Transport White Paper (ATWP) (The Future of Air Transport, DoT, December 2003) confirms that 57 dB LAeq (16 hour daytime) is the onset of significant community annoyance. The ATWP describes the Department of Transport’s policies for the appraisal and management of environmental impacts from aerodromes, including noise. The basic aim stated is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This policy is further reiterated in the Department for Transport, Aviation Policy Framework, March 2013, section 3.12: The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise.

This is consistent with the Government’s Noise Policy, as set out in the Noise Policy Statement for England (NPSE), which aims to avoid significant adverse impacts on health and quality of life.

#### *Aircraft Noise Mitigation Through Land Use Planning*

Sustainable Aviation, Spring 2013, launched the industry’s first Noise Road Map, demonstrating how noise from UK aviation will not increase despite a near doubling in flights over the next 40 years. One of the reasons that this will be achieved is by improved land use planning. (The SA Noise Road-Map, A Blueprint for Managing Noise from Aviation Sources to 2050 (Noise Road Map, spring 2013).

The sentiments in this statement are further echoed in the Airports Commission, Discussion Paper 5: Aviation Noise, July 2013 (Independent commission appointed by Government). Details at section 5.3: Only compatible land-use development takes place in areas affected by aircraft noise. This works in two ways:

1. to direct incompatible land use (such as housing) away from the airport environs, and
1. to encourage compatible land use (such as industrial and commercial use) to locate around airport facilities.

Department for Transport, Draft Aviation Policy Framework (2012), recognises that planning has a role to play in controlling the numbers of people affected by aircraft noise.

#### *Noise Insulation and Compensation*

Reference to the Aviation Policy Framework, 2013, section 3.36 - The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq, 16hr or more, assistance with the costs of moving. Section 3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, exposed to levels of noise of 63 dB LAeq, 16 hr or more.

To put this into the context of the application under consideration: if permitted, a proportion of noise sensitive dwellings to the north east of the site would fall into the 63 dB LAeq, 16 hour contour, whereby airport operators would offer acoustic insulation.

#### *Health Impact of Aircraft Noise Exposure*

The main effects of Aircraft noise exposure are:

- Negative Public Health Impact – hearing loss, hypertension, mental health, cardiovascular disorders, stress, sleep disturbance
- Detrimental impact on amenity/quality of life – annoyance
- Decreased productivity and learning difficulties in children.

#### *Public Health Impact*

The World Health Organisation has outlined a strong link between cardiovascular disorders and exposure to aircraft noise (WHO, 2011, Burden of disease from environmental noise quantification of healthy life years lost in Europe).

A recent study in August 2013 by Hansell & Blangiardo et al, investigated the association of aircraft noise with risk of stroke, coronary heart disease, and cardiovascular disease in the general population. The results suggest that high levels of aircraft noise are associated with an increased risk of stroke, coronary heart disease and cardiovascular disease.

#### *Amenity & Quality of Life*

Aircraft noise can intrude on a person's daily life through interrupting desired activities such as having a conversation, breaking concentration or disturbing whilst relaxing. This results in a loss of amenity and reduced quality of life through increased stress and irritation (Heaver, 2002, Attitudes to Aircraft Annoyance around Airports (5A) Focus Group Report EEC/ENV/2002/009).

#### *Productivity*

The main ways in which noise is linked to productivity are: sleep disturbance impacting upon next day productivity, productivity impact from the health effects of noise, links between academic performance and noise and environmental noise and workplace distraction. (The Airport Commission, An Independent Commission Appointed by Government, Discussion Paper 05: Aviation Noise, July 2013, page 15).

### *Applicants Noise and Vibration Assessment*

A Noise and Vibration Assessment has been submitted in support of the outline planning application. The noise assessment illustrates, that the site is negatively impacted by aircraft noise, and noise from Parkgate Industrial Estate. The noise mitigation measures identified the main source of noise affecting the site is aircraft from Manchester Airport and noise from fixed plant and processes from Parkgate Industrial Estate and from occasional passing trains.

### *Indoor Acoustic Environment*

Sound insulation specifications have been detailed for all dwellings across the site. In order to achieve the BS8233 reasonable indoor ambient noise levels, the noise assessment has determined that:

- ventilation shall be provided without the need to open windows (although windows may still be operable at the resident's discretion).
- a mechanical ventilation system is required for all bedrooms, whilst living rooms shall require acoustic trickle ventilators as detailed.

