

Application No: 18/2104M

Location: LAND NORTH OF PARKGATE INDUSTRIAL ESTATE, PARKGATE LANE, KNUTSFORD, WA16 8DX

Proposal: Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class).

Applicant: The Tatton Estate (R. Brooks, Esq. and R Brooks Ltd)

Expiry Date: 23-Nov-2018

## **SUMMARY**

The principle of residential development on the site has been established through the grant of outline planning permission and allocation in the CELPS.

The proposed development seeks to provide a residential development of 235 dwellings on a site allocated for housing in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, however a wide range of concerns are raised in terms of this submission.

As proposed there are aspects of the development that are inappropriate development in the Green Belt, and which do not preserve openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In terms of other, non Green Belt, harm, the proposed residential mix does not accord with the objective of the KNP, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the larger 4 and 5 bed house types, which is contrary to policy H1 of the draft KNP, and subsequently policy SE4 of the CELPS.

Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal would result in development of a poor quality design that fails to take into account local design standards. The proposal is contrary to policies SD2 and SE1 of the CELPS, the CEC Design Guide and guidance in the Framework.

The proposed junction arrangement close to the entrance of the site is too straight without any deflection, which will inevitably lead to vehicles merging, potentially at higher speeds,

which will have significant highway safety implications, contrary to policy DC6 of the MBLP and paragraph 108 of the Framework.

A landscape character assessment required by policy LPS 37 has not been submitted. This is required, not only to guide the scale and massing of new development, ensuring that it is acceptable in surrounding landscape, but also to ensure a high quality design which reflects and respects the character of the area, built form and surrounding landscape. The submission is therefore contrary to this policy.

A heritage impact assessment has not been submitted to consider the impact upon the adjacent designated heritage asset, the Grade II\* Tatton Park Registered Park and Garden, and as such the proposal is contrary to paragraph 189 of Framework and policy SE7 of CELPS.

The proposed mound between the housing and the industrial estate would result in the part of the public right of way (Knutsford FP 11) which is not being diverted being either on top of the mound or between the retaining wall/acoustic fence and the neighbouring industrial building. This will negatively affect the public right of way, and for this reason the proposed diversion route for FP11 is not considered to be acceptable, which is contrary to policy LPS 37 of the CELPS.

Inadequate landscape detail has been provided. The submission is therefore not in compliance with the requirements of the condition 7 of the outline permission, which sets out a range of detail that is required with the reserved matters submission, which has not been submitted.

The scale of the dwellings on certain plots conflicts with plans approved under the outline consent 13/2935M. The proposal is therefore not in compliance with condition 4 of the outline permission

An affordable housing scheme that is required by the s106 to be submitted with the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy SC5 of the CELPS.

A landscape scheme (providing a detailed specification for the public open space) that is required by the s106 to be submitted at the same time as the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy DC40 of the MBLP and policy SE6 of the CELPS.

Insufficient information has been submitted to demonstrate the full extent of the impact of the development upon trees or woodlands (including veteran trees), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area. Accordingly, compliance with policies SE3 and SE5 of the CELPS and paragraph 175 of the Framework cannot be confirmed.

The provision of 235 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. Other benefits relating to the development were secured at the outline stage, including 30%

affordable housing, on site public open space, highways improvements, financial contributions towards recreation and outdoor sports provision, and towards education.

In this case there is clear conflict with the development plan, supplementary planning documents, national planning policy and the outline planning permission. The harm identified above by reason of inappropriateness and other harm is not clearly outweighed by other considerations to amount to very special circumstances. The proposal is therefore not considered to be a sustainable form of development.

**Summary Recommendation:**

Refuse

**DESCRIPTION OF SITE AND CONTEXT**

The site is an approximate 16 hectare greenfield site lying to the north east of Knutsford Town centre. Tatton Park is located to the north of the site, Parkgate Industrial Estate is to the south, Birkin Brook and a water treatment plant lie to the east and Parkgate Farm borders the site to the north west.

Part of the site is allocated for housing development under policy LPS 37 in the CELPS, with the remainder being within the Green Belt.

**DETAILS OF PROPOSAL**

This application seeks approval for the reserved matters following the outline approval 13/2935M, which granted consent for high quality residential development (use class C3) with associated woodland buffer, ecological mitigation and enhancements, and open spaces. The number of dwellings was not specified in the decision notice. Access was approved at the outline stage, and the current proposal seeks reserved matters approval for the appearance, landscaping, layout and scale for 235 dwellings.

An identical application (18/2996M) appears elsewhere on the agenda.

**RELEVANT HISTORY**

18/2105D – Discharge of conditions 6,19, 21, 23, 24, 25, 29, 39 and 41 on permission 13/2935M – Not determined to date

18/0337M - Variation of Conditions 4, 23, 33, 34 and 35 on approval 13/2935M - 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 – Not determined to date

18/2996M - Reserved matters application pursuant to outline planning consent 13/2935M for siting, design, appearance and landscaping details for residential development (C3 Use Class) – Not determined to date

13/2935M - 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 – Approved 23.06.2015

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) – Not determined to date (s106 never completed)

08/0721P - 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 30.08.2008

## **POLICIES**

### **Development Plan**

#### Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG4 Safeguarded Land

PG6 Open Countryside

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 37 Parkgate Extension, Knutsford

#### Macclesfield Borough Local Plan saved policies (MBLP)

NE9 Protection of River Corridors

NE11 Nature conservation  
NE17 Nature conservation in major developments  
NE18 Accessibility to nature conservation  
RT5 Open space standards  
H9 Occupation of affordable housing  
DC3 Residential Amenity  
DC6 Circulation and Access  
DC8 Landscaping  
DC9 Tree Protection  
DC14 Noise  
DC17 Water resources  
DC35 Materials and finishes  
DC36 Road layouts and circulation  
DC37 Landscaping  
DC38 Space, light and privacy  
DC40 Children's play / amenity space  
DC63 Contaminated land

**Other Material Considerations**

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

Knutsford Neighbourhood Plan (KNP)

The Knutsford Neighbourhood Plan has reached Regulation 16 stage (consultation on submitted plan), and the consultation period is currently running to 23 November 2018. The plan can be afforded moderate weight in the determination of the application given the stage it has reached. The following policies are considered to be relevant:

