

Application No: 11/1912M

Location: LAND AT, NORBURY'S YARD, KNUTSFORD

Proposal: Extension to Time Limit - 08/0175P (Demolition of various storage buildings and structures and the erection of 14 residential units)

Applicant: Hillcrest Homes Ltd

Expiry Date: 23-Aug-2011

**Date Report Prepared:** 7<sup>th</sup> July 2011

**SUMMARY RECOMMENDATION**

Approve subject to conditions and a S106 Agreement

**MAIN ISSUES**

- Whether there has been a significant change in circumstances or policy since the original grant of permission for 08/0175P.
- Whether there is sufficient information submitted to enable an extension of time to the original full permission 08/0175P to be granted.

**REASON FOR REPORT**

The proposed development is for 14 dwellings, therefore, in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

Norbury's Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings (built circa 1820) within the site are to be retained. Part of the site currently appears to be used for parking. The site lies within the Knutsford Town Centre Conservation Area, adjacent to The Moor, an existing area of open space.

**DETAILS OF PROPOSAL**

This is an application for an extension in time to planning permission granted under reference 08/0175P. The full permission granted consent for demolition of various storage buildings and structures and the erection of 14 dwellings. The application was determined on 9<sup>th</sup> June 2008.

The current application (received on 24<sup>th</sup> May 2011) was received whilst the original application was an extant permission. Whilst the guidance advises Applicants not to leave

their applications to the last minute, it remains clear that this application was submitted in time and therefore, it should be determined as a valid application.

The original committee report which was considered by the former Macclesfield Planning Committee on 27<sup>th</sup> May 2008, is attached to this report as Appendix 1.

### **SCOPE OF THIS APPLICATION**

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation procedures.

As a matter of law the Northern Planning Committee decides applications afresh: resolutions which vary from previous decisions may be justified by change of circumstances, or of weight. For this type of application, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended that Local Planning Authorities should re-open debates about principles of any particular proposal, except where material circumstances may have significantly changed, either in local plan policy terms or in terms of national policy or other material considerations.

### **RELEVANT HISTORY**

10/4764M - Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses – Withdrawn 22.03.11

10/4758M - Demolition of various storage buildings and structures (Conservation Area Consent) – Withdrawn 22.03.11

08/0175P – Demolition of various storage buildings and structures and the erection of 14 residential units – Approved 09.06.08

08/0169P - demolition of various storage buildings & structures (Conservation Area Consent) – Approved 09.06.08

04/1355P - Demolition of various storage buildings and walls (resubmission of planning application 03/2396P) (Conservation Area Consent) - Refused 02.08.04 - Appeal Dismissed 11.04.05

04/1360P - Erection of 19 apartments in 2 three-storey blocks with additional roofspace accommodation and associated car parking (resubmission of planning application 03/2370P) (Full Planning) - Refused 02.08.04 – Appeal Dismissed 11.04.05

03/2396P - Demolition of various storage buildings (Conservation Area Consent) - Refused  
20.11.03 – Appeal Dismissed 08.12.04

03/2370P - Erection of two three-storey blocks containing 21 apartments and associated car parking (Full Planning) – Refused 19.11.03 - Appeal Dismissed 08.12.04

## **POLICIES**

### **Regional Spatial Strategy**

Relevant Policies consist of the Regional Spatial Strategy Policies DP1 (Spatial Principles), DP5 (Managing Travel Demand), DP6 (Maximising Opportunity and Need), DP7 (Promoting Environmental Quality), and EM1 (Enhancement and Protection of the Region's Environmental Assets).