The acoustic report, demonstrates that the dwellings can be designed to mitigate noise to a satisfactory level. However, residents are still entitled to reasonable acoustic environmental standards. The sound level within a residential building is not the only consideration. Most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

It should be noted that the Environmental Health section ordinarily recommend that developers aim to achieve the stricter "GOOD" standard within indoor living environments.

### *Outdoor Living Areas*

The World Health Organisation (WHO) Guideline value for community noise for outdoor living areas is 55 dB LAeq (16 hour) (a health based guideline). The author of the applicants noise assessment states, that external noise levels across the site is generally between 58-63 dB. Therefore, at this location the existing background noise levels exceed the 55 LAeq WHO guideline for outdoor living areas. Further, the author stipulates, that there is no practical mitigation to reduce noise levels in garden areas.

The noise from Parkgate Industrial Estate is audible at the location of the proposed residential dwellings as it is mentioned in section 2.4 of the acoustic report, "As the plant noise is fairly constant, it may be disturbing at times when no aircraft are flying over". Prior to the proposed bund, it was considered that when the site is not negatively impacted by aircraft noise, industrial noise would be clearly audible. If not impacting on the health of the occupants, most certainly negatively impacting on residential amenity and the quality of life.

The aim is to protect future occupiers of new noise sensitive premises, from the noise from existing industrial premises. If residential development is permitted, in close proximity to the existing Parkgate Industrial Estate and commercial operations; it is reasonable to foresee that amenity will be affected, as the boundaries of statutory noise nuisance will be changed. In

this event it is likely that businesses may suffer formal statutory noise nuisance action in the future, when the properties are occupied and this is contrary to policy.

In order to alleviate the potential conflict between both existing and future industrial estate uses and future residents a 20 - 30m wide buffer has been proposed along the boundary. The design of this will require further design work and consideration, however, it is considered that a treed mound with an acoustic fence on top will minimise the likelihood of future complaints (from residents) and ensure that an acceptable relationship can be achieved with Parkgate Industrial Estate. It is considered that the proposed measures would allow for the integrity of the operation of Parkgate Industrial Estate as it operates today, to be maintained.

The Environmental Health Officer acknowledges the efforts which have been made by the applicant by way of inclusion of the bund and 2.5m high acoustic fence along the length of the site boundary. It is considered appropriate for the detailed scheme of mitigation to be submitted for approval as part of the Reserved Matters application for the housing and the approved mitigation scheme implemented prior to first occupation of the properties.

The mitigation measures, which include acoustic glazing and mechanical ventilation, are not unconventional and meet with current Building Regulations. To achieve the BS8223 noise level the windows would have to remain closed and accordingly mechanical ventilation is proposed. It should be noted that the Noise Assessment Report explicitly confirms the windows will still be operable at residents' discretion. Mechanical ventilation systems are frequently proposed for new property designs, in locations close to major roads for example. The proposed measures will acceptably mitigate internal areas from noise associated with both aircraft noise and Parkgate Industrial Estate. It is accepted by the Environmental Health Officer that the resulting internal noise levels within the proposed residential properties will be below health-based standards and guidance.

It should be noted that traffic noise and noise from passing trains was recently considered as an issue in an appeal decision for a site in Crewe. In that case, the Inspector considered that as a noise assessment had demonstrated that target internal noise levels in habitable rooms and in external areas could be achieved, the matter could be dealt with by a condition to ensure that the noise protection measures would be carried out.

### ***Conclusion on Noise***

The Environmental Health Officer considers that the site is not suitable for residential development. This is due to the inability to mitigate noise from aircraft to a satisfactory level for outside living/amenity areas. Strong concerns are raised that if the development is granted permission, there will be significant adverse impacts on health and quality of life in external areas, arising from existing noise climate at this location. The consideration of air quality, dust control and contaminated land are considered below.

### **Air Quality**

An Air Quality Impact Assessment has been submitted with the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements, and changes to local traffic flows. In

addition, the potential odour impact from the Sewage Treatment Works (STW) has been considered.

The odour assessment concludes that the odour from the STW is unlikely to cause a nuisance within the proposed residential development. This is accepted.

