

Application No: 13/2415M

Location: WINLOWE, BANK STREET, MACCLESFIELD, SK11 7AX

Proposal: Demolition of existing three-storey residential apartment block and subsequent development of 15 new affordable dwellings and associated landscaping and car parking

Applicant: Ms Loveday Gimson, PEAKS & PLAINS HOUSING TRUST

Expiry Date: 09-Sep-2013

**Date Report Prepared:** 15 August 2013

**SUMMARY RECOMMENDATION:**

Approve, subject to conditions and the completion of a S106 agreement.

**MAIN ISSUES:**

- Principle of the Development (*Windfall Housing Sites*);
- Principle of the Development (*Loss of Open Space*);
- Principle of the Development (*Need for Affordable Housing*);
- Developer Contributions;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health;
- Other Material consideration or matters raised by third parties, and
- Archaeological Implications.

**REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee.

Subject to the recommended conditions and Legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

**DESCRIPTION OF SITE AND CONTEXT**

Historically, the site was originally developed for housing (circa 1890) and was occupied by terraces to Knight Street, Bank Street and Knight's Pool. These were replaced by larger

buildings by the 1960s and that by the 1980s, all the original terraces had been removed and replaced by the Winlowe Court building which currently occupies the site.

The site currently contains the vacant Winlowe sheltered housing flats, a 3-storey block with 46 one-bed apartments. It has been vacant since February 2011 due to a lack of demand. The existing layout is based upon the 'Radburn' principles by segregating vehicular and pedestrian movement through the location of its parking courtyard to the rear of the site and pedestrian walkways.

Knights Pool, an old mill pond, is located to the immediate east of the site and is designated as an area of open space. There is an existing footpath along the pool edge, but Winlowe turns its back on the water.

There is very limited existing landscaping within the site, except for an area of open space which contains a number of trees and through which the pedestrian link to Knights Pool is located. The area surrounding the site is predominantly residential in nature and consists of two and three-storey dwellings.

Being within walking distance of the town centre of Macclesfield, the site is in a highly sustainable location. There are a number of services and facilities within walking distance including shops, churches and medical centres. The site has good links to public transport facilities, including the train station which is only approximately 800m from the site and a bus stop on Windmill Street approximately 500m from the site.

## **DETAILS OF PROPOSAL**

This application seeks planning permission for the demolition of the 3 storey residential building on the site and the construction of a total of 15, two and three bedroom affordable houses, arranged in 3 terraced and 2 semi detached blocks around 2 new landscaped parking courtyards. Each of the dwellings is provided with its own enclosed private garden to the rear.

The development also contains a total of 28 car parking spaces, of which 8 are located within private curtilages and 20 within 2 private open courtyards. This equates to a parking provision of 186%.

The application is made by Peaks & Plains Housing Trust for development comprising 100% affordable housing of mixed tenure.

## **RELEVANT HISTORY**

Although the site has been the subject of some minor historic planning applications/permissions, there is none that are relevant to this application.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The Macclesfield Borough Local Plan (2004) shows the site to be located within a Predominantly Residential Area. A small section of the site to the south is designated as Open Space, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy RT1: Open Space;
- Policy H2: Environmental Quality in Housing Developments;
- Policy H5: Windfall Housing Sites;
- Policy T2: Provision of public transport;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC35: Materials and Finishes;
- Policy DC36: Road layouts and Circulation;
- Policy DC37: Landscaping; and
- Policy DC38: Space, Light and Privacy.

### **Other Material Considerations:**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- S106 SPG;
- Interim Planning Statement on Affordable Housing (February 2011);

- Draft Macclesfield Town Strategy Consultation (2012);
- Strategic Housing Market Assessment (SHMA; 2010);
- Annual Monitoring Report (AMR; 2011/12); and
- Strategic Housing Land Availability Assessment (SHLAA; February 2011).

## **CONSULTATION RESPONSES**

### **Public Rights of Way Team:**

No objections.

### **Environmental Health:**

No objection subject to conditions relating to hours of operation, dust control, pile driving and contaminated land.

