

Application No: 11/0131M

Location: LAND TO THE REAR OF CHERRY WOOD, SPARROW LANE, KNUTSFORD

Proposal: DEMOLITION OF REDUNDANT SQUASH CLUB BUILDING AND CONSTRUCTION OF TWO-STOREY 5 BEDROOM HOUSE

Applicant: MR CHARLIE WILLIAMS

Expiry Date: 08-Apr-2011

Date Report Prepared: 27th May 2011

SUMMARY RECOMMENDATION Approve subject to conditions

MAIN ISSUES

- Scale, design and layout and impact upon the character and appearance of the locality
- Impact upon the residential amenity of neighbouring properties
- Highway Issues
- Protected Trees/Landscaping Issues
- Sustainability Issues
- Nature Conservation Issues
- Environmental Health

REASON FOR REPORT

The application has been requested to go to Northern Committee by Cllr Hunter (Knutsford Ward) for the following reasons:

- Concern that the narrow bridal pathway (Sparrow Lane) could prevent the entry and exit of emergency vehicles to and from the site, contrary to MBLP policy DC6
- Safety concerns relating to pedestrian use potentially being in conflict with vehicular access to and from the site
- Concerns of overbearing traffic generation as a result of the proposal and potential damage to the narrow pedestrian pathway due to heavy vehicular use.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a substantial, elongated plot on a relatively flat gradient, which accommodates a detached two storey building adjacent to the eastern and southern boundary. The building is currently vacant and was formerly used as a squash club; this remains the lawful use. A number of trees, some protected, exist within the site. There is an existing vehicular access onto Sparrow Lane directly to the South. This lane is designated as a public footpath 'Knutsford No. 15'. An allotment exists opposite the site which has its own vehicular access off Sparrow Lane. The site is located within a Predominantly Residential Area of Knutsford, as defined by the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

The proposal is for the demolition of the existing building and the erection of a two storey dwelling with associated garaging. The dwelling would be situated 13m away from the eastern boundary and 2.2m from the southern boundary at its closest point, and would utilise the existing vehicular access. A protected Norway Maple tree would need to be removed as part of the scheme due to its proximity to the dwelling and a proposed landscaping scheme has been submitted with the aim of mitigating for this loss.

Revised plans were received 14/04/11 following concerns regarding the scale of the dwelling and associated impact on the character and appearance of the locality. The amendment was to reduce the height of the dwelling from 9.6m to 8.3m, with associated elevational changes. All relevant parties were re-consulted and given a further 2 weeks to comment.

RELEVANT HISTORY

03/3136P - Conversion of squash court and ancillary building to 1no. dwelling house - Refused 21/01/2004 - Appeal Dismissed 19/01/2005

00/1719P - Detached dwelling (outline) - Refused 06/09/2000

POLICIES

Local Plan Policy

H1- Phasing Policy
H2- Environmental Quality in Housing Developments
H5- Windfall Sites
H13 – Protecting Residential Areas
BE1- Design Guidance
DC1- New Build
DC3- Amenity
DC6- Circulation and Access
DC8- Landscape
DC9- Tree Protection
DC38- Space, Light and Privacy
DC41- Infill Housing Development or Redevelopment
NE11- Nature Conservation

Regional Spatial Strategy

DP1- Spatial Principles
DP2 – Promote Sustainable Communities
DP7- Promote Environmental Quality
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
RT2- Managing Travel Demand

Other Material Considerations

PPS1- Delivering Sustainable Development
PPS3- Housing
PPS9- Biodiversity and Geological Conservation
PPS23- Planning and Pollution Control
PPG13- Transport

CONSULTATIONS (External to Planning)

Public Rights of Way – No objections subject to Informative

Highways- No objection subject to conditions

Environmental Health (Contaminated Land) – No objections subject to condition

VIEWS OF THE TOWN COUNCIL

Knutsford Town Council objected to the originally submitted plans on the following grounds:

The proposal would by reason of its scale, form and design result in a cramped and intrusive form of development, out of keeping with the character of the existing properties in the immediate vicinity of the site.

They also raised concerns regarding the site access.

OTHER REPRESENTATIONS

There have been objections from residents of 9 nearby properties; the planning-related points of objection relevant to this application are summarised below:

- Pedestrian/ Vehicle conflict due to narrow nature of Sparrow Lane which is a designated public right of way, frequently used by pedestrians hence highway safety concerns
- Sparrow Lane is unsuitable for heavy goods vehicles, emergency and private vehicles
- Use of public footpath for vehicles contrary to Section 34 of the Road Traffic Act 1988; this is not a private road
- Entrance to this section of Sparrow Lane is dangerous in addition to width of pathway, due to tight bend and lack of visibility

- Most allotment users do not use the existing car park but park in Aylseby Close because Sparrow Lane is only 2.25m wide hence pedestrian/vehicle conflict
- Would not comply with fire safety regulations for width of access road
- Overlooking into neighbouring Manor House and loss of privacy to rear garden and domestic outbuilding
- Adverse impact on bats; nocturnal surveys have not been undertaken in the area
- Loss of protected tree and impact on other trees/hedgerows in the site
- Provision of additional services to the property if approved could damage surface of right of way and roots of existing hedgerows/trees
- Previous applications for a dwelling on the site have been refused/ dismissed at appeal

APPLICANT'S SUPPORTING INFORMATION

A design and access statement has been submitted in support of the application.