The assessment models pollutants from the predicted additional road traffic associated with this proposal. The report concludes that people will be exposed to higher levels of pollution as a result of the development and its associated traffic.

The report highlights there is likely to be a negligible increase in exposure to airborne pollution at all modelled receptors for both NO<sub>2</sub> and PM<sub>10</sub>. Any negative impact on air quality should be mitigated against to help safeguard future air quality, irrespective of whether it would lead to an exceedence of an air quality objective, or the designation of an Air Quality Management Area.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. In order to mitigate against any negative air quality impacts, mitigation should be adopted in the form of direct measures to reduce the impact of traffic associated with the development. As such, the Environmental Health Officer recommends conditions be attached to any permission for the scheme requiring a residential Travel Plan to be submitted and approved (which outlines measures, targets and appropriate reporting mechanisms aimed at encouraging and incentivising Low Carbon Travel and Infrastructure options) and Electric Car Charging Points (to be provided on car parking spaces).

### Dust Control

No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.

### Contaminated land

The Environmental Health Contaminated Land Officer has commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase II investigation shall be required to assess any actual/potential contamination risks at the site including ground gas risks.

### **Landscape, Greenspaces and Trees**

Clearly, a housing development would have a lesser visual impact on Tatton Park and wider environs than large industrial buildings, which have previously allocated / considered for this site.

There have been several revisions to the indicative layout plan in order to achieve a quality landscape environment. The landscape details shown on the Tyler Grange Illustrative Landscape Masterplan (1779/P11D) and in Section 6.1 of the Design Code (Character Study – Landscape) are now broadly acceptable and can form the basis for the landscape masterplan and the detailed design of the landscape compartments (i.e. the Woodland Buffer, Green Lung, Rural Lane Gateway, Formal Play Area, informal Play Area and the Industrial Buffer) at the reserved matters stage.

There are various matters, which can be addressed by way of appropriate landscape conditions to ensure the following information is submitted with any reserved matters application:

A Landscape masterplan should be submitted to include the design for all landscape compartments i.e. the Woodland Buffer, Green Lung, Ecological Mitigation Area, Rural Lane Gateway (including the parkland areas on the site frontage) , Formal Play Area, informal Play Area and the Industrial Buffer.

The masterplan should include:

- Existing and proposed levels and contours
- All existing boundary vegetation and proposed soft landscape areas including woodland, scrub, parkland trees, hedgerows, wildflower grassland, mown grassed areas, ponds/SUDS (number and location to be agreed) and ornamental trees and shrubs
- Full details of proposed species and plant mixes for all of the open space compartments plus indicative species for the housing area.
- Full details for all hard landscape elements within the open space compartments i.e. footpath/cycleway surfacing materials, fencing, street furniture/seating, play equipment, public art and interpretive material etc. In addition, indicative hard landscape details for the housing area should be provided.
- The development should include at least three links between the housing area and woodland buffer, which should be a approximately 20 metres in width and include a footpath/cycleway.
- The minimum widths for the industrial buffer must be 30 metres in the vicinity of the industrial silos, and 20 metres along the rest of the industrial estate boundary (including maintenance strips and/or road verge).
- A permanent diversion route for public footpath (Knutsford FP11).

It is noted that Shawheath plantation is likely to be felled in approximately 20 years time. However, as the plantation currently exists, the impact of the development still needs to be considered.

The long-term management of tree on the boundary of the Plantation (within Tatton Park) should respond to what happens around their boundaries e.g. selective thinning and under planting rather than clear felling.

The previously considered employment development (08/2717P) included a footpath through a more open buffer area, which established a) the principle of public access close to the Park

boundary and b) that the buffer would not consist entirely of woodland planting c) ecological mitigation within the buffer.

It is considered appropriate to attach a condition as requested by the National Trust requiring appropriate boundary fencing to be erected along the boundary with Tatton Park. The National Trust would prefer an estate railing (which, the Landscape Officer agrees would be attractive and in keeping but would basically form a ladder for easy access). It is suggested that a 1.8m green weldmesh fence, and a good dense native hedgerow would provide a robust form of boundary treatment, however, this can be agreed at the reserved matters stage.