### **Local Plan Policy**

#### **Environment**

NE11 – Nature Conservation

NE12 – Sites of Special Scientific Interest

#### **Built Environment**

BE1 – Design

BE3 – BE5 – Conservation Areas

BE21 & BE24 - Archaeology

#### **Development Control**

DC1 – Scale and Design

DC3 – Amenity

DC5- Layout and Surveillance

DC6 - Circulation and Access

DC8 & DC37 – Landscaping

DC9 – Tree Protection

DC18 & DC20 – Water Resources

DC35 – Materials and Finish

DC36 – Road Layouts and Circulation

DC38 –Space, Light and Privacy

DC40 – Children's Play Provision and Amenity Space

#### **Housing**

H1 –Phasing Policy

H2 - Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

H6 – Town Centre Housing

H13- Protecting Residential Areas

#### **Transport**

T1, T3, T4 & T5 – Integrated Transport

### **Knutsford Town Centre**

KTC1, KTC2 – Conservation of the Historic Environment (Knutsford)  
KTC4 – Importance of the skyline – especially when viewed from The Moor  
KTC12 – Housing and Community Uses

In addition, the Supplementary Planning Guidance document on Section 106 Agreements is also of particular relevance.

### **Other Material Considerations**

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS5: Planning for the Historic Environment was published in March 2010. This scheme has been accompanied by a Heritage and Demolition Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

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

The Development Control Archaeologist (from the Cheshire Archaeology Planning Advisory Service) comments that the site was subject to a programme of archaeological field evaluation in 2003, which demonstrated that significant archaeological deposits were not present within the application area. It was for this reason that further archaeological mitigation was not recommended with regard to the 2008 application and this remains the advice with regard to the proposed renewal of the planning consent.

Comments are awaited from the Strategic Highways Engineer, the Public Rights of Way Unit , Natural England , Leisure Services, Community Fire Protection Officer, Strategic Crime Reduction Officer, The Environment Agency, and the Environmental Health Officer,

Knutsford Town Council makes no objections to this application subject to neighbour's views.

### **OTHER REPRESENTATIONS**

No representations had been received at the time of report preparation.

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

No supporting information submitted.

### **OFFICER APPRAISAL**

### **MATERIAL CHANGES IN POLICY AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION**

There are not considered to be fundamental changes in policy or other important material considerations since the original application was determined in 2008.

Application 08/0175P was considered under the SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note". This was replaced by the guidance contained within the "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

#### **IMPACT UPON PROTECTED SPECIES**

Natural England and the Council's Nature Conservation Officer raised no objections in principle to the original scheme, subject to measures to ensure that there is no contamination of the River Lily. Ecological surveys have been provided in respect of the latest Full Planning application (11/1992M) and the proposed development should not impact on the nearby Tatton Mere SSSI, provided satisfactory measures to prevent surface water and groundwater contamination are enforced.

The Council's Nature Conservation Officer has assessed the submitted bat survey, and notes it was undertaken by a suitably qualified and experienced ecological consultant. No evidence of roosting bats was recorded during this survey and therefore, protected species do not present a constraint upon the proposed development.

The comments made by Natural England in relation to the Tatton Mere Ramsar site and Tatton Mere Sites of Special Scientific Interest are noted and suitable conditions can be

attached to ensure that there is no contamination of the Tatton Mere, the SSSI's and the River Lily during construction.

The Nature Conservation Officer is satisfied that the approach taken is unlikely to impact on European Protective Species, therefore, the tests of the Habitat Regulations and EC Directive are not engaged in this case.

### **OTHER CONSIDERATIONS**

It is noted that no comments have been received from any local residents to date. The scheme which was approved under application 08/0175P was considered to be acceptable on its merits and full consideration to all the relevant planning matters. It is not considered that it would be appropriate to re-open the debate about the principles of the proposal as material circumstances do not appear to have significantly changed

The comments from consultees are noted.

Formal comments are awaited from the Strategic Highways Engineer, the Public Rights of Way Unit, Natural England, Leisure Services, Community Fire Protection Officer, Strategic Crime Reduction Officer, The Environment Agency, and the Environmental Health Officer. It is anticipated that no new issues will be raised for the extension of time application.

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

There are no objections to an extension of time for the implementation of this permission for a further three years. The site is to be used for residential purposes in what is a highly sustainable location. The proposals comply with the policies of the Macclesfield Borough Local Plan and previous permissions for the site. The proposals will provide good benefits in relation to walking and cycling.