OFFICER APPRAISAL

Principle of Development

The principle of a new dwelling to replace an existing building in this Predominantly Residential Area is considered to be acceptable, subject to design, amenity, highways, tree, landscaping, nature conservation, sustainability, environmental health issues as examined below.

It is noted that the previous application 03/3136P for the conversion of the existing squash building to a dwelling was only refused due to the moratorium on new housing in the Borough, which has since been lifted.

It is also noted that application 00/1719P was an outline application for a detached dwelling on a different part of the site, in addition to the squash club building. It was refused due to the impact on protected trees and the intensification of vehicular traffic using Sparrow Lane.

Design / Character

Policies BE1, DC1, DC41 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

The objections from the Town Council have been carefully considered, however the revised scheme is considered to have an acceptable impact on the character and appearance of the locality.

It is noted that the area comprises dwellings of a variety of architectural styles and sizes. Subject to appropriate materials being used in construction, the modern but relatively simple vernacular would be sufficiently in keeping with the area and is considered an improvement on the rather bland existing building, which is not in prime condition.

The proposed dwelling would be 8.3m high, 1.3m higher than the existing squash club building. This is not considered to be too high when compared to the street scene and surrounding neighbouring buildings. It would also have a footprint comparable to surrounding dwellings and would sit comfortably within the plot, with sufficient space remaining between existing dwellings and buildings.

Overall the revised scheme is considered to comply with all relevant design policies.

Amenity

The objection has been carefully considered, however the dwelling would be over 36m away from 'Manor House' and no windows would be directly overlooking. It would be at least 33m from the domestic outbuilding to the rear of this property and whilst there would be some overlooking of this outbuilding and rear garden, it is not considered sufficient to warrant refusal of the application.

The second nearest dwelling to the proposal would be 37m away and so overall a commensurate degree of space, light and privacy would remain between the proposed scheme and all other surrounding properties, with the proposed site also benefiting from a large amount of amenity space around the dwelling. The scheme would also enjoy an open outlook of Sparrow Lane to the South. Overall the scheme would comply with all of the relevant criteria in policies DC3, DC38, DC41.

Highways

The objections have been carefully considered. The Strategic Highways Manager does not object to the proposal; the site has an existing adequate vehicular access that is located off a narrow private road that (in its totality) serves a number of other properties as well as the nearby allotments.

Whilst the standard of access is poor, with a width of between 2.25m-2.5m from Aylesby Close along Sparrow Lane to the site (circa 94m distance), it is important to note that the previous use as a squash club generated vehicle movements and the proposed dwelling is not considered to increase the number of trips when compared to the previous use.

The same conclusion was made by the Highways Engineer under the previous application 03/3136P, as well as the Planning Inspector when this application went to appeal. It is noted that the squash club was still in use at the time of that application in 2003, and that this remains the lawful use of the building, which could be reinstated without the need for planning permission.

The Public Rights of Way Unit also do not object, stating that it appears unlikely the proposal would affect the public right of way, subject to an informative being attached to ensure public access and safety is maintained.

Whilst it is noted that emergency service vehicles and other larger vehicles may have difficulty traversing Sparrow Lane, this is considered to have been the same situation for other properties on the other section of the Lane with a similar width and also the squash club when built/in use and also the existing allotments. Furthermore any issues relating to fire services can be controlled via the relevant Building Regulations legislation.

Adequate parking on site for this size of dwelling would be provided and overall the scheme would comply with policy DC6 and the relevant sections of DC41.

Trees

The loss of the protected tree is a material consideration in the determination of this application. The arguments presented by the Arboricultural Consultant that the tree has only a 10-20 year life expectancy are noted, however in terms of assessing the suitability of trees for long term retention, a life expectancy of over 10 years is considered suitable. It is agreed that the presence of the Phytophthora pathogen will, in all likelihood result in the trees demise and therefore this has to be taken into consideration and a balance made against the scheme as presented.

The applicant has classified the tree as a C1 category tree (a tree of low quality) a view that the Council's Forestry Officer does not share and therefore does not meet the circumstance set out in Policy DC9 where trees are no longer of sufficient amenity value.

Following further discussions with the Agent, a landscaping scheme has been submitted 18/05/11 to justify the 'exceptional circumstances' and 'net environmental gain' stated in Policy DC9. The landscape scheme makes provision for the planting of four replacement trees in the Extra Heavy and Semi Mature Nursery Stock Category, comprising of a Maple, two Birch and a Liquidambar within the application site.

This proposal would provide additional trees that what would otherwise be obtained if the protected tree had to be felled as part of an application under the TPO. In such cases the LPA can only condition the replacement of one tree for each protected tree removed under the Order. Therefore in the longer term it is accepted that some environmental gain would be achieved by the planting and establishment of four additional trees. The Agent has also indicated that one of the replacement trees, a Maple will be planted within the existing protected group and would therefore maintain the protection of the Order.

