

Application No: 18/0089M

Location: Memorial House, Northwich Road, Knutsford, Cheshire, WA16 0AW

Proposal: Erection of Retirement Living Housing (Category II type accommodation) with associated communal facilities, landscaping and car parking together with a Memorial Garden following demolition of the existing buildings.

Applicant: McCarthy & Stone Retirement Lifestyles Ltd

Expiry Date: 30-Nov-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The site is located close to Knutsford Town Centre and has easy access to local shops, amenities and public transport opportunities. The proposal raises no issues in respect of highway safety, ecology or any other environmental impacts. The impact of the proposals on the amenity of neighbouring properties is considered acceptable and the design and layout of the site respects the history and constraints on site.

The developer will make a financial contribution to provision of off-site affordable housing. No contributions in respect of health, open space or education have been requested.

The building on site is a locally listed building and it will be lost if the development is approved. The building is not suitable for conversion and subject to conditions over the recording of the building and the provision of the memorial garden it is considered its loss is, on balance, acceptable.

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement and subject to confirm from the National Planning Casework Unit that the application can be determined.

PROPOSAL

The application is for the erection of Retirement Living Housing with associated communal facilities, landscaping and car parking together with a Memorial Garden following demolition of the existing buildings. The proposed accommodation comprises of 9 x 1 bed and 37 x 2 bed apartments.

SITE DESCRIPTION

The application site consists of Memorial House that is a neo-Georgian cottage hospital, built 1922 by Sir Percy Worthington and Francis Jones, as a First World War memorial. The building comprises a Two-storey, three-bay central block, constructed from red brick, with tall chimney stacks. A timber porch has been added to the front of the building, and retains most of its original timber sliding sash windows. The main part of the building is reflective of local building styles and use of materials. The rear of the building has been subject to various additions over the years most of which are unsympathetic to the character of the original building.

The building has not been used as a hospital for a number of years and is currently in use by the Red Cross. No medical functions are carried out on the site. The area in front of the building is used for parking and is home to a statue.

The access to the site is taken from Northwich Road and a tree lined lane leads to the building and parking areas. The site is heavily screened along the boundaries of the site by large mature trees. To the north and west of the site is agricultural land that is allocated in the local plan for housing. To the east is a narrow strip of undeveloped land separating the site from the existing two-storey residential properties in Warren Avenue. Northwich Road and the Old Toll House form the southern boundary of the site.

RELEVANT HISTORY

The site has been subject to a number of applications in the past, although none are recent and none have any relevance to the consideration of this application.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy

The following are considered relevant material considerations as indications

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 – Developer Contributions

SC1 – Leisure and Recreation

SC3 – Health and Well-Being

SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan

NE3 – Protection of Local Landscapes
NE11 – Protection and enhancement of nature conservation interests
NE17 – Nature Conservation in Major Developments
RT5 – Open Space Standards
DC3 – Amenity
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC15 – Provision of Facilities
DC17 – Water Resources
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

Other Material Considerations:

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Cheshire East Design Guide

The Knutsford Neighbourhood Plan has reached Regulation 14 stage and the draft plan has been subject to a period of public consultation. The relevant policies are;

D1 – The Knutsford Design Guide
D2 – Local Distinctiveness
D3 – Landscape in New Development
D4 – Sustainable Residential Design

E5 – Pollution
HW1 – Health and Wellbeing
HE1 – Landmarks, Views, Vistas, and Gateways
HE2 – Heritage Assets
H1 – Housing Mix
H2 – Previously Developed and Infill Development
T1 – Walking in Knutsford
T2 – Cycling in Knutsford
T3 – Public Transport
T4 - Parking

CONSULTATIONS (External to Planning)

Environmental Health – No objection. Conditions have been requested relating to method statements relating to dust control and piling. If required. These matters will be addressed through a condition relating to a construction management plan. Condition have also been requested requiring submission of a travel plan and provision of charging points for electric vehicles.