D1 The Knutsford Design Guide  
D2 Local Distinctiveness  
D3 Landscape in New Development  
D4 Sustainable Residential Design  
E1 Connections to the Countryside  
E2 Green and Blue Corridors  
E3 Habitat Protection and Biodiversity  
E5 Pollution  
HW1 Health & wellbeing  
HE2 Heritage assets  
H1 Housing mix  
SL1 Open space in new developments  
SL3 New sport and leisure facilities  
T1 Walking in Knutsford  
T2 Cycling in Knutsford  
T3 Public transport  
T4 Parking

**CONSULTATIONS (External to Planning)**

**Historic England – No comments**

**The Gardens Trust** – Object on grounds that housing is far too urban in character for this greenfield site next to a historic parkland which is nationally of ‘more than special historic interest’

**Cheshire Gardens Trust** – No comments received

**Environment Agency** – Object on grounds of insufficient information – comments awaited on revised details

**United Utilities** – No objection subject to drainage conditions

**Manchester Airport** – No objection subject to condition relating to a restriction on bird feeding

**Cheshire Constabulary** – No comments received

**Cheshire Fire Brigade** – No comments received

**Natural England** – Comments awaited

**Flood Risk Manager** – No objection

**Environmental Health** – Require clarification on noise impacts

**Housing Strategy & Needs Manager** – Object on grounds of no tenure split identified, smaller apartment blocks preferred, no affordable housing statement.

**Education** – No comments received

**Public Rights of Way** – No objections - The route of part of Public Footpath Knutsford 11 that is affected by this development is currently being diverted under the T.C.P.A. s.257. An Order has been made and advertised.

**Head of Strategic Infrastructure** – Design amendments are required.

**ANSA** – Comments awaited

**Cheshire Archaeology Planning Advisory Service** – No objection – relevant condition attached to outline permission

**Knutsford Town Council** – Support the proposal noting that the proposed layout and design is complimentary to the character of Knutsford, but request the following amendments to the scheme:

- More brick to be employed for the apartment buildings as opposed to rendering,
- dedicated parking provision and changing facilities to be provided alongside the sports pitch
- Designated parking spaces for residents.

Would prefer to see some bungalows in the development (the Knutsford Design Guide makes reference to this, highlighting the benefits of bungalows over apartments including private garden areas)

## **OTHER REPRESENTATIONS**

To date, during the two rounds of public consultation, 9 letters of representation have been received from interested parties, local businesses, The Knutsford Community Groups and the National Trust (as adjoining landowners) objecting to the development on the following grounds:

- Abysmal architecture
- We are living in the 21st Century not some Disneyesque Victorian parody
- Noise affecting residents of the site – aircraft and adjacent industrial estate
- Negative visual impact on Grade II\* Tatton Park – No LVIA to address impact
- Shawheath Plantation is not a buffer to Tatton Park, it is part of it.
- Sparse understorey planting will be harvested in next 20 years.
- Emerging neighbouring plan seeks to ensure Knutsford's green and open spaces and landscape setting are retained and enhanced
- Steep changes in ground levels
- Loft conversions / roof windows should not be allowed
- No additional crossing over railway line means access is not satisfactory
- Emergency access will be over existing bridge – what if there is a problem with that bridge?
- No estimate of numbers of new residents provided, and associated traffic impact
- A new access across the railway line is needed before any more new development is approved
- 235 units is more than 200 in local plan
- Affordable housing scheme lacking
- Inadequate pepper potting
- No provision for more mature residents
- Straight suburban roads, crowded housing and awkward parking
- Monolithic apartments
- Inappropriate location of public open space due to significant sewer with easement rights at the entrance to the site.
- Inappropriate location of POS amenity at the edge of car park in the area shown to be avoided due to noise from the Parkgate Industrial estate 24/7 operation silos
- The requirement to upgrade FP11 to a footpath/ cycleway is not clearly stated.
- Footpath 11 (North Cheshire Way) could be further improved by off site new access to Dog Wood at the entrance of Tatton Park
- the existing ponds are indicated as forming the SUDS system, this might overload them and affect the ecological balance
- The delivery of the proposed open space in relation to the building phasing is unclear
- no need for an urban mix in the design. Its rural green farmland in a country park setting. No garages means no electric charge points or cycle storage. Also the plaza parking increases opportunity for crime and antisocial parking

The Knutsford Community Groups also highlight the following strengths with the proposal:

- Gateway into the development with its curved terrace makes a green and pleasant entrance.
- The site has plenty of open space, wildlife areas and ponds.
- The spine road is sinuous and attractive with some generous plots and well-positioned family homes; the Village area has good landscaping and trees on what is currently a rather barren arable site.
- Noise from PIE should be absorbed by the proposed landscaping and deflected by the taller buildings; acoustic design of housing means dwellings will be quiet indoors. Aircraft noise will reduce amenity outdoors, although no shortage of demand for existing properties is evident under the flight paths in this part of the town.
- Housing designs are reasonably consistent with Cheshire East Borough Design Guide [CEBDG] and Knutsford Design Guide [KDG], although they have prompted a range of subjective reactions.

## **OFFICER APPRAISAL**

### **Principle of development**

The application site is an allocated Strategic Site for housing in the CELPS. Site LPS 37 states that the development of the Parkgate Extension over the Local Plan Strategy period will be achieved through:

- Phased provision of around 200 new homes;
- Incorporation of green infrastructure;
- Implementation of a landscaping scheme, including SuDS and boundary treatments, ecological mitigation and pond treatment required to detract large water birds;
- Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities including a permanent diversion route of public footpath (Knutsford FP11) and at least three 20 metre wide links between the housing area and the woodland buffer;
- An approximate 50 metre acoustic buffer/bund/fence for noise mitigation between the proposed housing and the industrial estate and employment allocation;
- Dwellings within mapped areas of noise mitigation will require mitigation to outdoor amenity space;
- Appropriate contributions towards education facilities.

The number of dwellings was not specified on the decision notice for the outline planning permission, therefore a proposal for 235 dwellings does accord with the outline permission. As noted above, LPS 37 allows for around 200 new homes. 235 would be a 17.5% increase from the broad figure of 200 specified in the policy. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 200 dwellings” in LPS 37. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Knutsford and the wider Borough. The further requirements of policy LPS 37, and other relevant policies, are considered below.

