

Application No: 19/1395M

Location: OAKHURST, TOFT ROAD, KNUTSFORD, WA16 9ED

Proposal: Construction of new detached dwelling

Applicant: Mr Richard & Henry Baxendell

Expiry Date: 13-Mar-2020

SUMMARY:

The proposal is for the construction of a new dwelling in the rear garden of Oakhurst. The scheme has been revised and reduced during the lifetime of the application, and is now for a single dwelling.

Oakhurst is a non-designated heritage asset within the Legh Road Conservation Area. The proposal would not result in harm to the significance of either of these heritage assets

The proposed dwelling would reflect the character, appearance and urban grain of the surrounding area.

The Highway Authority has not raised any objections to the proposal.

Subject to conditions, there would not be any adverse impact on trees, ecology on landscaping.

SUMMARY RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT

The application has been called to Committee by the Local Ward Councillor, Councillor Gardiner for the following reasons:

"It represents overdevelopment, is detrimental to the character of the Conservation Area and fails to comply with the Knutsford Neighbourhood Plan policy HE3 and H2 in that development will result in the loss of mature trees particularly T1 which has a visually prominent position on the boundary of the property, the removal of which will adversely affect the streetscene.

- *It fails to comply with the KNP Design Guide which does not support gated-community developments (7.10) nor has demonstrated 'exceptional circumstances' as required under 7.18 for developments in gardens.*
- *It fails to recognise the impact on a building of Townscape Merit, failing to preserve its setting in the design proposal (contrary to Policy SE7).*
- *The proposed properties result in increased levels of overlooking, not currently afforded to residents of Grassfield Way, Oakhurst Cottage and Granary Cottage thus having a negative impact on the amenity of neighbouring properties, contrary to policies DC3, 38, 41 and 42 of the Macclesfield Borough Plan and 7.13 and 7.19 of the KNP Design Guide."*

DESCRIPTION OF SITE AND CONTEXT

Oakhurst is a semi-detached dwellinghouse within a spacious plot on Toft Road, Knutsford. The area around the application site is predominantly residential.

The existing dwelling is in the Arts and Crafts style and is a non-designated Heritage Asset. It lies within the Legh Road Conservation Area.

There are protected trees along the boundaries of the site (18-006 and 18-074 refer).

The host dwelling has its existing access onto Toft Road. There is an access track which leads to the northern boundary of the application site. This existing access serves five houses, excluding the application site.

The application site lies within the impact zone of Midland Meres & Mosses Phase 1 Ramsar site, and Tatton Meres Site of Special Scientific Interest (SSSI)

DETAILS OF PROPOSAL

The proposal is for a single dwelling within the garden area of Oakhurst. The existing plot would be subdivided with the new dwelling located in the western portion of the site. The existing dwelling would take its access from Toft Road with access to the new house from the access road to the rear.

RELEVANT PLANNING HISTORY

18/5026M – withdrawn – December 2018
Construction of 4 detached dwellings with new access road

05/1528P – refused – 2 August 2005
Detached bungalow (outline)

"Reason:

The proposal would lead to an oversupply of housing land in the borough, in conflict with Cheshire Replacement Structure Plan policy HOU1, Macclesfield Borough Local Plan H1 and the Supplementary Planning Guidance 'Restricting the Supply of New Housing'."

00/0812P – approved – May 2000
Detached bungalow (outline application)

70801P – approved – June 1992
Erection of detached bungalow

58233P – approved - June 1989
Erection of detached bungalow

39996P – approved – April 1985
Erection of a detached bungalow

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 Presumption in Favour of Sustainable Development
PG 2 – Settlement Hierarchy
SD 1 – Sustainable Development in Cheshire East
SD 2 – Sustainable Development Principles
SE 1 – Design
SE 3 – Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 7 – The Historic Environment
SE 12 – Pollution, land contamination and land instability
SE 13 – Flood Risk and Water Management
CO 1 – Sustainable Travel and Transport
Appendix C – Adopted Parking Standards

Macclesfield Borough Local Plan (MBLP)

NE12 – SSSIs, SBIs and Nature Reserves
DC3 – Amenity
DC6 – Circulation and Access
DC9 – Tree Protection
DC10 – Landscaping and Tree Protection
DC38 – Residential – Space, light and privacy
BE13 – Legh Road Conservation Area
DC63 – Contaminated land

Knutsford Neighbourhood Plan (KNP)

D1 – Knutsford Design Guide
D2 – Local Distinctiveness
D3 – Landscape in New Development
D4 – Sustainable Residential Design
E3 – Habitat Protection and Biodiversity
HE2 – Heritage Assets
HE3 – Conservation Areas
H2 – Previously Developed and Infill Development