Flood Risk – No objection. A condition has been requested relating to submission of a drainage strategy.

Highway Engineer – No objection. The comments are addressed later in the report.

Nature Conservation – No objection. Conditions have been requesting requiring any tree works to be undertaken outside of the bird nesting season and for a scheme of a scheme of ecological enhancement.

United Utilities - No objection. A condition has been requested relating to submission of a drainage strategy.

NHS – No objection. In this instance a financial contribution is not sought.

Education No objection. This is on the basis of an age restriction being placed on the scheme.

Housing Strategy – No objection. This issues is addressed later in the report.

War Memorials Trust – No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council

Given new material facts which have become available from Cheshire East Council Conservation, Highways and Tree Officers, the Council resolves to OBJECT to this development. These comments supersede those submitted on 9th February 2018.

Knutsford Town Council requests that other uses for the existing building should be fully explored by the applicant, where no sufficient investigation of how the current building could be incorporated into the scheme have been demonstrated.

Knutsford Town Council have supported the Article IV declaration on the War Memorial Hospital and have also sought additional protection to prevent the demolition.

Should this development be approved, Knutsford Town Council requests that historical artefacts from the site are preserved in the appropriate way and that the following requests are considered: -

- The uPVC windows are not in keeping with the adjacent listed building and the Council requests that a condition requiring the use of painted wood windows is included in any approval.*
- Section 106 monies obtained from this development should provide a significant sum towards the improvement of health services. In recognition of the former use of the site, the manner in which the former Hospital was originally funded and the need for a new Health Centre within the Town.*
- Additionally, S106 monies should be requested to fund a regular bus service that should be diverted to provide a service to the residents of the new accommodation to prevent isolation of ageing residents.*
- The privacy and residential amenities of the adjacent listed building should be protected by ensuring there are appropriate distances between facing windows, and in the boundary treatments that are utilised.*

Knutsford Town Council look forward to being involved with planning the detailed proposals for the Memorial Garden on the site; including its layout, planting and future management; as per the pre-application discussions between representatives of KTC and McCarthy & Stone

OTHER REPRESENTATIONS

Representations have been received from 103 properties with 98 of those objecting to the proposal. The points raised in objection to the application and summarised as follows;

- The hospital belongs to the people of Knutsford and should remain that way.
- The war memorial should be given to the residents of Knutsford.
- The building should be retained for use of the community.
- Site should be used as a health centre for Knutsford and the surrounding villages.
- The building is of historic value and should not be demolished.
- The building was paid for by the people of Knutsford after the Great War.
- The site is not needed for development as enough houses are being built elsewhere.
- The development will result in the loss of the statue and war memorial.

- The development will add to the traffic issues in the area.
- The site does not belong to the Red Cross and it isn't theirs to sell.
- The proposal represents an over-development of the site.
- Inadequate parking provision is proposed.
- The existing building should be retained and converted to a new use.
- Covenants are in place to prevent the proposed use.
- The proposal will cause unacceptable overlooking.
- Elderly residents will be a burden on local services. No contributions are proposed to alleviate this.
- The proposed memorial garden should be larger.
- No affordable housing provision is proposed on-site.
- Impact of the development on the protected trees.
- Lack of capacity in local infrastructure.

The points raised in support of the application are summarised as follows;

- The proposal is a good use for the site.
- Welcome the retention of the memorial within the memorial garden.
- It is an appropriate scheme for the site.
- Demand exists for this type of development.
- The proposed building is impressive

APPRAISAL

Principle of Development

Knutsford is identified as one of the key service centres in Cheshire East where CELPS Policy PG 2 seeks to direct 'development of a scale, location and nature' to each town to maintain their vitality and viability.

The application site was removed from the Green Belt following the adoption of the Cheshire East Local Plan in July 2017 although the site is not included within the allocation for the strategic site to the north and west of the site.