### **Green Belt**

As noted above part of the application site is located within the Green Belt. A parameters plan approved as part of the outline permission identifies the developable area of the site outside of the Green Belt. It is primarily the areas to the north and west of the application site

that are located within the Green Belt. The Green Belt boundary is also shown on the proposed site plan with an unhelpfully thick green dotted line. The thickness of the line does hinder attempts to form a definitive view on whether there is any encroachment into the Green Belt, given that development (main spine road) is hard up against the Green Belt boundary. Notwithstanding this point, there are some issues that are clear. The following development is proposed in the Green Belt:

- Provision of footpaths and boardwalks
- The provision of part of the rear garden of plot 1
- The erection of fencing around part of the ecological mitigation area
- The provision of a swale and ponds
- The erection of estate railings
- Trim trail consisting of gym equipment
- Playing field

Policy PG3 of the CELPS reflects paragraph 145 of the Framework where it states that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances.

#### Fencing & railings

The construction of new buildings is inappropriate in Green Belt. The Town & Country Planning Act defines a building as “*any structure or erection...*” and in this context fencing and railings are included as buildings. Policy PG3 and paragraph 145 provide a list of exceptions of types of buildings that are not inappropriate development. The proposed fencing and railings are not considered to meet any of the identified exceptions and are therefore inappropriate development in the Green Belt.

#### Boardwalks and footpaths

The boardwalks may also be defined as buildings, although no elevations or details have been provided to facilitate the assessment of their impact on openness. PG3 and paragraph 145 state that the provision of appropriate facilities for outdoor sport, outdoor recreation...; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, are not inappropriate. Whilst the boardwalks could be considered to be such facilities, as structures they do encroach out into the Green Belt from the residential development as they link in with the proposed network of surrounding footpaths.

The same openness and purposes of including land in the Green Belt tests apply to engineering operations (paragraph 146 of the Framework and policy PG3) such as the provision of the footpaths and the swale and ponds. The ponds and swale are considered to preserve the openness of the Green Belt and not conflict with the purposes of including land in it. The footpaths do introduce considerable lengths of hardstanding within the Green Belt, and due to their extent, particularly when combined with the Boardwalks are considered to conflict with the purposes of including land in the Green Belt through encroachment and result in a loss of openness. The footpaths and boardwalks are considered to be inappropriate development in the Green Belt.

#### Trim trail & gym equipment

No details have been provided for the trim trail and gym equipment, however it is anticipated that such features would also amount to buildings. As an appropriate facility for outdoor sport

or recreation the gym equipment is potentially not inappropriate development subject to the facilities preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. Insufficient information has been submitted to conclude on this matter.

#### Rear garden of plot 1

Material changes in the use of land are also not inappropriate in the Green Belt provided they also preserve its openness and do not conflict with the purposes of including land within it. The provision of part of the rear garden in plot 1 is again considered to conflict with the purposes of including land in the Green Belt through encroachment, and is therefore inappropriate development.

#### Playing field

No details have been provided for the playing field, however in the absence of details to suggest otherwise, it is assumed that the playing field is simply the use of the land as opposed to any other form of development. The provision of the playing field is not considered to be inappropriate in the Green Belt.

#### Other harm

In terms of other harm, as previously mentioned there is a loss of openness arising from the boardwalks and footpaths, but also from the proposed fencing and railings. The fencing around the ecology area is not specified, and the railings will be “open” in their appearance, but their intention is clearly to create a barrier which by its very nature will not preserve openness.

Any other, non Green Belt harm is identified in the sections below.

#### Very Special Circumstances

No Green Belt assessment has been provided by the applicant and therefore no very special circumstances have been put forward. However, the considerations in favour of the development will be assessed in the planning balance section of this report, below.

### **Housing**

#### Affordable Housing

30% of the dwellings on site were secured as affordable housing as part of the outline permission, in accordance with policy SC5 of the CELPS. As a development of 235 dwellings, 71 dwellings are required to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Knutsford is for 8x 1 bedroom, 34x 2 bedroom and 49x 3 bedroom general needs dwellings. The SHMA also shows a requirement for 10x 1 bedroom dwellings for older persons. These can be provided by Bungalows, Ground Floor Flats, Cottage Style Flats or Lifetime Standard homes.

The current number of those on the Cheshire Homechoice waiting list with Knutsford as their first choice is 131. This can be broken down to 59x 1 bedroom, 46x 2 bedroom, 19x 3 bedroom and 7x 4+ bedroom dwellings. On this site therefore, a mix of 1, 2 and 3 bedroom dwellings with a provision of 1 bedroom older person’s dwellings would be appropriate. 46 units should be provided as Affordable Rent and 25 units as Intermediate Tenure.

The submitted details do indicate that 71 dwellings will be provided as affordable units. These are to be provided as:

- 30 x 1 bed apartments (3-storey)
- 18 x 2 bed apartments (3-storey)
- 8 x 2 bed semi-detached / terraced (2-storey)
- 15 x 3 bed semi-detached (2-storey)

However, no information has been submitted to identify the tenure of these dwellings. Whilst it is accepted that the s106 requires 65% of the affordable housing to be Affordable Rented Housing and the balance to be Intermediate Housing, this is not confirmed within the submitted plans. It is considered that the tenures should be appropriately pepper potted through the site. Such details should be included within an Affordable Housing Scheme, which the s106 specifies should be submitted for approval with the first reserved matters application. An Affordable Housing Scheme has not been submitted with this application.

The Housing Strategy and Needs Manager also raises concern that Registered Providers do not like such large apartment blocks due to communal charge aspects that may be required. At the pre-application stage the applicant was advised that apartments in blocks of 4, each with an independent entrance, are preferred. There is also scope for the affordable units to be more widely dispersed throughout the site.

Accordingly, it cannot be concluded at this stage that the proposal complies with policies SC5 or LPS37 of the CELPS.

#### Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Similarly, policy H1 of the draft KNP prioritises smaller house types and requires new residential development on the strategic sites to primarily seek to deliver the following types of market housing (including those for private rental):

- 2/3 bedroomed family housing and that suitable for downsizing with gardens and associated parking
- Housing for older people or those with reduced mobility, either as one or two storey properties or as higher density apartments, which are designed with the specific needs of those users
- Nursing and care homes and sheltered accommodation for the elderly.