### **United Utilities:**

No objection subject to a condition relating to site drainage.

### **Environment Agency:**

No objections.

### **Cheshire Archaeology Planning Advisory Service:**

No objections.

### **Housing:**

Support the scheme as there is an urgent demand for Affordable Housing in Macclesfield.

## **PRE-APPLICATION ADVICE:**

The applicant engaged in the Councils formal pre-application procedure where advice was given in the form of a written response. The applicant has borne in mind the advice given by the Council and has demonstrated where amendments could or could not be achieved within the submitted Design and Access Statement.

## **COMMUNITY INVOLVEMENT:**

The Knights Brow residents group have been continually updated by Peaks and Plains regarding plans for this site. The scheme was presented to residents on 13th May and 3rd June.

The developer has stated that:-

- On the whole the scheme was well received;
- Concerns were however raised regarding potential street parking and possible increases in traffic especially to Knight Street and Bank Street;
- Also of concern to residents is the loss of amenity space to the south of the site;
- All residents were very positive about the orientation of houses to Knight's Pool and the retained green space next to the pool; and
- Local residents very much liked the internal layout of the houses – particularly the large combined dining room and kitchen. One commented on the importance of extra (and separate) storage space and so she was pleased to find this upstairs.

In response to this concern, the developer has stated that the proposals seek, through the more even distribution of dwellings and landscaping than is found currently, to reintegrate this amenity within the overall development. And that the parking is proposed to be located entirely 'off street' either in front curtilages or within landscaped courtyards

### **PUBLICITY:**

The planning application was advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice. Comments were invited within a 21 day period and the last date for comments expired 17 July 2013.

### **REPRESENTATIONS:**

Eight letters of objection have been received from local residents and their objections can be summarised as follows: -

1. Loss of open space on Knight Street;
1. Loss of parking to Liz Kay House;
2. Concern that Liz Kay House will become a hostel;
3. Developments attracting drug and alcohol users into the community;
4. Parking allocation;
5. Repairs to footpaths;
6. Loss of trees;
7. Loss of Public Right of Way;
8. Loss of Public Right of Way to pool;
9. Loss of parking for fishermen;
10. Moving access to pool will attract antisocial behaviour;
11. General traffic congestion area;
12. New houses built against the pavement with no front gardens (existing building set back is much greater);
13. Overlooking gardens to Bucklow Walk;
14. No off-road parking to the front, only the rear, of new houses;
15. Access for emergency vehicles blocked by Winlowe visitors and staff cars.
16. New residents will use existing parking courts; and
17. Larger vehicles being diverted through the estate.

Peak and Northern Footpaths Society had requested that there are no obstructions to any rights of way.

The Civic Society have viewed the plans of the proposal and, in terms of layout, design, external appearance, means of access to and landscaping of the site are satisfied that the development would be appropriate for the locality. It is noted that the scheme will provide 2 and 3 bed affordable dwellings and this is welcomed. However, the loss of single bed units does affect to overall mix of housing provision and no doubt the planning authority will wish to fully consider this aspect in view of social trends within and demographic projections for Cheshire East.

### **APPLICANT'S SUPPORTING INFORMATION**

Pre-application discussions were undertaken with this applicant and in addition to the plans the following detailed reports were submitted with the application:-

- Landscape and Visual Report;
- Air Quality Assessment;
- Bat Survey;
- Tree Survey;
- Energy and Sustainability Strategy;
- Statement of Community Involvement;
- Design & Access Statement;
- Affordable Housing Statement; and
- Draft Heads of Terms for S106 legal agreement.

## **OFFICER APPRAISAL**

### **Principle of the Development (*Windfall Housing Sites*):**

The majority of the site (containing the former Winlowe Court) is identified as being within a Predominantly Residential area with Knight Pool a small body of water, which is designated within the Local Plan as an area of existing Open Space on the Macclesfield Borough Local Plan.

Paragraph 14 of the NPPF states that at its heart, there is a “*presumption in favour of sustainable development*”. Local Plan policies H5 and T2 also seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. Located within close proximity of public transport and local amenities, the site is considered to be in a sustainable location.