## **Open Space**

Discussions have taken place between the Parks Management Officer and applicant with regard to the quality of and amount of Public Open Space to be provided. On the basis of up to 200 dwellings, a minimum of 8 000sqm of Public Open Space is required, containing formal and informal children's play facilities and amenity facilities. Of this total 4 000sqm should be for children's play and of this 2 500sqm is for informal provision and 1 500sqm is formal (equipped) play. In addition, a payment of £170 000 will be required towards Recreation and Outdoor Sport provision (this figure takes into account the provision of 30% affordable housing). The commuted sum will be used to make additions, enhancements and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase.

The developer would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities as required by policies in the Local Plan. The payment of the sum would be included in the legal agreement and will be based on guidance in the Section 106 SPG.

In addition, the following requirements should be incorporated into the Reserved Matters submission: -

- A central enclosed formal park with themed LEAP and LAP play areas, paths, seating, signage, cyclestands, bins and landscaping all with strong and appropriate buffers to residential properties (currently proposed at 1,900sqm, min is 20sqm per family dwelling)
- The central area is also to include an orchard planting scheme and productive planting (within airport restrictions) should be incorporated across the site
- All footpaths and cycle ways should be hard surfaced
- An informal recreation area of 1.76ha incorporating a trim trail, pitch, footpath / cycleway
- The trim trail / outdoor training facility should contain a minimum of 5 pieces, with signage (user guidance and information) and hard standing where required and cyclestands
- Seats bins signage and interpretation should be provided throughout the network of open spaces and along the footpath/cycleway
- Gateways should be provided at the main access points into the open spaces

- Ideally, the kickabout / pitch area should be constructed to meet Sport England standard 'Natural Turf for Sport' and be a minimum size of 68.25 x 42m plus run offs. It is however, noted that this would dominate the recreational area to the north of the site and therefore a reduction in size of pitch may be more appropriate
- All footpath cycle ways should be hard surfaced (loose surfaces are not acceptable) at a minimum of 2.5m in width
- A phasing programme should be submitted to ensure that all open space is completed prior to the first occupation of the adjoining dwellings
- Full details of hard landscape elements e.g. trim trail, seating, signage etc should be provided
- The landscape masterplan should include full details of the kickabout pitch and orchard planting

It is noted that the revised parameters plan does not identify the extent of Public Open Space provision. A plan has been requested from the applicants' agent to show the extent of the Public Open Space.

### **Hedgerows/Tree Matters**

The site is located to the north east of Parkgate Lane and is described as relatively flat open land irregular in shape of approximately 16.23 ha which falls gradually towards Birkin Brook to the east. The site is divided into two by a mature hedgerow bisecting north to south across the site.

To the north of the site stands a woodland belt known as Shawheath plantation which comprises of a dense mixed plantation of Oak, Sycamore, Willow, Birch Alder and Fir. This belt of trees has been described as visually prominent, acting as a landscape buffer and screening to Tatton Park. A further belt of trees stands to the east of the site and running north to south along the slopes to Birkin Brook has also been described as visually prominent and of high value.

The site also contains two individual trees and a group of trees around a pond within the central northern boundary section of the site. Details of all trees are provided within a submitted Tree Survey.

An existing public footpath (Knutsford FP11) runs through the site from Parkgate Lane along the southern boundary adjacent to Parkgate Trading Estate then bisects across the site to the north east corner and across Birkin Brook.

Policy DC9 (Tree Protection) of the Macclesfield Borough Local Plan is relevant to this application.

### **Tree Preservation Orders**

Trees within and immediately adjacent to the application site are protected by Tree Preservation Orders (TPOs) or lie within Historic Parkland and a Site of Nature Conservation Importance.

### **Site of Biological Interest**

Shawheath Plantation and Dog Wood is registered as SBI (Grade C)

### **Supporting Arboricultural Information**

The application is supported by a a Tree Survey. The report confirms the trees were assessed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, which is the primary document guiding the process of determining the impact of proposed development on trees.

An illustrative Masterplan also provides an indication of the proposed housing layout, open space provision, woodland buffer and ecological mitigation areas.

The submitted arboricultural report identifies 2 individual trees, and eight groups of trees. Three of these groups (G4, G5 and G6) are described as mixed plantation woodland, which comprise of Oak and Sycamore within Shawheath plantation in Tatton Park to the north and boundary woodland along the slopes of Birkin Brook. A further group (G3) comprises of a Hawthorn hedgerow running north to south across the centre of the site. The report includes a tree quality assessment based upon the arboricultural, landscape and cultural categories defined in Table 1 of BS5837:2012.

