Application No: 14/1480M

Location: Heath Lodge, Parkgate Lane, Knutsford, Knutsford, Cheshire, WA16 8EZ

Proposal: Demolition of two buildings and Erection of 14 no Residential Dwellings

Applicant: Frazer Lloyd Jones, Thomas Jones and Sons

Expiry Date: 13-Jun-2014

Date Report Prepared: 21 June 2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions and subject to a s106 agreement requiring a financial contribution of £56,000 towards public open space and a payment to cover maintenance for 15 years

MAIN ISSUES

- Housing
- Design
- Trees
- Leisure/ Open Space
- Ecology
- Amenity
- Highway Safety
- Drainage
- Heritage

REASON FOR REPORT

The application is for the erection of 14 residential units and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 3,874.61 sq. m and comprises Heath Lodge – a large two storey detached dwelling constructed before 1830, its residential annexe and garden.

The site is bounded by a railway line to the North and residential properties to the East, South and West.

The site lies within the settlement boundary of Knutsford and is within a designated predominantly residential area.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish the existing house and associated annexe and erect 14 dwellings comprising 6 two storey detached dwellings and 8 semi-detached two storey dwellings arranged around an internal access road.

Planning History

None relevant

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic Fabric
H1 – Phasing Policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and Access
DC8 - Landscaping
DC9 – Tree Protection
DC38 – Space, Light and Privacy
DC41 – Infill Housing Development
DC63 – Contaminated Land

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
SE1 – Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE5 – Trees, Hedgerow and Woodland
SE7 – The Historic Environment
SE9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
Planning Practice Guidance

CONSULTATIONS (External to Planning)

Network Rail – recommends conditions in respect of the construction period, surface water, RAMS for the railway, proximity of trees and buildings, excavation works and demolition works.

United Utilities – recommends conditions in respect of main connection and surface water.

Natural England – no objections

Environmental Health – recommends refusal as insufficient information has been submitted in respect of noise.

Highways – no objections

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council objects on the following grounds:

- Overdevelopment of the site by virtue of the number of properties and layout
- Access problems and the internal site arrangement is not adequate and could lead to highways safety issues
- Concern that the design does not respect the local vernacular style
- The privacy of neighbouring properties at 79-91 Parkgate would be compromised.
- The Council does not object to the principle of residential development on this site.

OTHER REPRESENTATIONS

13 letters of objection have been received and raise the following concerns:-

-The impact of the removal of trees on privacy
-That the existing road cannot accommodate additional housing
-the impact of the proposed housing on flood risk and drainage
-The impact of the proposed two storey houses on the adjacent bungalows
-Impact of existing noise sources on proposals and the impact of noise from the proposals on existing residents
-The impact of the proposals on loss of privacy, outlook and overshadowing to neighbours
-The impact of disruption during construction
-Relating to the loss of existing fencing around the site and therefore recommends the replacement of existing fences to neighbours
-The impact of any light pollution produced by the proposals

1 letter of support received which makes the following points:-
-Proposals would not result in loss of privacy
-Recommends replacement of fencing
-Recommends removal of trees
-Recommends improvements to highway
-Recommends improvements to drainage

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Design & Access Statement
This statement provides a site analysis, constraints and opportunities, concepts and principles and design proposals.

Arboricultural Assessment
The site has a reasonable level of tree cover however there are few specimens worthy of formal protection. Those scheduled for removal have limited amenity value or are of poor condition.

Protected Species Survey
Great Crested Newts and Bats were not present and there is no requirement for an EPS licence. Mitigation is proposed.

Transport Assessment
The site is widely accessible, a sustainable location and the highways network can accommodate the increase in vehicle movements. The proposed access and internal access road would be suitable to serve the development and would not have an adverse impact upon highway safety.

Noise Report
This report describes the level of noise which affects the site from aircraft associated with Manchester Airport and road traffic sources. It also demonstrates that industrial and rail noise does not materially affect the site. It describes the outline noise control measures that would provide acceptable conditions of amenity for residents in line with planning guidelines. Noise levels in external amenity areas exceed guidelines, but it is recognised by these guidelines that in some circumstances this is unavoidable and should not prohibit development. Therefore, it is possible to provide a development which meets all of the necessary standards of amenity for external noise sources affecting new residences. The implementation of the measures set out in this report can be required by planning condition.

OFFICER APPRAISAL

Housing

The proposals relate to the construction of new dwellings in a Predominantly Residential Area, within the settlement boundary of Knutsford. The site is within walking distance of public transport and local services, as well as recreational open space. The site is considered to be in a suitable and sustainable location.

The site is not identified within the Strategic Housing Land Availability Assessment (SHLAA) and whilst the LPA has an identified 5 year housing supply, there is still a presumption in favour of residential development.

In addition, the proposals would include a mix of housing types which would meet the housing needs of Knutsford identified within the Cheshire East Strategic Housing Market Assessment Update 2013. Therefore the construction of housing on the site would contribute towards meeting local housing objectives.