The proposal is for a C2 residential use on a previously developed site and the surrounding land uses are primarily residential properties. No policies in either the Macclesfield Local Plan or the CELPS seek to protect the existing use taking place on the site.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Council can now demonstrate a 5 year housing land supply but it is important to note that this site will deliver up to 46 properties for older persons within a key service centre. Proposals like this that bring forward development of such sites make a valuable contribution to maintaining a 5 year housing land supply and preventing inappropriate development elsewhere.

The development results in the re-use of a previously developed site and the principle of residential development on the site is accepted and the key material considerations are detailed below.

SUSTAINABILITY

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

LOCATION OF THE SITE

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. The site is considered to be locationally sustainable. Whilst the applicant has not provided a full break down of the

services listed in the justification for CELPS Policy SD2 the site is within the recommended distance for access to public transport and is within easy access of the services and amenities within Knutsford Town Centre.

As such, the application site is considered to be locationally sustainable.

AFFORDABLE HOUSING

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires the provision of 30% affordable housing on all 'windfall' sites of 15 dwellings or more. This 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.

Therefore for this application there is a requirement for 30% affordable housing provision which for a development of 46 units will be 14 units. It is agreed that the proposed type of development is not suitable for on-site provision of affordable housing and as such are willing to accept a commuted sum, as has been proposed by the applicant. This is a standard approach in dealing with applications of this nature.

Based upon the information submitted with the application it was considered a financial contribution of £1,800,000 is required. The applicant initially offered a contribution of £30,242 and submitted a Viability Report produced by Alder King (AK) in support of this application. The Council has instructed Cushman & Wakefield (CW) to undertake a Due Diligence Assessment of the Financial Viability Appraisal.

In terms of ensuring viability and deliverability the NPPF (paragraph 57) states that;

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The Planning Practice Guidance (PPG) says that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development.

The initial findings of CW identified a number of issues and these are summarised as follows;

- Under calculation of the Gross Development Value (GDV)
- Over-stating of construction costs
- No justification of the site clearance costs.
- Excessive land value applied to the site

- Ground rents not included within the appraisal.

Further information and justification was submitted in response to the matters raised and an agreed position was reached that provided for a contribution of either £600,943 or £938,702. The final level of contribution depends on the Government restricting rather than prohibiting the levying of ground rents.

These contributions allow for a developer's profit of 20% of the GDV. NPPG makes an assumption that a reasonable level of profit for developers is between 15-20% depending on the level of risk. The applicant has provided the flowing justification for seeking a return at the top end of what the NPPG considered reasonable;

- No ability to phase or stop/start – once started each flatted development has to be completed before occupation by the older person's community.
- Significant capital outlay: land purchase; planning permission; construction of the entire development before revenue receipt.
- Added to significant capital outlay is the period of time the capital is employed, i.e. longer cash-flow profile over the land purchase, planning permission, construction and sales period than general market housing.
- Premium sales values are expected above the general needs housing market thus adding risk because of the requirement to accommodate:
- Added levels of assistance for the older person and the disabled, i.e. hands rails, maximising level access (60% - 70% of occupants are aged 78 years or over).
- Added levels of building and site security, including intruder alarm systems and emergency assistance alarm/help-line available to each unit.
- Restricted Market – over 55's age as opposed to general needs market housing available to all-comers.
- No Help-to-Buy, i.e. No financial market support/intervention.
- Retirement Housing Sector Developers and their Shareholders & Lenders require adequate financial returns to carry the typical higher capital outlay and timing risks associated with specialist retirement housing.

It is considered following submission that the level of profit is reasonable and in line with government guidance.

Therefore to conclude the financial contribution has been agreed to be either £600,943 or £938,702 depending on the outcome of the Government proposals on ground rent and will be delivered through a s106 agreement. The contribution will be put towards the provision of affordable housing within the Knutsford Area. The contribution will be paid at the following trigger points;

1. £50,000 to be paid prior to the demolition of the existing building;
2. Half of the remaining balance to be paid prior to the proposed building's first occupation;
3. The remainder to be paid prior to the occupation of the 35th unit.