The report identifies that the majority of those trees assessed were moderate value Category B trees, mainly associated with trees along the southern boundary adjacent to Parkgate Industrial Estate. The three woodlands identified to the northern and eastern boundaries are categorised as high value (A category), which are both prominent and visually important to the landscape.

The two individual Oak trees (T1 and T2) are categorised as poor (U category) due to their state of physiological decline and hollowed out structure.

### **Proposed roundabout at junction with Parkgate Lane and Mobberley Road**

The proposed roundabout and highway realignment will require the removal of a mature Silver Maple situated on the highway verge fronting the fire station. An early mature Lime located on the highway verge in the easterly direction may also be affected by the realignment of the road.

### **Conclusion on tree issues**

As most of the existing tree cover is located around the boundary of the site, the layout and design of residential development should be achievable without any significant tree losses. The Illustrative Masterplan appears to provide adequate separation distances from the Shawheath plantation and woodland adjacent to Birkin Brook. Ash, Oak and Willow around the existing pond should be considered for retention within existing open space provision as part of the package of mitigation. Greater emphasis should also be given to ensuring the retention and enhancement of trees along the southern boundary adjacent to Parkgate Industrial Estate with adequate space for their long term growth.

Given their physiological condition the two individual 'U' category Oak trees could be considered for removal; however an assessment of the two trees for potential bat roosts, foraging or commuting habitat should be undertaken.

An assessment of the potential impact of the proposed roundabout on trees within the highway should be included as part of the submitted arboricultural statement, including details of mitigation for losses.

## **Ecology**

The application is supported by an updated ecological assessment and mitigation and compensation proposals that mirror those agreed in respect of application 08/2717P at this site.

### Designated Sites

The proposed development is located within 400m of Tatton Mere which holds national (SSSI) and international designations (a component site of the Midland Meres and Mosses Phase 1 RAMSAR) for its ecological Value. The submitted ecological assessment has considered the potential of the proposed development to have an adverse impact upon the features for which both the SSSI and Ramsar were designated. The two potential risks associated with the proposed development relate to increased visitor/recreational use and the potential for the Mere to be polluted/contaminated as a result of the proposed development.

The submitted ecological assessment concludes that increased recreational pressure is not likely to have an adverse impact upon the nature conservation interest of Tatton Mere as Tatton is currently managed as a high number visitor attraction and the increase in visitor numbers is not thought to be significant.

The risk of an adverse impact arising as a result of pollution associated with the development can be adequately mitigated through the implementation of best practise pollution control measures as suggested by the ecological assessment. These could be incorporated into a Construction Environment Management Plan for the site, which would be made a condition of any planning consent granted.

The Nature Conservation Officer advises that the proposed development is not likely to have a significant effect upon the features for which Tatton Mere Ramsar, or SSSI were designated.

### Badgers

A well documented badger sett occurs off-site. The proposed development is unlikely to have an adverse impact upon the sett, however the proposed development will result in the loss of badger foraging habitat. Considering the retained open space and enhanced ecological area that has been included in the indicative layout for this site, the Nature Conservation Officer advises that the potential adverse impacts of this development upon badgers is unlikely to be significant.

### Great Crested Newts, ponds and other amphibians

In relation to protected species, a medium Great Crested Newt population has been recorded during the surveys undertaken to inform the determination of this planning application. In the absence of mitigation the proposed development would result in a HIGH level of impact on this species due to the loss of ponds, loss of terrestrial habitat and the risk of animals being killed, or injured during the construction phase. To compensate for the loss of ponds associated with the proposed development the applicant is proposing to construct a significant number of additional ponds both on and offsite. The loss of terrestrial habitat will be compensated for through the enhancement of the retained habitat to the north of the proposed development and the risk posed to individual animals will be mitigated through their removal and exclusion from the development footprint prior to the commencement of work. A Natural England license will be required.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that, if it is considered clear or very likely, the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

#### Alternatives

The application site is allocated for development in the emerging local plan and forms part of the Council's housing supply. Other sites in the locality are either allocated for alternative uses or protected by Green Belt. Given that newts are present on the site and a significant buffer will be required to avoid any impact whatsoever it is unlikely that housing could be provided without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

#### Overriding public Interest

The proposal is contributing to housing supply in the local area including a significant proportion of affordable homes. As such, the proposal is helping to address an important social need.