Policies H1, H2 and H5 within the MBLP 2004 indicate that there is a presumption in favour of housing development and this approach would be supported by para 14 of the NPPF and policies MP1, SD1, SD2 within the emerging Local Plan.

Design

External Appearance
There is a variety of different house types in this locality and given that the current buildings on the site are obscured from view and transcend the area between the parade of shops and the Industrial Estate beyond the bridge, there is no overriding house type.

The character of the area consists of two storey 1960s/1970s properties along Parkgate Lane, bungalows to the rear with modern properties approved recently at Parkgate Industrial estate.

The proposals adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials and a selection of particular details from the wider area which has influenced the design of the dwellings. Notably: hipped roofs, brick, barge board detailing, mock tudor cladding and prominent sill and lintel detail.

The fenestration of the dwellings is considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area.

At present, there are examples of two storey properties within the wider area and therefore this need not necessarily be inappropriate. However, the sensitive nature of the location i.e. backing onto bungalows means that several of the gable ends facing these bungalows have been hipped at perceived 'pinch points'.

Size and Scale
The properties are two storey and as the site would be seen in isolation and not part of an existing estate with an established character, this would not be inappropriate. The size and footprint is appropriate to the plot size and would enable sufficient garden space for this urban/suburban location and given that these are family dwellings.

Layout
The layout reflects a regular cul de sac arrangement which reflects the cul de sacs to the rear and is therefore appropriate.

The layout would however produce a form of development slightly denser and more compact that the looser urban grain of the bungalows, however this is appropriate within this urban location and constitutes an efficient use of space.

Trees / Landscaping

There are a number of trees across the site however many of these are small ornamental garden trees and do not make a meaningful contribution to the wider character of the area save for buffering the railway line.

The applicant has submitted an arboricultural report which indicates that the impact upon retained trees would be mitigated, removed trees would be compensated for and such losses would not have an adverse impact upon the amenity value of the retained tree cover once the replacements are established.

The Council's Forestry Officer has recommended conditions which are necessary to mitigate and compensate for tree losses and to ensure the proposals accord with policy DC9 within the MBLP 2004.

Leisure / Public Open Space

The proposed housing development triggers a requirement for public open space as identified in the SPG on S106 (Planning) Agreements (May 2004). The SPG also states that for developments above the trigger of 6 dwellings where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of leisure facilities/ public open space.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS of £42,000, which would be used to make additions, improvements and enhancements to open space facilities in Knutsford. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £14,000, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Knutsford.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation required in order to mitigate for the impacts of the development need to satisfy the following tests:

(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

Both policy IMP4 and RT5 within the MBLP 2004, and Cheshire East's Draft Town Centre Strategy for Knutsford indicate that improvements to open space are necessary in Knutsford. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is

considered that a financial contribution towards open space and recreation would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the open space in the local area serving the development.

Such a financial contribution would meet the tests set out in para 204 of the NPPF.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] …requirements … and this may potentially justify a refusal of planning permission."

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered….. In taking decisions, [LPAs] should ensure that appropriate weight is attached to …. protected species... … Where granting planning permission would result in significant harm …. [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm…… If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The submitted Survey indicates that protected species are not present on the site and are unlikely to be so. Nevertheless, it recommends mitigation measures.

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

Cheshire East Council has considered the project under Regulation 61(1)(a) of the Conservation of Habitats and Species Regulations 2010 and has concluded that it is not likely to have a significant effect, either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar. Consequently as the project is unlikely to have significant effects (either alone or in combination with other plans or projects) no further assessment is considered necessary.

Amenity

Overlooking

The proposals would not result in direct overlooking because there would be 21m between habitable rooms between units and to neighbours. The exception to this would be the relationship between plots 1 and 13/14 which would be a reduced distance of 20m. This is however only marginally shorter and therefore the impact to future occupants would not be significantly adverse.

The new dwellings would achieve 16m from the side elevation of plot 4 to no. 79 Parkgate and 14m from the side elevation of plot 9 and no. 89 Parkgate. Whilst secondary habitable room windows are proposed at ground floor level, boundary treatment would provide screening between the sites.

Whilst there would be some overlooking of rear gardens, given that the properties which have principal elevations facing gardens are 9m away from the boundaries, this would reduce the perception of being overlooking to a level which would not have a significant adverse impact upon neighbouring amenity.

Overshadowing

The separation distances between the new properties and neighbours are sufficient to ensure the proposals would not result in overshadowing of principal windows. However due to the height of the properties and the slight change in levels between the site and the bungalows to the rear, the gable ends of those properties closest to these bungalows have been hipped/ pitched away to reduce the perception of overshadowing to gardens. Whilst these gables would only be 2m away from the shared boundary, the proposal complies with guidelines for space, light and privacy. There will be some overshadowing of garden areas of properties on Parkgate in the afternoon/evening sun given the western orientation in relation to those properties. This impact is not considered to be a significant issue for amenity that could justify refusal of planning permission. The proposal complies with policy DC3 of the Local Plan.