T4 – Parking

OTHER MATERIAL POLICY CONSIDERATIONS

- National Planning Policy Framework (NPPF 2019)
- Knutsford Legh Road Conservation Area Appraisal (May 2005)
- Knutsford Design Guide
- Cheshire East Design Guide Supplementary Planning Document (SPD)

CONSULTATIONS EXTERNAL TO PLANNING

Knutsford Town Council

Initial objection to the proposal for two dwellings for the following reasons:

- Overdevelopment, detrimental to the character of the Conservation Area. It would fail to comply with Knutsford Neighbourhood Plan policies HE3 and H2. The development would result in the loss of mature trees, which would adversely affect the streetscene.
- The proposal would conflict with KNP Design Guide, which does not support gated communities. It has not demonstrated the exception circumstances, required for developments in gardens.
- Development would fail to preserve the setting of a building of Townscape Merit
- The development would increase the levels of overlooking of neighbouring properties.

Following the submission of revised plans for a single dwelling, the Council sustained their objection on the following grounds:

- The application has not demonstrated an appropriate access to the site. The proposed access would be detrimental to highway and pedestrian safety, by virtue of making a private drive the access for six properties and being of an insufficient width.
- The development is detrimental to the character of the Legh Road Conservation Area by virtue of its negative impact on a building of townscape merit.
- Query regarding the validity of the application, as it is outside the applicant's ownership and notice has not been served on those who do own the access.

Following on from these comments, the red line has been amended to include the existing access road. The applicant has also provided a revised ownership certificate, which confirms notice to have been served on those with an interest in the land.

Flood Risk

No objections

Environmental Health

No objections subject to conditions relating to the provision of electric charging points, low emission boilers, and contaminated land.

Highways

No objections

United Utilities

No objections

Manchester Airport

No aerodrome safeguarding objections

Natural England

Made comments in relation to potential impact upon SSSI

OTHER REPRESENTATIONS

In April 2019, three representations were received to the initial scheme for two houses. Three objections were made jointly by a number of local residents. The main points are summarised below:

- Harmful impact on neighbour amenity – it would appear overbearing and result in overshadowing and overlooking of neighbouring properties and disturbance from noise and traffic
- Inaccuracies with the plans and supporting information
- Development would result in harm to Oakhurst, which is a building of Townscape Merit, with no public benefit
- Development would fail to reflect the character of the surrounding area, including plot densities. It would be harmful to the character and appearance of the Conservation Area
- Concerns regarding the use of the rear access during building works and post occupation – access not able to take additional traffic and would increase risk to highway safety
- No scheme for surface water drainage
- Landscaping proposal does not mitigate opportunistic site clearance
- Development within SSSI impact Zone – Habitat Regulations Assessment required

In September 2019, revised plans were submitted, for a single dwelling, with access to the site from the private access road to the rear of the properties. Three objections were received, made jointly by a number of local residents. The main points raised are summarised below:

- No exceptional circumstances to justify development in garden – contrary to Knutsford Design Guide
- The use of the existing access road by an additional dwelling would make it contrary to the requirements of the Cheshire East Design Guide. Development would adversely affect highway safety
- Technical reports have not been updated to address the revisions
- No landscape proposals put forward
- Revised scheme does not address fundamental concerns
- Development would result in less than substantial harm to the non-designated and designated heritage assets. There are no public benefits to outweigh this harm

- Overlooking from proposed balcony
- Access is single track and does not provide opportunities for vehicles to pass.
- Applicant has no right to use this access

In January 2020, a final round of consultation was carried out, following the inclusion of the access within the site area. A further six representations were received. These reiterate the comments made previously and state that Oakhurst does not have a right of access over the access track.

OFFICER APPRAISAL

Principle of development

The application site lies within a predominately residential area in Knutsford. CELPS policy PG 2 identifies as a Key Service Centre. In Key Service Centres, this policy supports development of a scale, location and nature that recognises and reinforces the distinctiveness of the individual towns.

The principle of a new dwelling in locational terms is therefore accepted, subject to compliance with other relevant development plan policies.

Development in Gardens / character and appearance

Concerns have been raised regarding the principle of siting the new dwelling within the garden of Oakhurst.

KNP policy D1 requires new developments to be of a high design quality and complement their surrounds. All planning applications should demonstrate how schemes comply with the Design Guide or justify why they do not.

Paragraph 7.18 of the Design Guide states that 'in order to protect the verdant nature of private spaces throughout the town, development in gardens will only be permitted, where exceptional circumstances have been demonstrated.

The area around the application site has a mixed character and urban grain. There are other examples of backland development, with properties not fronting onto the public highway.