There is no objection in principle to the erection of new dwellings within a Predominantly Residential area. It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council’s 5 year land supply.

### **Principle of the Development (*Need for Affordable Housing*):**

The *Strategic Housing Market Assessment 2010* (SHMA) identifies a shortfall in provision of 555 affordable homes per annum in Macclesfield up to 2013/2014. Indeed the current *Annual Monitoring Report 2011* (AMR) shows that the number of affordable houses provided in Cheshire East in 2010/2011 was 205, down from 334 in the previous year and the lowest since 2006/2007. There is a significant discrepancy between the affordable housing needs identified within the SHMA and the actual level of affordable housing provision.

The Council’s Interim Policy Statement on Affordable Housing (dated February 2011) sets a minimum requirement of 30% affordable housing provision on windfall sites in settlements of 3000 population or more. It also states that a Registered Social Landlord (RSL) should be involved in all 100% affordable housing schemes.

The Council's Strategic Housing Market Assessment 2010 identified a net requirement for 318 affordable homes each year between 2009/10 and 2013/14 in the Macclesfield & Bollington sub-area. There are currently 946 applicants who have selected either the Upton Priory area or Macclesfield as their first choice

There have only been 131 affordable units built in the Macclesfield & Bollington sub-area from 2009/10 to date. This is less than half the affordable housing requirement identified by the SHMA 2010 for 1 year.

100% affordable housing provision on this site would offset some of the reduced provision elsewhere, as acknowledged in the AMR, and would exceed all policy requirements for the proportion of affordable housing within new developments.

The provision of 7 x 2 bed houses and 3 x 8 bed houses on this site would therefore meet a need for them identified both from the SHMA 2010 and as there are currently 613 applicants on the waiting list who require 2 or 3 bed properties.

In accordance with policy H9 and the council's interim policy on affordable housing provision, the applicant has a partner Registered Provider, Peaks and Plains, involved in the scheme to ensure that the dwellings remain affordable in perpetuity.

The scheme would provide a significant benefit in contributing to achieving affordable housing targets

#### **Principle of the Development (*Loss of Open Space*):**

Local Plan policy RT1 states that areas of recreational land and open space as shown on the proposals map will be protected from development. Redevelopment of a building footprint that does not harm the integrity of the open space will normally be permitted. The reason for the policy states that existing facilities form an important resource which must be retained for the benefit of the community and also recognises that open spaces are important for their amenity value and can contribute to the character of the townscape.

Paragraph 74 of the NPPF states that existing open space should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Clearly in order for planning permission to be granted for the development proposed, a justification would need to be provided for building on the area of existing open space.

It is considered that the loss of this small area of open space should be weighed against the overall benefits of the proposal. This includes the overall visual benefits, the opening up of the remaining designated area of open space (Knights Pool) to local residents and the provision of affordable housing. In addition, there are no residential properties looking directly onto this

open space, only garages and parking along Knight Street, and views of Knights Pool from the street are restricted in this location.

To conclude, whilst the proposal does not comply with all relevant policies of the Development Plan, it is considered to be acceptable because it will provide much needed affordable housing in a sustainable location.

#### **DEVELOPER CONTRIBUTIONS:**

With this increased impact on Knights Pool from the built development and the loss of a local amenity and visually important green space, the Council would be looking for a commuted sum in order to improve/provide facilities elsewhere within the immediate locality. Additionally in accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy.

Based on the proposal for 15 family dwellings, the commuted POS sum for offsite provision would be £45,000. Based on the proposal for 15 family dwellings, the commuted sum for offsite provision of Recreation and Outdoor Sport would be £15,000. As this is a 100% affordable development, in recognition of this and as per our usual practice, the ROS com sum will be waived as a concession. These sums would be used to make improvements and enhancements at Knight Pool, providing an improved facility for the new residents and the existing community and helping to mitigate for the developments increased impact on the amenity.

The developers (Peaks & Plains Housing Trust) have offered £15,000 in lieu of onsite provision. This is due to the viability of the scheme.

A financial appraisal for the scheme has been submitted and this shows that scheme results in a deficit.

