

Application No: 14/3720M

Location: THE OAKS, MOBBERLEY ROAD, KNUTSFORD, WA16 8HR

Proposal: Demolition of existing Public House (Five Oaks) to create 13 new apartments and associated parking and landscaping.

Applicant: Mr David Lloyd, Oak Tree Developments

Expiry Date: 31-Oct-2014

**Date Report Prepared:** 10 October 2014

**SUMMARY RECOMMENDATION**

APPROVE subject to conditions and subject to a s106 agreement requiring a financial contribution of £33,000 towards Public Open Space and a Recreational Open Space Contribution of £4500. This money would be used at Shaw Heath Open Space and Play Area

**MAIN ISSUES**

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

**REASON FOR REPORT**

The application is for the erection of 13 residential units and under the Council's Constitution, it is required to be determined by the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises the Five Oaks Public House – a large two storey detached building constructed circa 1900, its curtilage comprising hardstanding to the front of the site and a garden area to the rear with a few young trees.

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

**DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing public house which has been vacant for some time and the construction of a three storey building containing 13 new apartments and associated parking and landscaping.

## **Planning History**

13/3537M 14 number residential retirement apartments ranging from 1 and 2 bedrooms. Change of use from commercial public house to residential retirement village. Withdrawn 04-11-2013.

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

NE11 – Nature Conservation  
BE1 – Design Guidance  
BE2 – Preservation of Historic Fabric  
H1 – Phasing Policy  
H2 – Environmental Quality in Housing Developments  
H5 – Windfall Housing Sites  
DC1 – Design: New Build  
DC3 – Amenity  
DC6 – Circulation and Access  
DC8 - Landscaping  
DC9 – Tree Protection  
DC38 – Space, Light and Privacy  
DC41 – Infill Housing Development  
DC63 – Contaminated Land  
RT5 - Open Space

### **Cheshire East Local Plan Strategy – Submission Version**

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

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

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

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

The relevant policies are as follows:

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

### **Other Material Considerations**

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

### **CONSULTATIONS (External to Planning)**

Environment Agency – no objections recommends informatives

United Utilities – recommends conditions

Highways – no objections

Environmental Health – further clarification on window sizes in respect of glazing

### **VIEWS OF THE TOWN COUNCIL**

Knutsford Town Council - The Council supports this application on the grounds that the applicant has listened to previous objections and made a significant improvement to the scheme. Furthermore the type of accommodation provided is needed in the town.

### **OTHER REPRESENTATIONS**

5 letters in support, however wish matters relating to boundary treatment, privacy, tidying up the site and ownership matters to be considered.

1 objection raising concerns in respect of loss of light, overlooking and impact upon trees.

## **APPLICANT'S SUPPORTING INFORMATION**

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

### **Design & Access Statement**

This statement provides a site analysis, constraints and opportunities, concepts and principles and design proposals.

### **Planning Statement**

This statement provides details of the policy framework and an analysis as to how the proposals comply with these policies.

### **Tree Survey**

The site has a few trees however there are few specimens worthy of formal protection. Those scheduled for removal have limited amenity value or are of poor condition. Those worthy of protection lie outside of the application site and would be protected through mitigation measures.

### **Protected Species Survey**

Bats were not present and there is no requirement for an EPS licence. Reasonable avoidance is proposed.

### **Noise Report**

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

## **OFFICER APPRAISAL**

### **Housing**

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

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

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

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

## **Design**

### Size and Scale

The proposed building would be two storeys high which is consistent with both the existing building on the site and those within the locality.

The building facing Mobberley Road would have a large floorplate however this is consistent with buildings in the area such as the medical centre, social club and garage.

The building to the rear would have a smaller footprint and would be smaller in height appropriate to this backland location and also appropriate given that residential properties along Leigh Avenue back onto the site.

The building to the rear would not be clearly visible from Mobberley Road given the presence of the building to the front of the site.

There are also examples of backland and infill development within the wider area meaning that this type of development is not inappropriate.

### External Appearance

There is a variety of different house types and building styles in this locality and given that the current building occupies a prominent position on the plot and within the streetscene, a building with presence would be appropriate here.

The proposals adopt a more traditional approach in terms of materials and scale which is consistent with the buildings within the immediate locality and a selection of particular details from the wider area which has influenced the design of the building. Notably: hipped roofs, brick, barge board detailing and prominent sill and lintel detail.

Whilst the windows and undercroft features are modern, the fenestration of the building is considered to be acceptable and in keeping with the variety of properties in the surrounding area as these features maintain a horizontal emphasis within the design with the materials and features drawn from the local area.

### Layout

The layout comprises the larger more prominent building to the front of the site with the smaller building which is domestic in scale to the rear, car parking to the front and rear with areas of landscaping. As the site at present comprises a prominent building within a sea of hardstanding, arguably the proposals improve upon this – the proposals are only marginally more dense but constitute an efficient use of land. As this is an urban location densities in this location are higher and therefore backland development would not be inconsistent with the character of the area.