The proposed dwelling would satisfactorily complement the character of the area and the spacious character of plots. The density of the existing and proposed sites would not appear dissimilar to the surrounding properties accessed off Toft Road. The proposed dwelling would not appear at odds with the existing urban grain.

Outline planning permission has been granted for a new dwelling on the site four times previously, most recently in 2000. In 2005, outline planning permission was refused; however this was on the basis of an oversupply of housing land. This reason for refusal is no longer relevant. These previous decisions have limited weight, given that they were made under a different policy context. However, when assessed alongside the site context and the surrounding development within gardens, it is considered that there are exceptional circumstances in this case for garden development, as required by the design guide.

In accordance with paragraph 7.19 of the Knutsford Design Guide, where exceptional circumstances are demonstrated, garden development will only be permitted where the following criteria are met:

- Conserves and, where possible enhances the environmental assets and biodiversity of the site; *Complies, see ecology section*
- Does not damage gardens that contribute strongly to the streetscene and townscape, for example developments associated with the gardens of large Victorian villas; *Complies, see character, appearance and heritage assets section*
- Exemplifies high standards of architectural and urban design; *Complies, see character, appearance and heritage assets section*
- Does not harm the character of the area, damage the setting or interfere with views within, into or out of the area; *Complies, see character, appearance and heritage assets section*
- Conserves and enhances the built environment, particularly in conservation areas, by its respect for existing buildings in the area, their form and spacing, and the materials used; *Complies, see character, appearance and heritage assets section*
- Makes effective use of the land to minimise water run-off, pollution and noise, particularly from additional traffic; *Complies, see ecology, neighbour amenity, air pollution and contamination*
- Does not change the housing density to the detriment of the character of the area; *Complies, see character, appearance and heritage assets*
- Does not degrade the amenity of existing or new occupiers or their neighbours in the locality with overbearing structures that are too large or too close, that overlook or shade, or create cramped plots, awkward access or provide too little amenity space. *Complies, see neighbour amenity, highways safety, character, appearance and heritage assets.*

These criteria are considered further in the relevant sections of the report below.

Character, appearance and heritage assets

CELPs policy SE 7 deals with the historic environment. This policy supports development proposals, which do not cause harm to, or which better reveal the significance of heritage assets. Where a scheme would result in harm to a designated heritage asset and its significance, clear justification will be required and the level of harm will be assessed against any public benefits. Where it cannot be shown that the harm is acceptable proposals will not be supported. For non-designated heritage assets, there should be a balanced consideration, having regard to the scale of any loss and the benefits of the proposal.

KNP policy HE 2 also deals with Heritage Assets. It states that planning application, which result in the loss of, cause unacceptable harm to, or negatively impact on, the significance of heritage assets (designated or non-designated) will be resisted.

KNP policy HE 3 relates to the Conservation Areas within Knutsford. It requires planning applications to demonstrate that they protect and enhance the defining characteristics of the area.

Saved MBLP policy BE 13 relates to the Legh Road Conservation Area. The reason states that the Legh Road area is characterised by large houses or interesting and individual design set in spacious grounds with mature planting. This policy seeks to preserve and enhance these features. It does not set any minimum sizes for plots,

The Legh Road Conservation Area is a designated heritage asset. Oakhurst is identified within the Conservation Area Appraisal as a building of townscape merit. The house, garage and surrounding garden all make a positive contribution to the Legh Road Conservation Area. Oakhurst is a non-designated heritage asset. The house has an arts and crafts character and is set within informally landscaped gardens.

The Conservation Area Appraisal identifies a significant part of the character to the Legh Road Conservation Area is substantial houses set within spacious grounds.

The original scheme for two large additional dwellings would have significantly reduced the space around Oakhurst, as a result of the increase in built form. The size of the proposed dwellings would also have detracted from Oakhurst as the principle dwelling on the plot. As a result this original scheme would have been harmful to the spacious setting of Oakhurst.

The Council's Conservation and Design team objected to this original proposal, as the scheme would have been detrimental to the setting of Oakhurst and would also have detracted from the contribution of the building and garden to the Conservation Area.

It was considered that the original scheme would have resulted in less than significant harm to the significance of the Legh Road Conservation Area, contrary to CELPS policy SE 7, saved MBLP policy BE13 of the Macclesfield Local Plan, KNP policies H2 and H3 and the aims of NPPF chapter 16.

The proposals have now been revised to address the objections to the original submission. The main consideration is whether the proposals now result in any harm to the significance of the Conservation Area and whether it would adversely impact the significance of Oakhurst, as a non-designated heritage asset.