It is considered that an exception could be made in this case and a lower POS contribution agreed as the scheme has been specifically designed in consultation with the Council's Housing Department and with Peaks and Plains Housing Trust to meet a locally identified demand and urgent requirement for affordable housing in Macclesfield.

#### **DESIGN, LAYOUT AND VISUAL IMPACT:**

The properties will be two-storey red-brick with dark grey painted framed windows and dark grey slate roofs. The properties will be broken into three rows of terraced dwellings with active frontages onto to Knight Street and Bank Street. There will also be two semi-detached units in the north-east corner of the site and two semi-detached units fronting Knights Pool.

The existing pedestrian access linking Knight Street across the site to the footpath to Knight's Pool is to be relocated and formalised as a dedicated route through the southern courtyard.

The most significant changes to the scheme was the reduction from three to two storeys on the pool edge, the setting back of these buildings by an additional 2-3m and the removal of a proposed narrow alley with no surveillance and very poor security for users. The proposed

boundary treatment along the pool side of retained and new stone walls with railings over are welcomed, as is the proposed ramp and step access with dedicated pedestrian routes through the parking courts, making clear and defined routes for pedestrians and encouraging their use. The increased planting beds along the pool side are an improvement as are those proposed around the substation.

### **LANDSCAPE / TREES:**

The scheme identifies the removal of all the trees associated with this site. The Council have in the past received some complaints in terms of cars parked in the existing parking areas which have been subject of 'honey dew' deposits. The social proximity of the trees including the weeping willow to the immediately adjacent building to the west is also considered extremely poor, and not sustainable.

The submitted Tree Survey identifies 27 trees forming the composition of the copse, 21 being low value and 6 being moderate value. The group as a whole are visible from the higher ground to the south and as part of filtered views between properties and as part of the Bank Street, street scene. It's important to note neither individually or collectively the trees have not been categorised as Significant Category A specimens.

This site has been subject of numerous discussions over the last few years, and various schemes, which included from an arboricultural perspective the retention of the small copse of trees identified above. It has always been preferable to see the group retained but this has to be balanced in respect of are they worthy of formal protection under a Tree Preservation Order. The absence of any A category trees and only a limited number of B's predicated the view that on balance the amenity value of the group was at best low-moderate.

The need to make the scheme financially viable has lead to the proposed loss of the trees. A balance has to be satisfied between retaining two or three moderate value Maples or the development as presented especially when taking into consideration an absence of utilisable space to accommodate the number of trees lost.

Located to the rear and south of the site immediately adjacent to the pool are a linear group of Whitebeam, identified as T26-28. Two have been identified as Category B moderate value with the third C Category. All three have been identified for removal. The loss of these small and insignificant specimens can easily be mitigated as part of a specimen landscape scheme. Overall, it is not felt that the demolition of the existing three-storey apartment block and development of new dwellings will result in any significant landscape or visual impacts, it is unfortunate that the development will result in the loss of the small area of woodland between the existing building and Liz Kaye House.

### **HIGHWAYS:**

Proposed vehicular access is intended via Knight Street from two priority vehicle crossover points; one of which is intended to be gated.

Access is via two kerbed crossover points wide enough for one vehicle at the point of entry to the development. Additional vehicle manoeuvring space is available within the development

to allow for two-way movement in this informal arrangement. Vehicle movements will be low. Limited frontage parking to Bank Street is also provided.

A condition is suggested to ensure that a minimum setback of 6.0m for the gates, with the gates opening into the development. This is to ensure that a vehicle can wait off-carriageway whilst the gates open. Pedestrian access is provided separately from vehicle access.

It is considered that the proposed mews type access points provide sufficient space for vehicle manoeuvring. The site is a sustainable location with good access to local facilities and public transport. The proposal for 28 car parking spaces for 15 affordable dwellings in this sustainable location is acceptable and sufficient manoeuvring room is available.