Noise

Due to the proximity of the railway line, Environmental Health objected on the grounds that a Noise Report has not been submitted. This has since been received. No further comments from Environmental Health have been received at the time of writing this report, however it is anticipated that additional comments will be received prior to the committee meeting and an update report will be prepared accordingly.

The submitted report acknowledges that the site is affected by noise form aircraft and the railway line as well as traffic along the road network. The report concludes that rail and traffic noise does not materially affect the site and that with appropriate mitigation, the impact of aircraft noise inside the properties can be minimised. Whilst it would not be possible to minimise outside noise, this is something experienced by existing residents in this area.

Noise levels in external amenity areas exceed guidelines, but it is recognised by these guidelines that in some circumstances this is unavoidable and should not prohibit development. Therefore, it is possible to provide a development which meets all of the necessary standards of amenity for external noise sources affecting new residences. The implementation of the measures set out in this report can be required by planning condition.

Noise associated with construction can be conditioned.

It is considered that the proposals would accord with policy DC3 and policy DC38 within the MBLP 2004.

Highways

The applicant has submitted a Traffic Report which indicates that this is an accessible and sustainable location. It is within walking distance of a parade of shops for those less mobile and the Town Centre is also within walking distance. The site is within walking distance of the train station and bus station and the site is accessible by bus services. This is a highly sustainable location.

The existing point of access at the site is poor- the traffic report argues there is an improvement to highway safety. However, given the level of activity associated with the existing dwelling and annexe compared to the 14 proposed dwelling, whilst the new access would be fit for purpose, it is considered that the resultant impact on highway safety would be the same.

The proposals would meet the minimum car parking standards as set out within the emerging Cheshire East Local Plan. The point of access and internal road layout is to an adoptable standard and therefore acceptable to serve the development.

The proposals would not have an adverse impact upon highway safety in accordance with policies DC6 within the MBLP and guidance within chapter 4 of the NPPF.

Drainage

Concerns from residents have been raised in respect of existing drainage problems and the desirability that this development does not compound the problem.

United Utilities have no objections to the application but recommend conditions. In light of the comments from United Utilities and residents, conditions would be imposed requiring the submission of a drainage scheme including sustainable urban drainage measures that ensures the surface water does not discharge onto adjoining land and that foul and surface water is dealt with satisfactorily.

Heritage Assets

It is considered that the main issue is the impact of the proposals on the significance of undesignated heritage assets – the existing dwelling on the site was present in 1836.

Undesignated Heritage Asset

The existing dwelling is an undesignated heritage asset given its age.

Para 135 of the NPPF suggests that harm/ loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

The building would be demolished in its entirety therefore a balanced judgement would be required.

The building has limited architectural and cultural merit and there are significant benefits of the proposals such as the positive contribution towards housing land supply in a sustainable location. The benefits are therefore considered to outweigh the harm.

Other Considerations

The conditions suggested by Network Rail would be imposed accordingly.

Residents have commented on the replacement of the fence and whilst the LPA cannot specifically require the applicant to do this, a condition would be imposed requiring the submission of boundary treatment details.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. The proposals for 14 dwellings would make a positive contribution to housing land supply, in a sustainable location and would not raise significant issues in respect of amenity, highway safety, drainage or in any other way. Whilst concerns have been raised in respect of noise these would not

substantiate a reason for refusal given the limited nature of the impact and given the existing conditions within this residential area.

The objections of Knutsford Town Council and local residents are fully taken into account, however the proposal would accord with Development Plan policies within the MBLP which are consistent with The Framework. It is considered that planning permission should be granted as the proposals accord with policies listed within the Macclesfield Local Plan 2004 and guidance within The Framework.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

In order to give proper effect to the Board`s/Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair of Northern Planning Committee (or in his absence the Vice Chair) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A22GR - Protection from noise during construction (hours of construction)
9. A01GR - Removal of permitted development rights
10. A23GR - Pile Driving
11. A25GR - Obscure glazing requirement
12. A02HA - Construction of access
13. A07HA - No gates - new access
14. A12HA - Closure of access
15. A30HA - Protection of highway from mud and debris
16. A06HP - Use of garage / carport

17. A12LS - Landscaping to include details of boundary treatment
18. A15LS - Submission of additional landscape details
19. A01MC - Noise insulation
20. A08MC - Lighting details to be approved
21. A17MC - Decontamination of land
22. A19MC - Refuse storage facilities to be approved
23. A21MC - Water regulation system
24. A23MC - Details of ground levels to be submitted
25. A02NC - Implementation of ecological report
26. A04NC - Details of drainage
27. A06NC - Protection for breeding birds
28. A05TR - Arboricultural method statement
29. A06TR - Levels survey
30. dust control measures
31. provision of bird boxes