The proposal therefore complies with Policy SC5 of the CELPS.

HIGHWAY IMPLICATIONS

Safe and Suitable Access

The site benefits from existing pedestrian infrastructure provision and is a short walking distance to the local amenities and services in Knutsford Town Centre, to bus stops and the railway station.

The proposed access into the site utilises the existing access from Northwich Road which will remain almost identically to how it is at the moment. This is considered acceptable for the level of traffic generated which will be low and it has been demonstrated adequate visibility is achievable. A plan has been submitted that demonstrates large service vehicles such as a refuse vehicle can safely enter and exit the site in a forward gear.

The access and internal layout of the site will not give rise to any issues of highway safety and therefore are considered acceptable.

Car Parking Provision

The development proposes a total of 46 parking spaces on site.

Appendix C of the CELPS sets out the parking standards for new development. The requirement for this proposal is 0.5 spaces per unit, 1 space per 3 units for visitors and 1 space per 2 staff. As only 1 employee will be on site at any one time the total parking requirement is 40 spaces. The car park layout submitted with the application shows 46 spaces will be provided. This exceeds the level required and is considered to be an acceptable level of parking provision.

Highway Conclusion

A safe access is achievable and the impact on the local and wider highway network will be minimal. It is therefore considered that the highways impact of the development would be acceptable and comply with the NPPF and Policy DC6 of the Macclesfield Borough Local Plan.

IMPACT ON RESIDENTIAL AMENITY

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Local Plan policies DC3, DC38 and DC41 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height.

The main impacts in respect of overlooking and overshadowing are in respect of the residential properties to the east on Warren Avenue. These properties are two-storeys in height whilst the proposed building is four-storeys in height. In this instance policy DC38

recommends a separation distance of 39 metres. It must also be noted that the existing properties on Warren Avenue are lower in ground than the application site and therefore allowance must also be made for this fact in assessing the relationship.

The elevation facing the properties on Warren Avenue contains a number of habitable room windows on all floors. At each end of the eastern elevation is a projecting gable and as the closest point to the existing houses. The distance between the existing and proposed properties is 48.4 metres, this is in excess of the 39 metres recommended and also makes an allowance for the change in levels. This relationship is considered acceptable given the distance allowed for and the impact in respect of overlooking and overshadowing.

In addition to the above the protected mature trees along the eastern boundary of the site form an effective screen between the existing and proposed properties and whilst the proposed building will remain visible the upper floors will be partially screened by the trees further reducing any impacts.

In terms of the impact on the Toll House a gap of 52 metres exists to the proposed building. At this point the building is three storeys rather than four and this relationship is considered acceptable.

The proposal is for a residential type use in close proximity to other residential properties. On that basis the proposal will not have any adverse impacts in respect of noise, dust, odour or any other environmental impact. Traffic generation is low as considered elsewhere in the report. Whilst some disruption may be apparent during the construction process this is for a limited time and a condition requiring a construction management statement will be included on the decision notice.

The proposal therefore complies with the requirements of Policies DC3 and DC38.

DESIGN AND LAYOUT

Policies SE1 and SD2 seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

Scale:

Although the proposed scale is four storeys in height, the green buffer surrounding the building will be such that this space will visually reduce the prominence of the building. The cross sections across the proposal to shows the building scale in context and in proportion with existing adjacent buildings. It shows the natural topography of the site amplifying the height to the East site of the plot, but again the space between the buildings and existing mature planting is enough to offset this.

Proportion:

The proposal uses traditional proportions in its representation of a Georgian style building and so is successful in its design & materials. The massing has been broken down with the use of different materials: traditional brick and stone and uses bays to break up the massing.

Connectivity:

The site is close to Northwich Road and is served by bus routes into Knutsford town centre. There is a cycle and scooter store within the building which provides and encourages additional sustainable travel modes.