#### **RESIDENTIAL AMENITY:**

Local Plan policies DC3 and DC38 relate to amenity. DC38 sets out guidelines for space between buildings which developments should aim to meet. Whilst the scheme is a high density scheme that is compact, it is considered that these scheme accords with these guidelines. As the site is surrounded by existing residential properties, the relationship between these properties and the proposed dwellings has been considered.

#### **NATURE CONSERVATION:**

The application was supported by two reports of bat activity, one survey and one internal/external survey of the buildings. The Council's Ecologist has confirmed that neither bats nor any other protected species present a significant constraint on the proposed development. A condition is suggested that safeguards breeding birds.

#### **ENVIRONMENTAL HEALTH:**

The application site is surrounded by existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment.

The proposed development is located in an area which may cause additional traffic to be generated within the A523 London Road, Macclesfield Air Quality Management Area (AQMA). An assessment submitted with the application predicts small increases in pollutant concentrations at a number of receptors within the AQMA. Using EPUK Guidance on the Significance of Impacts this is considered "negligible". The methodology and conclusions of the report are accepted with the following caveat.

The Council has a duty within the AQMA to work towards achieving the Air Quality Objectives, and clearly additional traffic generated as a result of development needs to be managed to ensure there is NO negative impact within the AQMA. In addition, this development is one of a number of proposed applications within the town with the potential to have an adverse effect

on air quality. The cumulative impact of these developments means that any increase within the AQMA predicted as a result of a single application means needs to be mitigated. Given the scale of the scheme a condition is suggested to secure the submission of a travel plan with the aim of reducing the impact of each development.

#### **OTHER MATERIAL CONSIDERATION OR MATTERS RAISED BY THIRD PARTIES:**

In response to the points raised by the neighbours:

1. Loss of open space on Knight Street;

This land is privately owned and maintained by Peaks and Plains. The trees also break the building line and reduce an already poorly defined and weak street edge. The tree area and footpath are not overlooked and consequently attract antisocial behaviour and dog fouling.

The views of the pool through from Knight Street should not be seen as sacrosanct nor a right of adjacent owners. This is privately owned land and could be fenced off (and the pool views blocked) without requiring planning consent. The approach adopted in the proposals gives a number of framed views that are arguably more intriguing than what currently exists. The impact of the pool being all the more dramatic once the view opens up to the visitor.

The new tree planting proposed throughout compensates for lost trees and provides trees of appropriate species and scale to sit within a residential development.

In addition to the improvements proposed, the applicant has recently completed a number of significant environmental improvements to adjacent street which has introduced new street trees and public realm upgrades.

1. Loss of parking to Liz Kay House;

This is not a material consideration in relation to this application. The existing parking bays next to Liz Kaye House are private, and should not be used by the general public.

2. Concern that Liz Kay House will become a hostel;

This is not a material consideration in relation to this application

3. Developments attracting drug and alcohol users into the community;

The development will provide 15 affordable dwellings for families managed by Peaks and Plains. This should improve the area rather than have a negative impact.

4. Parking allocation

All parking for the development is contained within the site and does not rely upon street parking.

5. Repairs to footpaths;

This is not a material consideration in relation to this application.

6. Loss of trees;

This land is privately owned and maintained by Peaks and Plains. The trees also break the building line and reduce an already poorly defined and weak street edge. The tree area and footpath are not overlooked and consequently attract antisocial behaviour and dog fouling.

The new tree planting proposed throughout compensates for lost trees and provides trees of appropriate species and scale to sit within a residential development.

In addition to the improvements proposed, the applicant has recently completed a number of significant environmental improvements to adjacent street which has introduced new street trees and public realm upgrades.

7. Loss of Public Right of Way and Loss of Public Right of Way to pool;

The access to the pool is not a 'public right of way'. An alternative access to the pool has been provided that is much safer and overlooked to ensure natural surveillance.

8. Loss of parking for fishermen;

The parking bays off Knight Street are privately owned and cannot be deemed as 'public' for fishermen or any other visitors to the site. The proposals for the site incorporate adequate parking provision, including visitor parking.

9. Moving access to pool will attract antisocial behaviour;

The new access route to the pool is specifically located in order to ensure overlooking and natural surveillance, i.e. to deter antisocial behaviour.