The proposed development comprises:

- 36 x 2 bed apartments (3-storey)
- 3 x 1 bed live / work unit (first floor)
- 3 x 2 bed units (2-storey)
- 58 x 3 bed units (9 x 2-storey and 49 x 3-storey)
- 36 x 4 bed units (14 x 2-storey and 22 x 3-storey)
- 28 x 5 bed units 19 x 2-storey and 9 x 3-storey)

The explanatory text for draft policy H1 of the KNP states that:

*“The Cheshire East Strategic Housing Market Assessment (SHMA) from 2016*

*identifies the need for new housing which meets the need of smaller families, single people, and the elderly. This in part is justified when looking at the demographic changes that are apparent in the Town, including an aging population and a growth of families with older children and those typically in the age bracket as a 'first time buyer'. This is reflected in the feedback received from residents within Knutsford during every consultation on the Neighbourhood Plan."*

In terms of market housing there are only 3 x 2 bed dwellings that are not apartments which is considered to be a key omission in the housing mix given the objectives of draft policy H1, and the justification for it. There are however 64 x 4 and 5 bed units, larger house types, which account for 39% of the market housing on the site and would be the dominant feature within the mix of market housing, which draft policy H1 seeks to avoid.

No up to date evidence of need has been submitted has been submitted to justify the proposed residential mix. Accordingly the proposal is considered to conflict with policy SE4 of the CELPS and draft policy H1 of the KNP.

### **Open Space**

A minimum of 40sqm per dwelling of public open space was secured as part of the outline consent. An adequate amount of formal and informal public open space appears to be provided within the site.

However, a detailed specification for the Public Open Space has not been submitted with this reserved matters application as required by the s106. Accordingly it cannot be determined if the proposal complies with policy DC40 of the MBLP and policy SE6 of the CELPS.

### **Living conditions**

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The only residential property within proximity of the site is at Parkgate Farm, but this is approximately 90 metres away from the nearest of the proposed dwellings.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. The proposal is therefore considered to accord with policy DC3 of the MBLP.

## **Noise**

Noise mitigation measures were secured as part of the outline consent which included the provision of acoustic glazing, acoustic insulation and mechanical ventilation and heat recovery systems to avoid the need to open windows from ventilation (condition 33); the provision of an acoustic fence along the southern boundary with the Parkgate Industrial Estate (condition 34), and noise mitigation to be provided for outdoor amenity areas if positioned within a specified area of the site (condition 35). The acoustic fence is proposed in accordance with the outline consent, and all outdoor amenity areas avoid the specified area of the site in accordance with conditions 34 and 35 respectively. Condition 33 will be complied with on completion of the dwellings in accordance with the stated specification.

The application site is in very close proximity of the flight path for Manchester Airport. As such the site will be subject to noise from overhead aircraft with the developable area of the application site lying between the 60dB and 63dB airport noise contours. To put that in some context, 57dB is commonly taken to be the average level of daytime aircraft noise marking the approximate onset of significant community annoyance (Aviation Policy Framework, 2013). However, the principle of the development has been approved, and therefore, given the compliance with the outline consent, the proposal will comply with policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing, and the relevant section of LPS 37 of the CELPS.

## **Air Quality**

Air quality impacts were also addressed at the outline stage, and mitigation measures were secured as part of that consent, and will need to be complied with. The mitigation included requirements for a travel plan, a dust management plan and electric vehicle charging points.

## **Public Rights of Way**

The development affects Public Footpath Knutsford No. 11, as recorded on the Definitive Map of Public Rights of Way, and this is currently going through a diversion order process for part of the route; however the unaffected part of the route in the south western corner of the site lies within a landscaped area which acts as a buffer to the neighbouring industrial estate. This is referred to in the submitted Design Statement as:

*“Acoustic Buffer – This is proposed in the outline permission design as a planted landscape mound with acoustic fencing along the southern boundary creating shadowing and developable area restrictions to the development.”*

This would have a direct and significant impact on this part of the footpath. This would mean the footpath will be on top of the mound or between the retaining wall/acoustic fence and the neighbouring industrial building. The Public Rights of Way Unit object to the proposal due to this being an unacceptable impact on what is stated to be the “unaffected” section of the Right of way in the current diversion order. This aspect of the proposal is considered to be contrary to policy LPS 37 of the CELPS.

## **Accessibility**

*“Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities including a permanent diversion route of public footpath (Knutsford FP11) and at least three 20 metre wide links between the housing area and the woodland buffer”* are criteria listed under LPS 37 stating how the development of the Parkgate Extension will be achieved over the Local Plan Strategy period. In addition, one of the site specific principles of

the development is to *“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”*.

As part of the consideration of the application for commercial development (accessed from Haig Road) on the southern part of LPS 37, it was identified that there are footways on both sides of Haig Road that provide good pedestrian access to the site. The Highways Authority has also confirmed that Haig Road carriageway is suitable for cyclists without further improvements being made. FP11 was unaffected by the proposal.

In terms of the proposed residential development, this is accessed directly from Parkgate Lane. Whilst sections of Parkgate Lane do not have a footway, access to the development was approved as part of the outline consent and has therefore been found to be acceptable. No requirements for improvements to provide improved footway / cycleway linkages to the town centre were required as part of the outline permission.

### **Highways**

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site.

The CEC Design Guide promotes a Manual for Streets approach to all residential developments, and it is important that the design aims to reduce vehicle speeds. The main access to the site has a very straight alignment and although there is a bend in the spine road, it appears to continue on into a straight access road for private parking.

This junction arrangement is too straight without any deflection, which will inevitably lead to vehicles merging, potentially at higher speeds, which will have significant highway safety implications, contrary to policy DC6 of the MBLP and paragraph 108 of the Framework.

It is also difficult to see how vehicles will enter and exit the private parking spaces for plots 25-31 in a safe manner. Reversing might be the easiest option which will then mean reversing out into the bend on the main access road, which again has road safety concerns.

In terms of adoption, the lack of service verges and strips will prevent the internal roads being adopted and the site will have to remain private. The parking spaces are provided in accordance with CEC parking standards.

### **Trees / Landscape**

#### Trees

Condition 25 of the outline permission requires an arboricultural impact assessment to be submitted with the reserved matters submissions. One has been received in accordance with this condition.

The Assessment has identified a number of proposed tree removals which include two mature Oak (T1 and T2) along the northern boundary of the site to accommodate an access road and proposed swale, two low /poor quality Ash trees (T14 and T15) and a section of overgrown hawthorn hedge (G3)

The loss of the two mature Oak (T1, T2) has been justified on arboricultural grounds the basis that the trees display extensive decay and dieback. It is noted however that Oak (T1) has been identified as an over mature / veteran tree. In this regard paragraph 175 of the Framework advises that planning permission should be refused for development resulting in the loss of veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists. This is not evident in this case, however, clarification is required in terms of whether Oak (T1) is a Veteran Tree using the Specialist Survey Method for Veteran Trees (Natural England).