Boundary treatment:

There are plans to introduce a 1.8m high fence in places along the boundary to the north, east and west. Along these boundaries existing hedgerows will be tidied and supplemented where required to ensure an attractive boundary feature is in place. The retention of existing landscape features such as the avenue of trees gives the site a mature setting which has steered the design towards a more traditional solution. The existing boundary trees also provide a visual buffer between the existing houses to the East.

Architectural Detailing:

Windows – a more traditional slim frame would be required to suit the styling of this building with recessed frames to add even more depth to the facades. The Juliette balcony details need to be adjusted to suit the architectural styling in this location – a wrought iron railing of a similar period to the building style may be more suitable. These matters will be dealt with through condition on the decision notice.

Landscape

The proposal will not have a significant landscape or visual impact as the site is a previously developed site and is well screened by the mature protected trees. A high level landscape plan has been submitted with the application and the principle of the landscape approach is acceptable. A condition will be included in the decision notice requiring a detailed landscape scheme to be agreed and implemented. A separate condition will be included for details of the memorial garden to ensure this is available at an early stage in the development.

Design Conclusion

Overall this is a well designed building which is well screened and will sit well in the existing surroundings. The memorial garden will be prominent to the street frontage and therefore will provide a more accessible space for the general public to visit. Conditions relating to landscaping, materials and window and balcony detailing will be included on the decision notice.

LOSS OF NON-DESIGNATED HERITAGE ASSET

The building is recognised as a building of local value and therefore as a non-designated heritage asset as defined in the NPPF. The significance of this building lies both in its role as a memorial and also that it was designed by the noteworthy Manchester Architect Sir Percy Worthington. His work on hospitals was recognised as pioneering. A number of listed buildings by Worthington are located in Knutsford and other areas of Cheshire East.

The building is located to the north of Northwich Road, set beyond a tree lined driveway, being the terminal feature, to a clearly laid out design. The TPO trees are noted as being protected and retained as part of the replacement development on the site.

The replicated design features for the replacement building, appear to be taken from the existing building on the site, appears as an indicator that the existing buildings architectural design is considered to be important, to a degree.

A spot listing application was made to Historic England, to add this building to the statutory list (i.e. the national list of listed buildings) but it was unsuccessful. This does not diminish its local heritage significance however. The designation report concludes “Although not of sufficient special interest in a national context to recommend for listing, this building might be considered to be of local historical interest as a First World War memorial, and of local architectural interest for its understated but attractive and little-altered exterior. In considering the listing Historic England concluded the following;

Based on the information provided and judged against the criteria and guidance, Knutsford War Memorial Cottage Hospital is not recommended for listing for the following principal reasons:

- * Date: the early C20 is a period when a high degree of selectivity is required due to the large numbers of surviving buildings;*
- * Comparative significance: the limited exterior detailing does not reach the same standard as listed cottage hospitals of a similar date.*
- * Degree of survival: the interior retains few historic features, in particular relating to its function as a hospital;*
- * Historical association: the involvement of Sir Percy Scott Worthington in the design is of some interest, but this commission is a late example in his career and involved collaboration with another architect. The design does not display the pioneering quality associated with some of Worthington’s hospital work.*

Given the heritage status (non-designated) of the building, it was considered that the demolition of the building without proper consideration of the planning merits would be prejudicial to the proper planning of the area or would constitute a threat to the amenities of the area. In response to this, Cheshire East Council served an Article 4 (1) Direction. This direction was confirmed on 28th February 2017, removing the permitted development rights granted by article 3 of the GPDO to demolish the building without a further grant of planning permission. In confirming the order, the justification was based on the significance of the building

Paragraph 197 of the NPPF requires a balanced consideration in relation to non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF goes on to state that great weight should be given to an asset’s conservation.

It is considered that the loss of the building causes a less than substantial level of harm. This conclusion has been reached taking into account of the comments of Historic England when considering the listing of the building and the building not being suitable for any viable uses going forward.