The site is currently occupied by the former Squash Courts which are now in a dilapidated condition and therefore consideration has to be given to the long term future of the site. In planning terms there are no other restrictions other than the protected tree preventing development of the site and the position of the tree, sited centrally within the site does present a challenge to the development of the site and probably restricts what could feasibly be built.

The applicant has sought to demonstrate that the scheme as presented meets the exceptional circumstances by providing additional replacement planting to provide the net environmental gain. It is agreed that in the long term these replacements will likely provide that environmental benefit, but in the short term there will be a moderate impact upon the amenity of the area as a consequence of the loss of the protected tree.

On balance, the net long term environmental gain is in this case considered to outweigh the short term moderate impact upon the amenity of the area due to the loss of the protected tree.

Sustainability

The proposal is considered to comply with all sustainability criteria as set out in the PPS3 checklist.

Nature Conservation

The Nature Conservation Officer does not object, stating that the application is supported by an acceptable bat survey undertaken by a suitably qualified and experienced ecological consultant. No evidence of bats was recorded and the building proposed for demolition does not appear to offer any significant potential for roosting bats.

Whilst the objections are noted, there are considered to be no ecological constraints associated with the proposed development.

Environmental Health

As the proposal is for a sensitive end use which could be affected by any contaminated land present on the site, a condition is required by Environmental Health for a contaminated land Phase 1 report to be submitted.

Bearing in mind the relatively recent squash club use, which existed for a long period of time, and considering the existing amount of long-standing trees and natural vegetation on the site, this condition is not considered to be either necessary or reasonable and as such would not comply with the tests set out in Circular 11/95. Therefore it is considered more appropriate to attach an Informative advising the applicant of their duty to adhere to the relevant regulations relating to land contamination.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

The scheme would ensure the long term sustainable regeneration of a site which is currently disused and overgrown, with a building which is in a partially dilapidated state. It would have an acceptable impact on the character and appearance of the locality, neighbouring amenity and nature conservation. The proposal would not result in an increase in vehicular traffic accessing the site than the previous use and it is considered that the long term net environmental gain through the re-landscaping of the site would outweigh the harm caused through the loss of the protected tree.

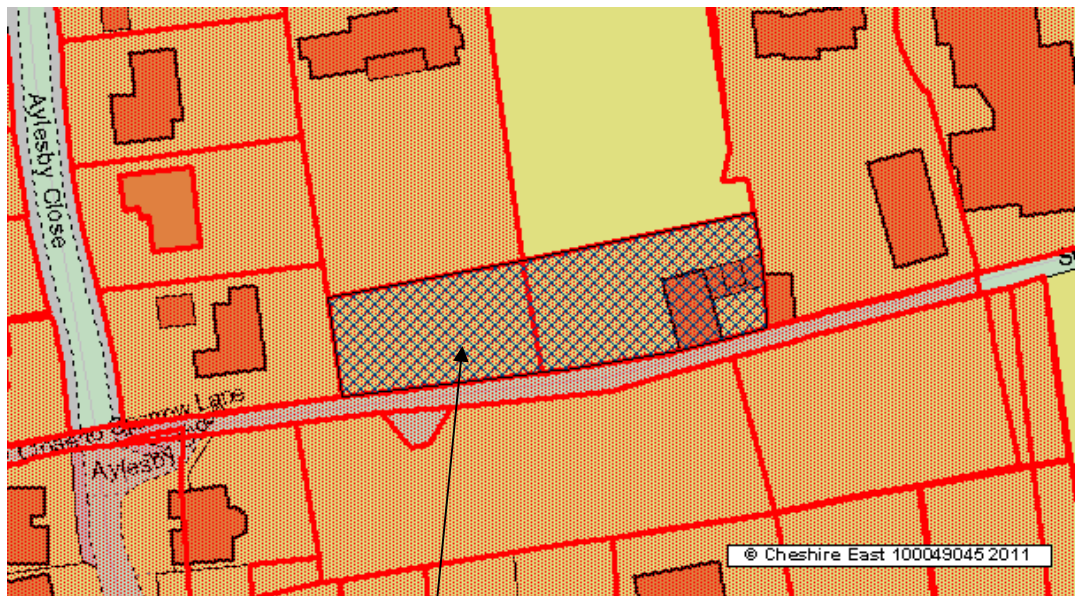
Overall, therefore a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. AD02 - Complies objections considered
2. AD14 - Acceptable relationship adjacent and wider
3. AD15 - Acceptable impact on amenity
4. AD20 - visual impact
5. POL01 - Policies
6. A03FP - Commencement of development (3 years)
7. A03AP - Development in accord with revised plans (unnumbered)
8. A05EX -
9. Materials
- 10.A01TR - Tree retention
- 11.A02TR - Tree protection
- 12.A05LS - Landscaping - implementation
- 13.A04LS - Landscaping (implementation)
- 14.A25GR - Obscure glazing requirement
- 15.A32HA - Submission of construction method statement
- 16.A23GR - Pile Driving
- 17.A08HA - Gates set back from footway/carriageway
18. Contaminated Land
19. Public Right of Way
20. Noise

Location Plan



The Site