### **Trees / Landscaping**

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

The applicant has submitted a Tree Report which indicates that the impact upon neighbouring trees would be mitigated and removed trees would be compensated for in the planting proposals.

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

### **Leisure / Public Open Space**

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

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS of £33,000, which would be used to make additions, improvements and enhancements to Shaw Heath open space facilities in Knutsford. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £4500, which would be used to make additions, improvements and enhancements to recreation and Shaw Heath open space facilities in Knutsford.

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

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

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

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

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Both policy IMP4 and RT5 within the MBLP 2004, and Cheshire East's Draft Town Centre Strategy for Knutsford indicate that improvements to open space are necessary in Knutsford. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is considered that a financial contribution towards open space and recreation would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the open space in the local area serving the development.

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

## **Ecology**

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

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

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

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

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

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

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

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

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

The Council’s Ecologist has been consulted on this application and raises no objection to the proposals subject to conditions.

## **Amenity**

### Overlooking

As principal windows are located on the front and rear elevations there would not be any resultant direct overlooking. The windows in the side elevations facing properties along Leigh Avenue would be obscure glazed where these are not high level or non principal windows. The windows facing the medical centre next door would not cause an amenity issue.

### Overshadowing

The separation distances between the new properties and neighbours are sufficient to ensure the proposals would not result in overshadowing of principal windows. The separation distances would result in some overshadowing of gardens to properties along Leigh Avenue and at the corner of Leigh Avenue and Mobberley Road however this would not be severe as it is the rear gardens that would be affected and the larger private spaces for these properties are to the side.

### Noise

The comments from Environmental Health are duly noted and are consistent with advice on similar schemes nearby ref 13/2935M – Parkgate Industrial Estate approved by Strategic Planning Board in March this year.

That application which was for a large number of residential properties at Parkgate Industrial Estate would experience comparable outdoor noise levels (due to aircraft/ the railway) to this application. Under that application it was considered that the harm to amenity would be outweighed by other considerations.

The outdoor noise likely to be experienced by future occupants when enjoying their garden would be similar to that experienced by existing residential properties around the site.

Environmental Health have requested further details in respect of glazing however this can be conditioned if it is not received before the committee meeting.



The proposals would deliver the following redevelopment benefits:

- 13 apartments comprising a good mix of house types and sizes, which will help meet the Council's housing targets
- provide houses in an accessible and sustainable location
- financial contributions towards improvements in public open space and recreation space
- provide an opportunity to enhance and improve landscaping and boundary treatments to neighbours

The above factors need to be weighed against the clear concerns from Environmental Health which relate to the suitability of the site for residential development. The issue being the combined impact of industrial noise and aircraft noise impacting on the site.

It is acknowledged that it is impossible to mitigate the severe impact of aircraft noise on external gardens / amenity areas and this is contrary to the NPPF. However it is considered that the benefits above would tip the planning balance in favour of the development, subject to the suggested conditions recommended by Environmental Health being incorporated into conditions.

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

## **Highways**

Access to the Public House is available along the entire frontage of the site with Mobberley Road, The majority of the access will be closed off with access to the site taken from the south west corner of the site only. It is also proposed that the footway will be reinstated along the closed off section of the existing access to improve road safety for pedestrians and to prevent vehicles parking.

In terms of off street resident and visitor parking spaces, the proposed parking provision is consistent with Cheshire East Parking Standards for the number of one and two bedroom apartments and visitor parking- there would be two spaces for the two bed units, one space for the one bed units and one visitor space.

The replacement of the Public House with 13 apartments will result in a minor increase in traffic in the morning peak hour, when compared to that associated with the Public House use, which would have a negligible impact on the wider highway network.

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

## **Drainage**

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

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

### **Other Considerations**

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

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. The proposals for 13 apartments would make a positive contribution to housing land supply, in a sustainable location and would not raise significant issues in respect of amenity, highway safety, drainage or in any other way. Whilst concerns have been raised in respect of noise these would not substantiate a reason for refusal given the limited nature of the impact and given the existing conditions within this residential area.

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

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

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

Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A23GR - Pile Driving
3. A22GR - Protection from noise during construction (hours of construction)
4. A19MC - Refuse storage facilities to be approved
5. A17MC - Decontamination of land
6. A15LS - Submission of additional landscape details
7. A12LS - Landscaping to include details of boundary treatment
8. A12HA - Closure of access
9. A08MC - Lighting details to be approved
10. A07HA - No gates - new access
11. A06TR - Levels survey
12. A06NC - Protection for breeding birds
13. A25GR - Obscure glazing requirement
14. A02TR - Tree protection
15. A05TR - Arboricultural method statement
16. A04NC - Details of drainage
17. A30HA - wheel washing facilities
18. A02HA - Construction of access
19. A02EX - Submission of samples of building materials
20. A01TR - Tree retention
21. A01MC - Noise insulation
22. A01LS - Landscaping - submission of details
23. A01AP - Development in accord with approved plans
24. bird box details to be submitted
25. dust control measures



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