Para 198 of the NPPF states that LPAs should not allow the loss of an asset, without taking reasonable steps to ensure that the new development proceeds. In this instance the applicant has offered to pay part of the off-site affordable housing contribution before demolition of the

building can occur. This is considered reasonable in the circumstances and therefore the proposal complies with this aspect of the NPPF.

As the proposal results in the loss of a heritage asset a condition will be included on the decision notice requiring the developer to record and advance the understanding of the significance of the asset. This is fully in compliance with para 199 of the NPPF. This will include a measured survey of the building and a full photographic record of the building internally and externally.

IMPACT ON PROTECTED TREES

The trees within the site are protected by the Macclesfield Borough Council Knutsford-War Memorial Hospital Tree Preservation Order 1992. These include groups of Corsican Pine to the west and eastern boundaries and an avenue of pollarded Lime either side of the existing access.

The application is now supported by an Arboricultural Report (Ian Keen Limited) which includes a Tree Survey, Arboricultural Implications Assessment and Tree Protection Plan.

Direct loss of trees to Development

Two trees, a moderate (B) category Holly (T44) and High (A) category Silver Birch are proposed for removal to accommodate the design of the Memorial Garden adjacent to Northwich Road. Neither tree is protected by the Tree Preservation Order, and their removal does not impact significantly on the wider amenity of the area or in terms of the setting of the existing building.

Below Ground Constraints - Root Protection Areas (RPA)

The Addendum Report submitted following initial comments confirms that pruning will not be required to accommodate the proposed scaffolding during the construction of the building. . It should be noted however that at its closest point the building footprint is only 5.45 metres to Tree Protective fencing. Width of scaffold towers are about 2.5 metres wide which leaves less than 3 metres access for construction vehicles (adjacent to trees 66-68.) taking into account safety margins for vehicle movement.

The report states that the root protection area in BS5837 is theoretical and the 20% design recommendations stated at para 7.4.2.3 of BS5837 is not supported by evidence. It should be noted that the British Standard is currently the industry wide standard that provides recommendations and guidance for trees in relation to construction and it seems somewhat disingenuous to then disregard the recommendations. The Addendum Report provides photographs of other sites which have been supervised by the Consultant where the extent of no dig coverage far exceeds the 20% stated by BS5837:2012 where the trees have shown no ill effects.

As evidence, the photographs have no particular relevance to this site as the impact of proposed hard standing and encroachment within a tree's RPA depends upon a number of factors including species tolerance and the type of underlying soils. However having considered further the Arboricultural Report which gives an indication that the underlying soils are free draining and in this regard are more likely to provide a greater lateral diffusion

rate for water and air, it is accepted subject to detailed engineering solution this issue can be overcome,

Above Ground Constraints

The relationship between trees and the building and its amenity space would, be constrained; much more so, given that the age of people living in the building will likely be more sensitive to the size and proximity of the trees and the full implications of shade, branch shedding and general concerns about safety which will gradually manifest themselves over time. In these circumstances there is a strong likelihood that future occupiers would seek to reduce the tree cover as a consequence of the trees proximity to the building and the potential threat would present a persuasive case being made, despite the protection afforded by the TPO.

Proposed Drainage

This will be a relatively minor incursion and the impact on Tree T31 will be minimal.

Tree Conclusion

The development will not have a detrimental impact on the health of the protected trees and the tree removal from the site is minor and is restricted to trees that are not protected.

The issue of the shading caused by the protected trees on future residents is one that does cause an issue, however the trees are protected and any works to prune or other works to the trees will have to be approved by the Council before they can take place. Additionally the residents purchasing the properties within the development will do so in the full knowledge of the trees being along the boundary of the site and the protection afforded to them. Therefore only limited weight can be afforded to this dis-benefit of the proposal.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

COMMENT ON OBJECTIONS

A number of the points of objection have been addressed in the main body of the report and the remaining points are addressed below.

Many issues have been raised over the ownership of the site and the site is not the Red Crosses to sell. The application form identifies the site owners being the British Red Cross

Society and no evidence has been submitted in the representations that demonstrate otherwise.