Some pruning of an Ash (T10) is required to accommodate Plot 175 and reduce issues of shading / social proximity. BS5837:2012 advises that such issues should be designed out and in this regard there appears to be scope to move the building without the need for any pruning. Similarly permanent hard surfacing is proposed within the RPA of this tree and this ought to be avoided by adjusting the design. Revised plans are said to have addressed this issue, but this is not clear from the submission.

The Assessment identifies proposed drainage work within the Root Protection Areas (RPA's) of part of Group G3 and Group G9 which can be accommodated in accordance with the specified Arboricultural Method Statement at Section 5 of the Report.

The submitted Drainage Strategy refers to the discharge of surface water into Birkin Brook to the east of the site. Established woodland (G4) is a significant feature of the eastern boundary along a steeply sloping embankment down to Birkin Brook. The Arboricultural Assessment does not appear to make any reference to the impact of any proposals for the removal of surface water on the established woodland. This matter therefore requires an updated assessment and clarification as to the extent and proposed mitigation of any tree losses.

Consequently, insufficient information has been submitted to demonstrate the full extent of the impact of the development upon trees or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area. Accordingly, compliance with policy SE5 of the CELPS cannot be confirmed.

### Landscape

Condition 7 of the outline planning permission requires the following specific details to be submitted as part of the landscape scheme submitted with the reserved matters:

- *Existing and proposed levels and contours*

The Proposed levels drawings 1 to 4 do not have sufficient information for the open space areas and the southern buffer, or the swales.

- *Proposed levels, cross sections and construction details for any mound along the boundary with the industrial estate including details for the position and height of any acoustic fencing.*

The landscape plans indicate that a retaining wall and earth mound/slope would be formed but no detailed information has been submitted. Two pedestrian accesses to the industrial estate are proposed. The retaining walls would need to return along the paths to retain earth banks – the paths would be enclosed/unsafe/unpleasant, and the paths are not considered to be necessary/desirable additions to the layout.

- *Details for planting on the earth mound (which should include larger nursery stock) along the boundary with the industrial estate shall be accompanied with a timetable for implementation with the aim of achieving screening and impact at an early stage in the build phase.*

Proposed planting details have been submitted (see below). An implementation plan has not been provided. The 30m landscape buffer shown on the plans approved at the outline stage is compromised by the extensive provision of car parking within it.

- *Existing boundary vegetation and proposed soft landscape design including: woodland, scrub, parkland trees, hedgerows, wildflower grassland, mown grassed areas, ponds/SUDS (number and location to be agreed) and ornamental trees and shrubs.*

Details have been submitted but the proposals could be improved (see below)

- *Full details of proposed species and plant mixes for all open space compartments and for the housing area.*

Details have been submitted (see below).

- *Full details for all hard landscape elements within the open space compartments i.e. footpath/cycleway surfacing materials, street furniture, play equipment, public art and interpretive material. Plus varied, high quality hard surfacing materials within the housing area.*

There are no hard landscape details for the housing area. Hoggin/self-binding gravel is proposed for the POS footpaths. The POS design does not include a cycle route. None of the other required details have been submitted.

- *Details for boundary walls, fencing and railings. Prominent side and rear garden boundaries should be brick rather than timber fencing.*

Boundary details have not been submitted

- *The development must include at least three links between the housing area and the woodland buffer which must be approximately 20 metres in width and must include a footpath/cycleway link.*

These are not shown on the plans.

- *A permanent diversion route for public footpath (Knutsford FP11).*

As noted above, the first section of this footpath off Parkgate Lane could not be retained due to the proposed earth mound/retaining structure and woodland planting. This section of the footpath would need to be diverted.

Other issues with the proposed landscaping raised by the landscape officer include:

- The frontage/arrival area - the playing field could be more centrally located with variable mowing regimes/wild flowers and parkland trees around the periphery to enhance the area.
- The swale is uniform and uninteresting
- Are all boardwalks necessary?
- Hedging is not necessary around the entire POS (and footpath links) – open views are desirable particularly over the play area.

- Perimeter earth mounds to the play area do not promote natural surveillance.
- Variable mowing would enhance the POS – e.g. a closer mown area for play/community events to the west.
- A cycle route should be included.
- The Proposed Phasing Plan excludes most POS areas. This information should be provided.
- The proposed native planting should be amended to improve the spacing of tree and shrub species, avoid large trees in close proximity to rear gardens, and to create woodland edges.
- Scope for more trees and a wider variety of species.
- Scope for more shrub planting to break up frontage parking and parking courts

One of the site specific principles of development for site LPS 37 is for a Landscape Character Assessment (LCA) to be undertaken to guide the scale and massing of new development and to ensure it is acceptable with the surrounding landscape. Whilst it is acknowledged that the heights of buildings were established at the outline stage, the purposes of the LCA are also to ensure a high quality design, which reflects and respects the character of the area, built form and surrounding landscape. This is to include the provision of a landscape buffer to enhance and secure the boundary of the Tatton Park Estate to the north and west of the site and between the employment site to the south. A Landscape Character Assessment has not been submitted.

It is also noted that the 30m landscape buffer secured at the outline stage (shown on approved parameters plan BB\_00\_001 Rev B) has been lost to car parking and bin stores. This reduces the landscape buffer down to 6 metres to the rear of the bin stores and 12m to the edge of the parking area. This is not in compliance with the outline permission.

It is therefore clear that the current reserved matters submission does not comply with the requirements of the outline permission. Accordingly, insufficient information has been submitted to be able to confirm compliance with policies SE1, SE4, SD2 and LPS 37 of the CELPS.

### **Heritage Impact**

The application site is located adjacent to the Grade II\* Registered Park & Garden of Tatton Park, a designated heritage asset. The Gardens Trust are a Statutory Consultee with regard to proposed development affecting a site included by Historic England on their Register of Parks & Gardens. The Gardens Trust identify Grade II\* Parks & Gardens, such as Tatton Park, as *“particularly important sites, of more than special interest”*.