There have been no material changes in circumstances since application 08/0175P was granted, which would warrant a refusal of this application for an extension in time for the implementation of the permission. A recommendation of approval subject to conditions and a Section 106 Agreement is therefore made.

### **HEADS OF TERMS**

The Heads of Terms for this extension of time application take account of planning gain secured under the 2008 planning. Therefore, the contributions required are as follows: -

- Provision of a commuted sum for public open space (£48 000) and recreation and outdoor sports facilities (£10 500). Both these sums would be used for improvements, additions and enhancements at The Moor.

### **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;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 14 dwellings, the occupiers of which will use local facilities as there is minimal open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The financial contribution towards community facilities is necessary, fair and reasonable, as the additional number of residents to the town would put pressure on the existing facilities, and as a result these facilities will need to be upgraded/replaced to meet growing demands.

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 Extension to Time Limit

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush
7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows
11. A18EX - Specification of window design / style
12. A11EX - Details to be approved
13. A25GR - Obscure glazing requirement
14. A02HA - Construction of access
15. A03HA - Vehicular visibility at access (dimensions)
16. A06HA - Pedestrian visibility at access in accordance plans to be approved
17. A07HA - No gates - new access
18. A12HA - Closure of access
19. A13HA - Construction of junction / highways

- 20.A15HA - Construction of highways - submission of details
- 21.A18HA - Construction of footways
- 22.A24HA - Provision / retention of service facility
- 23.A26HA - Prevention of surface water flowing onto highways
- 24.A30HA - Protection of highway from mud and debris
- 25.A32HA - Submission of construction method statement
- 26.A01HP - Provision of car parking
- 27.A07HP - Drainage and surfacing of hardstanding areas
- 28.A09HP - Pedestrian visibility within car parks etc
- 29.A12MC - No lighting
- 30.A17MC - Decontamination of land
- 31.A01LS - Landscaping - submission of details
- 32.A04LS - Landscaping (implementation)
- 33.A12LS - Landscaping to include details of boundary treatment
- 34.A23MC - Details of ground levels to be submitted
- 35.A01GR - Removal of permitted development rights
- 36.A22GR - Protection from noise during construction (hours of construction)
- 37.A23GR - Pile Driving
- 38.Surface water drainage system
- 39.Additional plans regarding levels, details of construction over the River Lily & surface water drainage
- 40.Protection of River Lily during construction
- 41.Provision of public access through the site including provision of a pedestrian bridge over the River Lily







## **APPENDIX 1**

### **PREVIOUSLY APPROVED COMMITTEE REPORT TO APPLICATION FROM 2008**

**Application No: 08/0175P**

Location: **LAND AT, NORBURYS YARD, KNUTSFORD, CHESHIRE**  
Proposal: **DEMOLITION OF VARIOUS STORAGE BUILDINGS AND  
STRUCTURES AND THE ERECTION OF 14 RESIDENTIAL UNITS.**

For **HILLCREST HOMES**

Registered 10-Mar-2008  
Policy Item Yes  
Grid Reference 375385 378522

#### **DATE REPORT PREPARED**

14 May 2008.

#### **POLICIES**

The site lies within Knutsford Town Centre, within the Conservation Area. The site is designated as a predominantly residential area and as an area of archaeological importance on the Local Plan. A number of listed buildings are located on King Street to the west of the site.

Structure Plan policies R1, GEN1, GEN3, HOU1, HOU2, HOU3 and T7 and Local Plan policies NE11, BE1, BE2, BE3, BE24, H1, H2, H5, H6, H8, H9, H13, T1, T3, T4, T5, KTC1, KTC2, KTC4, KTC12, DC1, DC2, DC3, DC5, DC6, DC8, DC18, DC20, DC35, DC36, DC37, DC38, DC40 are considered relevant to this application.

The Council's SPG's on Restricting the Supply of Housing and on Planning Obligations are of particular relevance as is PPS3 – Housing and PPG15 – Planning and the Historic Environment. Additionally the draft RSS for the North West published in March 2008 is also of relevance.