### Mitigation

The Nature Conservation Officer advises that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain and in all likelihood enhance the favourable conservation status of great crested newts and thus, the proposal will comply with Policy NE11 of the Macclesfield Borough Local Plan.

On the basis of the above, it is considered reasonably likely that the requirements of the Habitats Directive would be met.

**If outline planning consent is granted a section 106 agreement may be required to secure the off-site habitat creation and a condition would be required to ensure that any future reserved matters application is supported by an updated ecological mitigation method statement developed in accordance with the mitigation proposals submitted in respect of this outline application.**

### Ponds

Ponds are a biodiversity Action plan priority habitat and hence a material consideration. Two ponds would potentially be lost to the proposed development. The loss of these ponds would be compensated for through the creation of a significant number of new ponds leading to a considerable gain in the extent of pond habitats present on and around the site.

### Common Toad

**This Biodiversity Action Plan priority species has been recorded on the site. The proposed great crested newt mitigation and associated pond creation would potentially lead to a significant enhancement of the available habitat for this species.**

### Breeding Birds and Hedgerows

The proposed development site and adjacent habitats support a number of breeding bird species potentially including species which are Biodiversity Action Plan priority species. The majority of breeding habitat will however be retained as part of the proposed development. There will be some loss of hedgerow habitat as discussed below.

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Hedgerows are a Biodiversity priority habitat and hence a material consideration. The proposed development of this site is likely to result in the loss of a significant length of existing hedgerow. If outline consent is granted it must be ensured that appropriate replacement hedgerow planting is incorporated into any detailed landscaping scheme submitted at the reserved matters stage.

### Bats

Two trees remain on site identified as having HIGH bat roosting potential. These trees are number T3 and T4 in the submitted ecological assessment and T1 and T2 in the submitted tree report. Whilst these trees have not been confirmed to support roosting bats, the Nature

Conservation Officer advises that they are worthy of retention from an ecological perspective. It is recommended that the retention of these trees be secured by means of a planning condition if planning consent is granted.

## **Education**

In terms of local primary schools, these are forecast to be over subscribed and the proposed development would generate 36 places for primary school pupils. The Education Department has requested a contribution of £390 466 to primary education provision.

The applicant's agent has challenged this figure, as it is based on the figures provided by the Department for Education in 2008/09. The agent believes that the sum sought exceeds the correct calculation.

The Land and Sites Coordinator from the Children and Families Organisation and Capital Strategy has discussed the matter with the Education Funding agency and believes that the required extension work based on the costs required would be extremely difficult to achieve, based on actual costs for school extensions undertaken. The EFA officer has suggested that we maintain the standards which we are currently achieving. This mechanism is used on all developments, which the Education Department seeks a contribution from and so, is fair and reasonable.

It is considered that the original sum sought is fair and would allow the Education Department to extend a local school. Any unspent sum would be returned to the developer in the event that savings are made.

This contribution will be secured via a s106 Agreement, should the application be approved.

## **Flood Risk and Drainage**

Raised no objections in principle to the proposed development, subject to the addition of conditions and informatives as follows:

### Flood Risk

A scheme for the provision and implementation of a surface water regulation system will be required. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.

A scheme to manage the risk of flooding from overland flow of surface water is required to reduce the risk of flooding to the proposed development and future occupants.

The Flood Risk Assessment (FRA) submitted with this application states that some of the proposed residential development, will be situated in the areas of Flood Zone 2 shown on the 'Flood Zoning plan'. However, the FRA does not address the residual risk to these properties. Finished floor levels must be set no lower than 600 mm above the 1 in 100 year climate change flood level, to reduce the flood risk to these properties.

## Ecology

The proposed development will only be acceptable if a planning condition is included requiring a scheme to be agreed to compensate for the impact of the proposed development on the ponds.

In order to protect the ecological value of the ponds on site, a planning condition will be required, which seeks a scheme to protect an 8 meter wide buffer zone around the watercourses and Local Wildlife Site.