Paragraph 189 of the Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

This is reflected in Policy SE7 of Cheshire East’s adopted Local Plan Strategy which also states in paragraph 3 that:

*“The council...will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by: a. Designated Heritage Assets:*

*i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.”*

A Heritage Impact Assessment has not been submitted with the current application, and no such assessment was submitted with the outline application. Whilst there was an impact assessment as part of the Local Plan allocation, there has been no assessment of the impact upon the significance of the heritage asset arising from this specific proposal, to enable compliance with paragraph 189. Whilst this is a reserved matters application, and the principle of the development and the heights of the buildings have been established, an impact assessment would be required to take account of the positioning and form of the development.

Paragraph 190 of the NPPF requires the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. As a Grade II\* Park and Garden, the heritage asset is of more than special interest. There is the potential for real harm to the asset and its setting, and given the close relationship, if the design and landscaping of the scheme are not sensitively managed based on a robust impact assessment. This is highlighted by representations received from third parties

The Gardens Trust, a statutory consultee, has objected to the proposal on the grounds that the proposed housing is far too urban in character for this greenfield site next to a historic parkland which is nationally of ‘more than special historic interest’. Only one small residential character area in the plan shown on page 8 of the Design Statement dated April 2018 is identified as ‘semi-rural’. The Gardens Trust would like to see a more sensitive and lower-key approach to development which retains as much as possible of the currently rural character of the Tatton Park setting. They suggest that since this new development will be isolated from the rest of Knutsford it could be treated as a village (which seems to have been the original approach with references to ‘Village South’, ‘Village East’, etc. in the Design Code document accompanying the outline application) rather than a central part of a town. It does not need to have a very urban character just because there is an industrial estate to the south, nor does it need to make a statement.

The conservation officer echoes this view, and also objects to the proposal, noting that any harm caused by the neighbouring industrial site should not in any way be justification for allowing poor design on this site and not taking the opportunity to create a sense of place and integrate the site into the surrounding area.

Whilst concerns are raised with regard to the impact upon the adjacent designated heritage asset, insufficient information has been submitted with the application to fully understand the potential impact of the proposal on its significance. The proposal is therefore contrary to policy SE7 of the CELPS and paragraph 189 of the Framework, and policy HE2 of the draft KNP.

## **Ecology**

The following conditions attached to the outline planning permission are relevant to ecology matters in the reserved matters submission:

- Conditions 23 and 24 on and off site habitat provision and management
- Condition 29 Ecology, landscape and open space phasing plan.
- Condition 39 Updated badger survey
- Condition 41 Revised ecological mitigation strategy.
- Condition 43 GCN mitigation strategy

Conditions 23, 24 and 43 require approval prior to any of the approved development taking place. Condition 29 requires details to be submitted for the approval of the Local Planning Authority as part of the first reserved matters application. Condition 39 requires a further badger survey to be submitted concurrently with the reserved matters applications. Condition 41 requires reserved matters applications to be supported by a revised ecological mitigation method statement for each phase of development.

Given the requirements of conditions 29, 39 and 41 it would be expected that the details required by these conditions would form part of the reserved matters submission. But they do not. A separate application was submitted simultaneously to discharge conditions. However, the details associated with following conditions do have the potential to affect the layout of the proposal:

Condition 23 – On site habitat provision

Condition 29 – Ecology, landscape and open space phasing plan

Condition 41 - Revised ecological mitigation strategy

Condition 43 – GCN mitigation strategy

Comments on these matters are awaited from the nature conservation officer, and will be reported as an update.

## **Layout / Design**

Chapter 12 of the NPPF sets out national policy for achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 127 of the NPPF sets out 5 important broad criteria to ensure well functioning, attractive and sustainable places are achieved through development decisions. Without being overly prescriptive, the development of this site should be sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 130 advises that *“permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards...”*.

Despite engagement between the applicant, council officers and third parties a proposal has not been submitted that meets required design standards.

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

### Connections

The site is located within a semi-rural location, to the north east of the Knutsford settlement, positioned between the Parkgate Industrial Estate and Tatton Park. The site is accessed from a single point of access from Parkgate Lane. Footpath 11 which crosses the site provides connectivity to the east, towards Mobberley. To reach the nearest shops / facilities, and Knutsford town centre, access would be along Parkgate Lane and Mobberley Road.

### Facilities and services

There are a small number of shops and facilities at the end of Parkgate Lane, which is approximately 500 metres from the site, and within walking distance, as is the nearest primary school and the closest healthcare provision. Knutsford Town centre is less than 2kms from the site. All these local facilities are therefore accessible on foot from the application site

### Public transport

The number 88 bus which travels between Knutsford and Wilmslow has its nearest bus stop on Manor Park North, which is not particularly convenient for residents of the site, as it is located within the housing estate on the opposite side of Mobberley Road, but is still a non car option for travel between Knutsford and Altrincham. The train station is approximately 2kms from the site.

### Meeting local housing requirements

As noted above, in terms of market housing there are only 3 x 2 bed dwellings that are not apartments which is considered to be a key omission in the housing mix given the objectives of draft policy H1 outlined above, and the justification for it. There are however 64 x 4 and 5 bed units, larger house types, which account for 39% of the market housing on the site and would be the dominant feature within the mix of market housing, which draft policy H1 seeks to avoid. In order to be truly pepper potted in accordance with policy SC5 of the CELPS, the affordable housing could be more widely dispersed, notably to the east of the site.

### Character

As noted above, one of the site specific principles of development for site LPS 37 is for a Landscape Character Assessment (LCA) to be undertaken to guide the scale and massing of

new development and to ensure a high quality design, which reflects and respects the character of the area, built form and surrounding landscape.

The character of the proposed housing seeks to replicate what lies within Knutsford Town Centre with rows and rows of dense and traditionally designed terraced units together with a mix of detached and semi-detached properties. However, the site is rather remote from the town centre, at the north eastern edge of the settlement. The defining features of this area's character are the Parkgate Industrial Estate, Tatton Park and agricultural land and buildings, and none of these features appear to be borne out in the character of the proposed residential development.

The Gardens Trust has noted that only one small residential character area in the Design Statement is identified as 'semi-rural'. It is considered that this could be extended further, given the established character of surrounding land uses.