#### **RELEVANT PREVIOUS APPLICATIONS**

04/1355P

Conservation Area Consent

DEMOLITION OF VARIOUS STORAGE BUILDINGS AND WALLS (RESUBMISSION OF  
PLANNING APPLICATION 03/2396P) (CONSERVATION AREA CONSENT)

LAND TO REAR OF KING STREET ADJACENT TO CHURCH WALK, KNUTSFORD

refused 02.08.04 APP/C0630/E/04/1163967 Dismissed 11.04.05

04/1360P

Full Planning

ERECTION OF 19 APARTMENTS IN 2 THREE-STOREY BLOCKS WITH ADDITIONAL ROOFSPACE ACCOMMODATION AND ASSOCIATED CAR PARKING (RESUBMISSION OF PLANNING APPLICATION 03/2370P)

LAND TO REAR OF KING STREET/ADJACENT TO CHURCH WALK KNUTSFORD  
refused 02.08.04 APP/C0630/A/04/1163963 Dismissed 11.04.05

03/2396P

Conservation Area Consent

DEMOLITION OF VARIOUS STORAGE BUILDINGS (CONSERVATION AREA CONSENT)

LAND AT REAR OF KING STREET AND CHURCH WALK KNUTSFORD

refused 20.11.03 APP/C0630/A/04/1147406 Dismissed 08.12.04

03/2370P

Full Planning

ERECTION OF TWO THREE-STOREY BLOCKS CONTAINING 21 APARTMENTS AND ASSOCIATED CAR PARKING.

LAND TO REAR OF KING STREET ADJACENT TO CHURCH WALK KNUTSFORD

refused 19.11.03 APP/C0630/A/04/1147401 Dismissed 08.12.04

## **CONSULTATIONS**

**Highways** - This application follows on from earlier applications and appeals and as with these earlier schemes, there are no highway objections to the development subject to the imposition of conditions. As with the earlier submissions, the developer will need to become involved with the Environment Agency and the National Rivers Authority in connection with the physical works adjacent to or associated with the River Lily and the vehicular and pedestrian means of access to this site. Similarly, detailed working drawings will need to be prepared and submitted to the Local Planning Authority, and agreed with the Highway Authority, regarding the means of vehicular access and levels, construction specifications, structural calculations etc prior to the commencement of any works on site.

A Section 278 Agreement under the Highways Act will need to be entered into by the developer in connection with that parcel of land between the two vehicular access points being constructed as indicated on the submitted plans, for the proposed footway and landscaping.

Discussions have taken place with the Applicant's Agents regarding revised plans for the internal parking layout (spaces R11 - R15) and a satisfactory plan has been agreed.

**Knutsford Town Council** - no objection in principle subject to suitable limited hours of construction and views of the Highways Department.

**Conservation** – notes that this is a sensitive location. Of the buildings present now and to be demolished, only one is of any interest but given the wider benefits of redeveloping this site have taken the view that it is not of a quality so high that it should frustrate the scheme as a whole.

Scale of the buildings is acceptable, seen against the higher backdrop of the three-storey Eighteenth Century buildings on King Street. Care has also been taken to avoid

overwhelming the neighbouring Harding Watt tower house on Moorside. Design is conservative, but clearly of its time, with a nod towards the Arts and Crafts. Materials are muted and respectful of context. Quite happy to endorse the approach taken subject to conditions.

**Leisure Services** - the development is not providing and is unsuitable for the provision of on site open space and recreation and outdoor sports facilities. Therefore in accordance with the Local Plan and the SPG on Planning Obligations, a commuted sum for the offsite provision of Public Open Space and Recreation / Outdoor Sports Facilities will be required. Community Leisure is also concerned about the impact of the development on the adjacent park.

**Environmental Health** – note that the area has a history of use as a Smithy and therefore the land may be contaminated. Recommend a condition requiring a contaminated land report to be carried out.