The amended scheme now proposes a single house, which has been considerably reduced in scale, within a large section of the garden to the south west of the main house. The house has been designed to reflect the Arts and Crafts character of Oakhurst. It has a bespoke design, which complements that of the host property and does not detract from its character and spacious setting.

Both dwellings would have spacious plots, which are reflective of other houses in the surrounding area.

The revised scheme has been reviewed by the Council's Conservation and Design Team.

They have advised that the design of the new dwelling has been simplified so that it is sympathetic to the character of Oakhurst. The amended location, design and massing for the proposed building has resulted in a structure, which is considered to be both visually subservient and sympathetic. The scheme would leave a significant amount of the gardens undeveloped and provide a visual breathing space between Oakhurst and the new dwelling.

They have advised that there is no objection in conservation terms to the relocation of the entrance to site to the north and no longer from Toft Road.

However, details of any new entrance gates and boundary treatments would be required by condition. In order to ensure acceptable detailing and maintain the spacious character of the area, conditions are also required removing permitted development rights for extensions and outbuildings, and requiring details of materials and finishes.

The Conservation Officer has advised that the revised scheme would conserve the character and appearance of the Legh Road Conservation Area. It would not result in harm to the significance of the Conservation Area. It would not adversely affect the setting or significance of the non-designated heritage asset, Oakhurst.

The proposal would comply with CELPS policy SE 7, saved MBLP policy BE13, NPPF Chapter 16 and KNP policies HE 2 and HE 3.

Neighbour amenity

The proposed dwelling would sit in the centre of the plot, away from the boundaries of neighbouring properties. At the closest point, it would be approximately 14.5 metres from the boundary with Whitegates, approximately 28 metres from the boundary with Oakhurst Cottage and approximately 15.5m metres from the boundaries with the houses along Grassfield Way.

These distances would be sufficient to protect the existing privacy, outlook and light received by these neighbours. A single additional dwelling would be unlikely to result in a level of activity or vehicle movements, resulting in disturbance to neighbouring properties.

It is considered that the development would have an acceptable relationship with neighbouring properties. A construction management plan will be required by condition, to ensure minimal disruption to local residents during construction.

Trees

CELPS policy SE 5 deals with Trees, Hedgerows and Woodland. The Local Planning Authority will not normally support developments, which result in the loss of or threat to the continued life expectancy of trees which are of significant amenity value.

KNP policy D3 states that planning applications should retain all mature landscaping features within their site, including trees, hedgerows and woodlands.

There are two protected trees adjacent to the access to the site, along with groups of protected trees along the parallel to the access road and to the east of the site. The remaining trees on the site are protected due to their location within the Conservation Area.

The updated proposal would require the removal of 1 dead Birch in group G4, which is located on the road frontage and 2 C category trees (T8 & T10) which are located within the

site, in the southwestern corner. A pruning specification has been provided for trees T18 Oak, T19 Ash and T20 Pine, which are adjacent to the access road.

The Council's Forestry Officer has reviewed the proposal. They have raised no objection to the proposed removal of the trees listed above. They have also confirmed that the pruning specification would comprise minor works, which accord with best practice.

The proposed access would pass within the RPA of protected tree T20 Pine. The information and proposed special measures suggest that this can be accommodated without significant impacts to the tree. They have advised that in the event the application is approved, conditions should be imposed requiring tree protection and details of service/drainage layouts. Subject to these conditions, the proposal would comply with CELPS policy SE 5 and KNP policy D3.

Ecology and Impact on SSSI

The application site is in close proximity to the Midland Meres and Mosses Phase 1 Ramsar site and Tatton Meres Site of Special Scientific Interest (SSSI),

Following consultation, due to the site's proximity to a RAMSAR and SSSI site, Natural England requested that a Habitat Regulations Assessment (HRA), initially in the form of an Assessment of Likely Effects be undertaken prior to determination, which is a document within the application file.

In accordance with the Habitat Regulations 2017, the Local Planning Authority has carried out an 'Appropriate Assessment of Effects on a European Site'. At the scoping stage, this identified a likely significant effect.

The subsequent risk assessment concluded that the submitted foul and surface water drainage proposals would mitigate the potential pollution risks. Through compliance with the measures detailed, which include silt traps to catch any pollutants, significant effect is unlikely to occur. Subject to a condition enforcing these measures, the proposal would not adversely affect the integrity of the RAMSAR or SSSI site and permission may be granted.

The Council's ecology officer has advised that two of the Oak trees shown to be retained offer some potential to support roosting bats. As these are to be retained, no surveys are required. Subject to a condition requiring ecological enhancements, the proposal would comply with the requirements of CELPS policy SE 3 and KNP policy E3.