#### Working with the site and its context

The site is open with few remarkable features, with the exception of off-site woodland to the north and east boundaries. As noted above the adjoining land uses dictate the context of the site, and the proposals offer little acknowledgement to them. The northern edge of the site in particular presents an overly dense built edge which is contrary to the advice in the Design Guide, which states:

*"Areas of lesser activity, for example sub-urban residential areas adjacent to open spaces of the countryside would have a reduced density and less formal character with more generous gardens."*

Whilst revised plans have softened the northern edge slightly from the original submission, it still represents a very regimented building line and approach to this boundary of the site. A much more informal and spacious character would better relate to the Green Belt boundary and Tatton Park to the north.

The proposal for 235 dwellings, in its current form, appears to be too many for the site. A figure closer to the 200 as in the Local Plan allocation would perhaps offer a more suitable density on the site.

#### Creating well defined streets and spaces

The principal and secondary streets in particular do not have sufficiently strong landscape features to reinforce the street hierarchy, or to supplement and connect the green infrastructure on the periphery and within the site. The boundary treatments are not clear, and whilst details of boundary treatments have not been submitted, the 3D images show poor quality treatments are used in the courtyards which, whilst these areas are semi private, do not contribute to a high quality environment. The street scenes along the North edge of the site show large runs of low quality boundary treatment between the units, which do not respond to the proximity and potential harm caused to the setting of the Tatton Park Estate. A more natural, softer landscape response would be more appropriate in this location.

Ineffective turn-the-corner house types results in the rear of the dwellings being open to the view from the road / public areas, and insufficiently active frontages to the side. This is unsatisfactory and goes against the guidance of perimeter blocks that have definitive areas of public and private space and appropriate levels of passive surveillance. Whilst revised plans

have sought to add windows to blank walls, this does not overcome the concerns highlighted above.

There are a number of plots which indicate a boundary treatment that is directly adjacent to the back of pavement, parking courtyard or rear boundary properties that are visible from the public realm. All of these relationships are incompatible with the creation of a high quality development.

The straight alignment of many of the streets results in very little variation to building lines. The repositioning of units could provide diversity to the building line and add character to the street scene. There are areas where the rear of the property is a primary view from the open space, revealing the rear boundary treatment. This is an unsatisfactory external aspect, terminating long views from the surrounding green space.

#### Easy to find your way around

Given the predominant use of straight roads and rigid building lines, the majority of the development is made up of distinct blocks, which are easy to navigate. The eastern end of the site does however prevent access through the development onto the open space beyond.

#### Streets for all

As noted above there is some concern raised with regard to the very straight alignment of some of the streets, notably to the south, which does have the potential to have a significant impact on highway safety. Whilst other techniques are proposed to reduce vehicle speeds, the potential for higher speeds does remain. This compromises the extent to which the streets can function as shared spaces.

#### Car parking

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. Many of the plots have the parking spaces to the front of the units, and the effect of this is the dominance of vehicles in the street scene and minimal green amenity space to the front of the units. Several streets have an abundance of front of plot parking with very limited scope for landscaping to prevent the street scene becoming visually dominated by vehicles.

Courtyard parking is not an ideal solution if not gated/and or over looked. Spatially the courtyards are very tight and are unlikely to exhibit quality in landscape terms. They should look good as spaces both with and without cars in order to be effective. However, in this case they are enclosed by fencing with virtually no landscaping.

The crescent at the gateway serves as a feature entrance but its impact is again diluted by the presence of front of plot parking.

#### Public and private spaces

The mounds and hedgerows that surround the play area serve to significantly restrict the natural surveillance of this area. The location of the playing field to western boundary means that there is inadequate natural surveillance of this area. As noted above, there are also concerns regarding the “unaffected” section of footpath 11, which is likely to result in this part of the footpath being very enclosed and private.

### External storage and amenity

Some properties are shown to have detached garages, which will serve as part of the parking provision for the relevant dwellings. However, no plans or elevations for these structures have been submitted. Unless they are particularly generously proportioned garages, they cannot be relied on for external storage, as it is expected that once the car is parked in the garage, no space will be available for other storage. Further external storage facilities will be required. For example, house types G and H are 3 and 4 bed terraced properties, clearly intended for occupancy by families, but many of these units in the dense central section of the site, have no storage facilities at all. This is likely to result in a plethora of sheds cluttering the rear gardens and having knock on visual impacts upon the already featureless parking courtyards.

### General

A design code has retrospectively been submitted, but this illustrates the concerns regarding street hierarchy, lack of green infrastructure connectivity throughout the site and the effect of front of plot parking solutions. The concept of a village heart is sound but the location and mix of units makes this character area exclusive and separate to the rest of the development.

Whilst the site is in a relatively sustainable location, there is very little information to demonstrate that other passive or active sustainable design features have influenced the development. The architecture certainly does not reflect the intention and whilst Passive House standards have been mentioned, again the housing types could go further to illustrate this. The site context offers an opportunity for sustainable design to be an underpinning theme of the development and this clearly hasn't been harnessed to inform the overarching design concept. Policy SD2 of the CELPS and draft policy D4 of the KNP outline requirements for new residential development in this regard. This is a matter that has not been considered in the design.

Condition 2 of the outline permission requires the reserved matters to be in accordance with parameters plan BB\_00\_001 Rev B. This plan identifies the areas of the site where two and three-storey dwellings can be constructed. This delineation is also shown on the proposed site plan as part of the current submission. There is clear conflict with the parameters plan, and the outline permission, as plots 8, 47, 80, 130 and 131 show 3-storey properties encroaching into the two-storey area. There are also two-storey properties shown in the three-storey area. The proposal therefore does not comply with the plans and parameters approved at the outline stage.

As noted above, concerns are raised regarding: the mix of the properties proposed; the absence of a landscape character assessment; the character and density of the development; the definition of streets and spaces, and associated landscaping; the boundaries with surrounding open areas; the absence of boundary treatment details; the way in which plots turn corners; the straight alignment of streets; the extent of frontage parking and uninspiring, bland parking courts and general dominance of parked cars; enclosure of play area and lack of natural surveillance, and; the lack of external storage. For these reasons the design officer has objected to the proposal, and due to these issues conflict with policies SD2 and SE1, and the CEC Design Guide can be identified.

### **Flooding**

The majority of the site lies within flood zone 1, however there are areas to the east of the site that are located within flood zones 2 and 3, which have higher risks of flooding. All the residential development is located outside of flood zones 2 and 3 as required by CELPS policy LPS 37.

The Flood Risk manager raises no objections to the proposal; relevant conditions were attached to the outline. Comments are awaited from the Environment Agency. Subject to their satisfactory response and compliance with the conditions on the outline the proposal will comply with policy SE12 of the CELPS.