**Nature Conservation** – site is adjacent to the River Lily that flows into Tatton Mere SSSI. In order to avoid contamination of the river and hence the SSSI a method statement is required to show how waste water and other contamination will be dealt with during the construction phase. It should include methods of controlling sediment, waste water and construction run off.

**English Heritage** – recommend that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**Natural England** – do not object subject to a condition preventing contamination of the River Lily during the demolition/construction phase of the development.

**United Utilities** – no objection in principle. However, note that there is a section of sewer under Block 1 and this will either need to be diverted or stopped/grouted up.

**Public Rights of Way** – have consulted the Definitive Map and can confirm that the development does not appear to affect a public right of way. A recent claim for a public right of way across the site has been rejected.

**Environment Agency** – comments awaited.

## **PUBLICITY**

Press advert, site notices posted and nearby neighbours notified with a last date for comments of 23 April 2008.

## **REPRESENTATIONS**

To date, 3 letters of representation have been received, 2 from owners/occupiers of properties on King Street and one from the local Ward Member, Cllr Davies.

One resident of King Street whose property backs onto the site makes the following points.

- Concerned that the height of block 2 which will back onto and overlook No. 7 King Street is too high/tall
- Existing buildings at No.s 1-13 King Street will effectively become a traffic island
- Consider that some of the proposed parking should be allocated to residents of No.s 1-13 King Street
- Overall plan for the project appears to be satisfactory with the exception of points made above
- Shame that use of existing buildings by the current tenants and businesses will be disrupted

The other occupier of King Street is keen to ensure that rear access will be maintained to properties on King Street.

Cllr Davies had a number of queries regarding the proposed development and is particularly concerned to ensure that parking and access arrangements to the development are satisfactory.

## **APPLICANTS SUBMISSION**

A Planning Statement, Design & Access Statement, an Archaeological Building Assessment Report and Archaeological Evaluation Report have been submitted in support of the application. Full copies of these are available on the application file. In summary the following conclusions are made.

- The application site is suitable for housing and is in a highly sustainable location
- The proposal makes excellent use of previously developed land being developed at 64 dwellings to the hectare
- This is a prominent site and its development would have huge benefits to the visual appearance of Knutsford
- The site would provide an important public right of way linking the town centre with the Moor
- The site would provide a mix of dwelling types in a town centre location
- The site complies with all relevant policies in the local plan
- The proposal is an extremely attractive scheme which respects and compliments the viability and vitality of the historic conservation area whilst significantly regenerating the appearance of a neglected part of the town centre
- There are no traces of any timber framed buildings making up the small range of buildings to be demolished
- Due to the low level of archaeology identified, the possibility of encountering significant archaeological deposits during redevelopment can be considered low

## **KEY ISSUES**

Norburys Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings within the site are to be

retained. Part of the site currently appears to be used for parking. The site lies within Knutsford Town Centre, adjacent to The Moor, an existing area of open space.

Planning permission is being sought for the redevelopment of the site to form 14 residential units with associated parking, this is in addition to the existing 2 three-storey dwellings which are to be retained. A parallel application for Conservation Area Consent has also been submitted (08/0169P) and this is dealt with elsewhere on this agenda. The units comprise 7 x 3 bedroom townhouses, 4 x 3 bedroom duplex apartments and 3 x 2 bedroom duplex apartments. The units range in size from 85 m<sup>2</sup> to 167m<sup>2</sup>. The development forms two blocks of apartments and townhouses comprising two and three storeys with some living accommodation provided in the roofspace. Block 1 would provide 6 residential units, with Block 2 providing 8 units. The proposal makes provision for car parking for the proposed residents (17 spaces) and for the existing residents on King Street (21 spaces).

The key issues to be addressed are how the proposal relates to the previous proposal dealt with on appeal and whether it complies with the emerging changes to housing policies. It is not considered relevant to consider issues such as siting, design, appearance, relationship to nearby properties and highways and parking except where such details differ from the scheme previously dealt with on appeal.