10. General traffic congestion area;

The development will not significantly impact upon traffic congestion in the area. The issues raised are wider Highways issues outwith the scope of this application.

11. New houses built against the pavement with no front gardens (existing building set back is much greater);

The frontages of the new houses are in fact set back approximately 2.0m from the back of pavement. This is consistent with most existing properties within the estate. The front curtilages are also protected with low walls and railings.

12. Overlooking gardens to Bucklow Walk;

The existing Winlowe house is 3 storeys in height and is set back 4.0m from the footpath on Bank Street. The new properties are only 2 storeys in height and set back 2.0m from the footpath. Consequently, the new properties do not impact upon the overlooking of adjacent properties. The new house on the corner of Knight Street and Bank Street overlooks a parking court.

13. Overlooking to Nights Close;

The new properties are some 35 metres distant from the rear bedrooms of 5 Knights Close. This is significantly in excess of normal privacy distance standards (20 metres). The garden of 5 Knights Close is screened by a 1.8m high fence from the main highway (Knight Street). The new properties have been kept to only 2 storeys in height (a storey lower than the existing Winlowe Court). Consequently the privacy of the existing property is not compromised.

14. No off-road parking to the front, only the rear, of new houses;

It has been a requirement of the Highways Section to provide off-road parking for the new dwellings. From a design point of view, CEC also wish to avoid front curtilage parking which impacts negatively upon the street scene.

15. Access for emergency vehicles blocked by Winlowe visitors and staff cars.

This will no longer be the case.

16. New residents will use existing parking courts; and

The parking for the new properties is specifically allocated to each dwelling. Access from the parking to the houses is made as simple as possible. This will ensure new residents park in the correct location.

17. Larger vehicles being diverted through the estate.

This is not a material consideration in relation to this application.

### **ARCHAEOLOGICAL IMPLICATIONS:**

The site is within Macclesfield's Area of Archaeological Potential, as defined during research conducted by the Cheshire Historic Towns Survey. This identification is based on the depiction of several mills and other industrial structures, including the Knight's Pool, on the 19th-century mapping of the area. Evidence of the Knight Street Mill's wheel pit was recently recorded during the re-development of this site, which lies immediately to the south-west of the pool. The 19th-century mapping, however, shows that the present area of interest was first developed for housing in the late 1870s and that prior to this, the land was open ground. No features of industrial archaeological interest ever appear to have been present on the plot and, consequently, it is not considered that any further archaeological mitigation would be justified with regard to this site.

## **CONCLUSIONS AND REASON FOR THE DECISION**

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

Whilst there are shortcomings in the scheme noted in this report, the disbenefits are not considered to be significant and a refusal of permission would not be justified. Whilst some conflict with local plan policy has been identified, the material considerations in favour of granting planning permission for the affordable housing development are significant and the application is recommended for approval subject to conditions and the completion of a Section 106 agreement.

## **HEADS OF TERMS**

- Mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure.
- Commuted sums of £15,000 to mitigate for the loss of existing open space and for POS in lieu of onsite provision.

### **Community Infrastructure Levy (CIL) Regulations:**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) Necessary to make the development acceptable in planning terms;
- (a) Directly related to the development; and
- (b) Fairly and reasonably related in scale and kind to the development.

The mechanism to ensure that the proposed dwellings provide affordable housing in perpetuity and are of an appropriate tenure is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 38 dwellings, the occupiers of which will use local

facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01GR - Removal of permitted development rights
4. A05EX - Details of materials to be submitted
5. A08HA - Gates set back from footway/carriageway
6. A01LS - Landscaping - submission of details
7. A04LS - Landscaping (implementation)
8. A12LS - Landscaping to include details of boundary treatment
9. A06NC - Protection for breeding birds
10. A04NC - Details of drainage
11. A22GR - Protection from noise during construction (hours of construction)
12. A23GR - Pile Driving
13. FLOOR FLOATING (POLISHING LARGE SURFACE WET CONCRETE FLOORS)
14. Dust Control
15. Travel Plan
16. Bin and Cycle Store in accordance with approved details

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.