The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The buffer alongside the water courses must be 8 metres from the top of the bank. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.
- where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix

## Contaminated Land

The EA have previously reviewed an Integra Consulting Engineers, March 2008, Geo-environmental Desk Study for the site which identified that, although the overall risk to controlled waters was likely to be relatively low, there was the potential for contamination sources to exist at the site in relation to in-filled ponds.

The current Integra Consulting Engineers Phase 1 report (July 2013) has not elaborated on, or mentioned infilled ponds at the site and/or the potential for such features to be a source of contamination.

Given that the Birkin Brook is in close proximity, it is recommended that, if infilled pond features exist at the site, they should be subject to some investigation to determine whether or not they represent a source of contamination and, if so, whether they pose a risk to the nearby brook. Such an investigation could be carried out in concurrence with the proposed geotechnical investigations.

Therefore, the EA recommend that if planning permission is granted, conditions are imposed to ensure that where contamination sources exist, they are appropriately assessed and mitigated:

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected

contamination shall be dealt with.

The Environment Agency consider that planning permission should only be granted to the proposed development as submitted if a condition is included, which deals with the risks associated with contamination of the site, as without this condition, the proposed development on this site, poses an unacceptable risk to the environment and the EA would object to the application.

## **OTHER MATERIAL CONSIDERATIONS**

The comments provided by consultees and neighbours in relation to the strategic planning implications and the loss of allocated employment land, sustainability, transport and traffic, provision of affordable housing, impact on Tatton Park are noted. It is considered that the majority of issues are addressed in the report above.

The majority of issues can be addressed by way of attaching an appropriate condition, or designed out when it comes to the Reserved Matters application.

## **CONCLUSIONS**

This is an outline application for residential development, associated woodland buffer, ecological enhancement and open spaces. All matters are reserved (including layout, appearance and landscaping) except for means of access off Parkgate Lane.

The application also includes provision for a roundabout at the junction of the B5085 Moberley Road and Parkgate Lane integrating the Fire Station access and the widening of Parkgate Lane.

Whilst the application site is allocated for employment uses, it is acknowledged that there is an over-supply of employment land, and it is recommended that the site is released from employment use.

The site is on the periphery of Knutsford, however, it is not considered that the site would be easily accessible to non-car modes.

The proposal will bring a number of redevelopment benefits namely:

- 200 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% affordable housing;
- green links and footpaths, which will provide a pedestrian/cycle links throughout the site;
- on-site Public Open Space, containing play provision;

- Highways improvements – both at the junction of Parkgate Lane and Mobberley Road and £386 073 towards junction improvements in Knutsford at A537 Brook Street and at Adams Hill;
- £170 000 for Recreation and outdoor sports (based on 200 dwellings – to be re-calculated for the number of dwellings which results at the Reserved Matters stage);
- £390 466 towards primary education.

The above factors need to be weighed against the clear concerns from Environmental Health which relate to the suitability of the site for residential development. The issue being the combined impact of industrial noise and aircraft noise impacting on the site.

The applicant has put forward a scheme, which now provides an acoustic bund between the Parkgate Industrial Estate and the residential development. This 20-30m landscape buffer is proposed in the western portion of the site adjoining the site's southern boundary. It has been agreed that a buffer within this standoff will provide an appropriate distance between the existing employment uses located in the adjoining part of the Industrial Estate and the proposed residential development. This bund would include an acoustic fence on a mound several meters in height. Although this bund would need to be worked up in more detail at the Reserved Matters stage, its aim is to reduce the impact on the residential site from the operations on Parkgate Industrial Estate. This bund needs to ensure as far as is practically possible that there will not be an increase in regulatory activity on existing businesses, and restrictions on future development on the estate.

As a minimum any further development on the industrial estate would require acoustic assessment and potential additional acoustic mitigation penalties. The noise mitigation measures must be capable of protecting the amenity of noise sensitive residential property residents and also safeguarding Parkgate Industrial Estate business interests (both current and future).

The second noise source is from aircraft from Manchester Airport.

To protect internal habitable spaces, residential noise sensitive properties will require acoustic mitigation in the form of acoustic glazing, combined with full mechanical ventilation and heat recovery systems to ensure that habitable rooms can achieve compliance with the "good" BS8223 standard.

It is acknowledged that it is impossible to mitigate the severe impact of aircraft noise on external gardens / amenity areas and this is contrary to the NPPF and NPSE.