Landscaping

CELPS policy SE 4 relates to the landscape. It states that development will be expected to:

- i. Incorporate appropriate landscaping which reflects the character of the area through appropriate design and management;
- ii. Where appropriate, provide suitable and appropriate mitigation for the restoration of damaged landscape areas;
- iii. Preserve and promote local distinctiveness and diversity;
- iv. Avoid the loss of habitats of significant landscape importance;
- v. Protect and / or conserve the historical and ecological qualities of an area;

The Landscaping Officer initially raised an objection to the scheme for two dwellings, raising concerns about the lack of information provided with regards to the visual and physical impacts of the development. They have been re-consulted on the revised scheme for a single, smaller dwelling and have removed their objections. They have advised that subject to conditions relating to landscaping, the proposal would not result in adverse landscape effects. It would comply with the requirements of CELPS policy SE 4.

Parking and Highway Safety

Saved MBLP policy DC6 relates to circulation and access. It states that vehicular and pedestrian access for new developments should be safe, convenient and provide adequate visibility splays. Provisions should also be made for manoeuvring vehicles, for loading on site, for vehicles to enter and leave the site in a forward gear and for access for service and emergency vehicles.

Chapter 3 of the Cheshire East Design Guide (Volume 2) relates to streets, which is based on the Manual for Streets. This states that 'the shared drive serves a maximum of five properties and takes on the character of a narrow track.' The Design Guide is an adopted SPD and forms part of the development plan when determining applications. However, it relates primarily for new developments, where shared drives are proposed, rather than to established situations with private drives.

Many of the objections raise concerns relating to the use of the existing access by another dwelling. The concerns refer to the narrowness of the drive, the lack of availability for passing and the safety of the access onto Toft Road. These objections also make reference to the previous approval for a dwelling on the site (00/0812P), where a condition sought to prevent this access being used in the interests of highway safety.

The scheme and the access onto Toft Road have been reviewed by the Highways Officer. They have not raised any concerns relating to the access onto Toft Road, noting that the proposal is only for a single additional dwelling.

During a site visit in November, it was observed that Oakhurst has an existing vehicular five bar gate leading onto the access road. Within Oakhurst, there is no hardstanding adjacent to the access road to accommodate vehicles. However, there would be nothing in planning terms to prevent this property from using the existing access.

The proposal would see the plot subdivided into two, with Oakhurst using the existing access onto Toft Road and the new dwelling using the access road to the rear.

The Highways Officer has not raised any objections to the proposal on safety grounds. There would be sufficient space within the site to accommodate turning and parking in accordance with CELPS appendix C.

On this basis, it is considered that a refusal on highways safety grounds could not be substantiated.

Air quality and contamination

CELPs policy SE 12 deals with pollution, land contamination and land instability. These matters have been considered by the Council's Environmental Health Team. They have advised that subject to conditions including electric vehicle charging and contamination, the proposal would be acceptable in terms of its impact on air quality. Environmental Health also requested a condition relating to the provision of ultra-low emission boilers. However, this is not considered to be either reasonable or enforceable and as such has not been included within the suggested conditions.

Other matters

Concerns have been raised that the applicants do not have a right of access along the access track. This is not a planning matter and has not been considered as part of this application.

CONCLUSIONS

The proposal is for the construction of a new dwelling in the rear garden of Oakhurst. The scheme has been revised and reduced during the lifetime of the application, and is now for a single dwelling.

Oakhurst is a non-designated heritage asset within the Legh Road Conservation Area. The proposal would not result in harm to the significance of these heritage assets

The proposed dwelling would reflect the character, appearance and urban grain of the surrounding area

The Highway Authority has not raised any objections to the proposal.

Subject to conditions, there would not be any adverse impact on trees, ecology on landscaping.

The application is recommended for approval subject to the following conditions:

1. Three year time limit
2. In accordance with the approved plans
3. Material Samples to be submitted
4. Large scale details of fenestration, verges, eaves, doors etc. to be submitted
5. Metal rainwater goods to be provided
6. Finished levels to be submitted
7. Landscaping details to be submitted
8. Landscaping implementation
9. Boundary treatments to be submitted
10. Provision of parking and turning areas
11. Construction management plan to be submitted
12. Implementation of drainage scheme – including silt traps
13. Biodiversity enhancements to be submitted
14. Electric vehicle charging point to be provided
15. Tree protection measures to be submitted
16. Service runs and drainage layout – trees to be submitted

17. Contamination testing for soil brought on site
18. Actions in event of discovery of contamination
19. Removal of permitted development rights – extensions and outbuildings

In order to give proper effect to the Northern Planning Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