### **Contaminated Land**

Contaminated land matters were considered and appropriately conditioned at the outline stage. No further contaminated land matters are raised by the proposed reserved matters.

### **BALANCE OF ISSUES**

The proposed development seeks to provide a residential development of 235 dwellings on a site allocated for housing in the CELPS. The submission relates to the detail of the proposal in terms of its scale, layout, appearance and landscaping, however a wide range of concerns are raised in terms of this submission.

As proposed there are aspects of the development that are inappropriate development in the Green Belt, and which do not preserve openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In terms of other, non Green Belt, harm, the proposed residential mix does not accord with the objective of the KNP, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the larger 4 and 5 bed house types, which is contrary to policy H1 of the draft KNP, and subsequently policy SE4 of the CELPS.

Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal is not considered to be good enough to approve. The proposal is contrary to policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

The proposed junction arrangement close to the entrance of the site is too straight without any deflection, which will inevitably lead to vehicles merging, potentially at higher speeds, which will have significant highway safety implications, contrary to policy DC6 of the MBLP and paragraph 108 of the Framework.

A landscape character assessment required by policy LPS 37 has not been submitted. This is required, not only to guide the scale and massing of new development, ensuring that it is acceptable in surrounding landscape, but also to ensure a high quality design which reflects

and respects the character of the area, built form and surrounding landscape. The submission is therefore contrary to this policy.

A heritage impact assessment has not been submitted to consider the impact upon the adjacent designated heritage asset, the Grade II\* Tatton Park Registered Park and Garden, and as such the proposal is contrary to paragraph 189 of Framework and policy SE7 of CELPS.

The proposed mound between the housing and the industrial estate would result in the part of the public right of way (Knutsford FP 11) which is not being diverted being either on top of the mound or between the retaining wall/acoustic fence and the neighbouring industrial building. This will negatively affect the public right of way, and for this reason the proposed diversion route for FP11 is not considered to be acceptable, which is contrary to policy LPS 37 of the CELPS.

Inadequate landscape detail has been provided. The submission is therefore not in compliance with the requirements of the condition 7 of the outline permission, which sets out a range of detail that is required with the reserved matters submission, which has not been submitted.

The scale of the dwellings on certain plots conflicts with plans approved under the outline consent 13/2935M. The proposal is therefore not in compliance with condition 4 of the outline permission

An affordable housing scheme that is required by the s106 to be submitted with the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy SC5 of the CELPS.

A landscape scheme (providing a detailed specification for the public open space) that is required by the s106 to be submitted at the same time as the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy DC40 of the MBLP and policy SE6 of the CELPS.

Insufficient information has been submitted to demonstrate the full extent of the impact of the development upon trees or woodlands (including veteran trees), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area. Accordingly, compliance with policies SE3 and SE5 of the CELPS and paragraph 175 of the Framework cannot be confirmed.

The provision of 235 new dwellings is clearly a benefit of the proposal, which will make a valuable contribution to the delivery of the Council's 5 year housing land supply. Other benefits relating to the development were secured at the outline stage, including 30% affordable housing, on site public open space, highways improvements, financial contributions towards recreation and outdoor sports provision, and towards education.

In this case there is clear conflict with the development plan, supplementary planning documents, and the outline planning permission. The harm identified above by reason of inappropriateness and other harm is not clearly outweighed by other considerations to

amount to very special circumstances. The proposal is therefore not considered to be a sustainable form of development. Accordingly, the application is recommended for refusal for the following reasons:

- 1. The proposal is inappropriate development in the Green Belt contrary to policy PG3 of the CELPS.**
- 2. The proposed residential mix does not accord with the objective of the KNP, which identifies the need for new housing which meets the need of smaller families, single people, and the elderly. The more dominant open market units in this scheme are the larger 4 and 5 bed house types, which is contrary to policy H1 of the draft KNP, and subsequently policy SE4 of the CELPS.**
- 3. Assessment of the proposals against the CEC Design Guide and Building for Life 12 indicates that there are issues in several fundamental areas. As a consequence, the proposal is not considered to be good enough to approve. The proposal is contrary to policies SD2 and SE1 of the CELPS, and the CEC Design Guide.**
- 4. The proposed junction arrangement close to the entrance of the site is too straight without any deflection, which will inevitably lead to vehicles merging, potentially at higher speeds, which will have significant highway safety implications, contrary to policy DC6 of the MBLP and paragraph 108 of the Framework.**
- 5. A landscape character assessment required by policy LPS 37 has not been submitted. This is required, not only to guide the scale and massing of new development, ensuring that it is acceptable in surrounding landscape, but also to ensure a high quality design which reflects and respects the character of the area, built form and surrounding landscape. The submission is therefore contrary to policy LPS 37.**
- 6. A heritage impact assessment has not been submitted to consider the impact upon the adjacent designated heritage asset, the Grade II\* Tatton Park Registered Park and Garden, and as such the proposal is contrary to paragraph 189 of Framework and policy SE7 of CELPS.**
- 7. The proposed mound between the housing and the industrial estate would result in the part of the public right of way (Knutsford FP 11) which is not being diverted being either on top of the mound or between the retaining wall/acoustic fence and the neighbouring industrial building. This will negatively affect the public right of way, and for this reason the proposed diversion route for FP11 is not acceptable, which is contrary to policy LPS 37 of the CELPS**
- 8. Inadequate landscape detail has been provided. The submission is therefore not in compliance with the requirements of the condition 7 of the outline permission, which sets out a range of detail that is required with the reserved matters submission, which has not been submitted.**
- 9. The scale of the dwellings on certain plots conflicts with plans approved under the outline consent 13/2935M. The proposal is therefore not in compliance with condition 4 of the outline permission**
- 10. An affordable housing scheme that is required by the s106 to be submitted with the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy SC5 of the CELPS.**

- 11. A landscape scheme (providing a detailed specification for the public open space) that is required by the s106 to be submitted at the same time as the first reserved matters application has not been submitted. Insufficient information has therefore been submitted to enable an assessment of compliance with policy DC40 of the MBLP and policy SE6 of the CELPS.**
- 12. Insufficient information has been submitted to demonstrate the full extent of the impact of the development upon trees or woodlands (including veteran trees), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area. Accordingly, compliance with policies SE3 and SE5 of the CELPS and paragraph 175 of the Framework cannot be confirmed.**

*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) 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.*