The site has been allocated in the Local Plan Strategy Submission Version, which was published on 18th February 2014. This states that the site is allocated for housing with a yield of 200 new homes.

Para 15.279 states : The land at Parkgate forms a natural extension to an existing residential and employment area located adjacent to the settlement boundary north of Knutsford.

Para 15.280 states : ...By virtue of its location, it is considered that this site presents a rare opportunity, within this part of the Borough, for a sustainable development within the existing settlement boundary of a Key Service Centre.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and facilities. With respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

Whilst the proposal will result in the loss of some grade 2 agricultural land, it is considered that the benefits of the delivering the site for much needed housing and affordable housing would outweigh this loss.

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered on balance to be acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land and the provision of housing in accordance with future policies, which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

## **HEADS OF TERMS**

- 30% Affordable Housing = 65% social or affordable rent, and 35% intermediate tenure
- A contribution of £390 466 is required towards primary education.
- A contribution of £386 073 towards highway improvements to be made to junctions at A537 Brook Street and at Adams Hill.
- A commuted sum would be required for Recreation / Outdoor Sport of £ 170 000 (which includes discount for the affordable housing based on the affordable dwellings). The commuted sums would be used to make improvements, additions and enhancements, additions and improvements to existing Recreation and Outdoor Sports facilities within Knutsford and towards the development of any potential new facility within Knutsford Town including land purchase. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development
- A 15 year sum for maintenance of the open space will be required IF the council agrees to the transfer of the open space to CEC on completion. Alternatively, arrangements for the open space to be maintained in perpetuity will need to be made by the developer, subject to a detailed maintenance schedule to be agreed with the council, prior to commencement
- Provision of art in public areas to be incorporated into the landscaping scheme

It is noted that the commuted sums required for open space and outdoor recreation, art work, and affordable housing provision would form part of a S106 agreement.

## Community Infrastructure Levy (CIL) Regulations

### LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide up to 200 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for primary school places in Knutsford, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions that are already congested and the required mitigation is directly related to the development and is fair and reasonable.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

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

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

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters
4. A02OP\_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A08OP - Ground levels to be submitted
7. A01LS - Landscape - submission of details
8. A04LS - Landscaping (implementation)
9. A01GR - Removal of permitted development rights
10. A02HA - Construction of access
11. A04HA - Vehicular visibility at access to be approved
12. A32HA - Submission of construction method statement
13. A19MC - Refuse storage facilities to be approved
14. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
15. Details of lighting to be approved
16. Piling - contractor to be members of the Considerate Construction Scheme
17. Hours of construction/noise generative works
18. Dust mitigation
19. Contaminated land
20. Submission of a drainage scheme including details in respect of surface water run-off
21. Scheme to dispose of foul and surface water
22. Flood risk
23. Flood risk - to prevent overland flow
24. Flooding re finished floor levels
25. Replacment of pond habitat prior to any development
26. Provision and management of an 8 metre wide buffer zone alongside the watercourses and Local Wildlife Site
27. Arboricultural Implication Study required
28. Contamination - remediation

29. Contaminants - protection of watercourse
30. Implementation of public open space areas.
31. Verification report re contaminants
32. Times of Piling
33. Landscape scheme to require assessment of potential to attract bird species that are a risk to aircraft safety
34. No lighting to be installed until full details submitted in consultation with Manchester Airport
35. Reserved Matters to include Site Construction Environmental Plan
36. All residential habitable rooms shall be acoustically insulated as outlined in the acoustic report
37. Acoustic fence
38. Scheme of noise mitigation to ensure that noise from the industrial estate meets required criteria for outdoor amenity areas
39. Travel Plan
40. Electric car charge points
41. Programme of archaeological work
42. Any future reserved matters application to be supported by an updated badger survey including mitigation and compensation measures
43. Safeguarding breeding birds
44. Reserved matters application to be supported by a revised ecological mitigation method statement. This revised statement to take account of any changes to the site layout or footprint but to be in accordance with the mitigation and compensation proposed
45. Reserved matters application to be supported by a Construction Environment Management Plan
46. Retention of trees with identified bat roost potential
47. Replacement hedgerow incorporated into landscape scheme
48. Trees T3, T4, T1 and T2 to be retained for bats