One issue raised in some representations was the potential presence of a restrictive covenant that restricts development on the site. A covenant is a restriction on what can be done with land or property. Planning permission can be granted for development that breaches the terms of a restrictive covenant but the granting of planning permission does not over-ride the covenant itself. A landowner or developer with a planning permission may still be unable to develop land because of a restrictive covenant. Whether a covenant is enforceable or not is not a matter for the Council to determine or become involved in.

A number of comments stated that the site should be in community use. The site is not in community use at the moment as it is used for first aid courses and as offices. A nomination of the site was made under the Community Right to Bid legislation, however this bid was unsuccessful. The main reasons being the public use of the site is limited and no clear evidence of wider community benefit of the asset has been shown. The proposals include provision of a memorial garden that will allow public access.

Many representations relate to the loss of the war memorials and the statue. Discussions have been taking place between the applicant and the town council over the future of these memorial features. A condition will be included on the decision notice requiring the agreement of the future plans for them before any work can take place on site. The applicant has agreed to this condition.

CONCLUSIONS AND PLANNING BALANCE

The proposal provides a number of benefits. It provides much needed residential accommodation for elderly persons on a site that is sustainably location close to the centre of Knutsford. This helps to provide a mix of housing in the area

The existing memorials within the building and the statue to the front of the building will be gifted by the applicant, most likely to the Town Council and this will be agreed through a condition before works on site can start. This is also considered a benefit of the scheme. For the first time the memorials and statue will be displayed in more publically accessible spaces.

The Council can demonstrate a 5 year supply of housing and the provision of an additional dwelling will assist in providing a continual supply. However as it only a single dwelling this benefit can only be given some weight.

A benefit of the scheme is the financial contribution for off-site affordable housing. Whilst this is a policy requirement and the full requirement is not met it has been demonstrated that the appropriate level of contribution has been secured. Whilst this cannot be given full weight as a benefit to the scheme it does weigh positive in the planning balance.

In respect of highway issues the impact of the development is neutral. This is because whilst no adverse impact has been identified there is neither any benefit. Whilst there will be some impact on the amenity of the nearby residential properties it is not considered the harm is at a level to withhold planning permission.

The loss of a non-designated heritage asset does weigh against the proposal and the harm is considered to be less than substantial and considering the benefits. The existing uses of the site are appreciated as are the fact the hospital was built in memorial to those lost in the Great War, however the building has been turned down for formal listing and a development that respects the previous uses of the site has been put forward.

The other dis-benefit is the shading issue caused by the protected trees on the proposed properties. The future works to the trees are within the control of the Council and therefore only limited weight can be afforded against this.

On balance it is considered the benefits of the application outlined above outweigh the less than harm caused by the loss of the heritage asset and the limited harm caused by the trees. Therefore the application should be approved subject to conditions and completion of a s106 agreement following confirmation from the Secretary of State that the Council can determine the application.

RECOMMENDATION

The National Planning Casework Unit is in receipt of a third party request to 'call-in' the application to the Secretary of State. Therefore the recommendation is made subject to referral to the NPCU to ensure the decision can be issued.

The application is recommended for approval subject to the completion of a s106 agreement for the financial contribution outlined above and the conditions listed below:

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 Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Tree protection
4. Tree pruning / felling specification
5. Service / drainage layout
6. Submission of samples of building materials

7. Submission of landscaping scheme
8. Landscaping (implementation)
9. Provision of car parking
10. NPPF
11. Contam Land
12. No dig specification
13. Submission of surface water drainage scheme
14. Construction Management Plan
15. Electric Vehicle Charging Points
16. imported soil testing and verification
17. Contam Land 3
18. Breeding Birds - timing of works
19. Breeding Bird boxes provision
20. minimum age: 60 years (with 55 for dependent)
21. Survey and photographic record of the building
22. Details of the memorial garden
23. Window and balcony detailing.
24. Before development commences future of statues and memorial to be agreed.