## **SITE HISTORY**

As previously stated, in August 2004 planning permission was refused for the erection of 19 apartments in two three-storey blocks. The reasons for refusal were that approval of the proposal would lead to an over supply of housing contrary to the Council's Restrictive Housing Policy and that the proposed development would provide inadequate levels of private open space. This refusal was subsequently appealed and the appeal was dismissed solely on the grounds of over supply of housing. With regard to amenity space, the Inspector concluded that given the nature of the accommodation proposed, its location within a town centre and its proximity to the Moor the limited amount of open space on the site would not seriously compromise the living conditions of future occupants noting that prospective purchasers would note these factors before purchasing. The parallel application for Conservation Area Consent was refused and dismissed on appeal due to the absence of an acceptable scheme for replacement development.

## **CURRENT PROPOSAL**

This application differs to that previously refused and dismissed on appeal in that it is now proposed to provide 14 new units of residential accommodation, most of which now provide 3 bedrooms (the previous scheme was a mix of 1 and 2 bedroom apartments). The siting and design of the new buildings are broadly as previously submitted with a number of minor amendments to fenestration, balconies, parking and layout/landscaping. None of these changes are considered to raise significant new issues.

## **RELEVANT PLANNING POLICY**

As Members are aware, in 2003 the Council introduced a Restrictive Housing Policy and this currently remains in place and prevents the approval of new housing unless it falls within one of the listed exceptions categories, none of which apply in this case. However, as outlined in

the previous report, the Council is currently reviewing its housing policy following the publication of the Secretary of States proposed changes to the draft Regional Spatial Strategy for the North West in March 2008. A report on the supply of housing is being presented to the Environment Policy Development Committee on 15 May and Cabinet on 20 May 2008. The report requests that Committee recommends to the Cabinet that they approve the replacement of the SPG Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3.

In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*
4. Using land effectively and efficiently *(is the density at least 30 dwellings per hectare)*
5. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*

A checklist has been prepared that contains the summary checklist questions listed in the Advice Note. To check the sustainability of a particular development, developers will be invited to complete the checklist to assist in the appraisal of applications. The applicants have been invited to complete this checklist and any response received will be reported directly to Members.

In this case it is considered that the proposal broadly complies with the five listed criteria. Whilst no affordable housing is being provided, this is not required given the PPS3 minimum size threshold of 15 dwellings. The applicant's state that whilst they are supportive of the Council's policy of providing low cost affordable housing, in this instance based on fixed land costs and high development costs the incorporation of affordable housing is unviable. Discussions are taking place with the applicant to discuss the possibility of off-site provision of affordable housing as a contribution towards the areas affordable housing needs as an

alternative to on-site provision. Any progress on this will be reported. However, it is considered that the development will contribute to urban regeneration, as it will result in the re-development of a prominent site within a Town Centre location also within the Conservation Area. The scheme as now proposed would provide a mix of housing, both 2 and 3 bedroom apartments as well as 3 bedroom town houses. The site is considered to be in a suitable and sustainable location. It is a previously developed site within the town centre, within a predominantly residential area and is close to public transport links and to services. The density of the development exceeds 30 dwellings per hectare and it is considered that the scheme achieves high quality housing. The previous scheme on the site provided 19 dwellings on the site, which equated to 95 dwellings per hectare. The applicant's state that scheme would no longer be viable given changes in housing demand and increased building costs. Whilst there is limited open space provision within the site itself, it lies immediately adjacent to recreational open space on The Moor. Therefore this is considered acceptable subject to the applicant entering into a legal agreement requiring a commuted sum for the offsite provision of Public Open Space and Recreation / Outdoor Sports Facilities. This has previously been discussed with the applicant's who seem willing to enter into such an agreement with the Council.

Therefore, subject to Cabinet replacing the current SPG with the new guidance "PPS3 Housing and Saved Policies Advice Note", the proposal is considered to be in accordance with the Council's emerging housing policies and with national guidance in the form of PPS3 and the draft RSS.

With regard to the impact of the proposal on the character and appearance of the Conservation Area, as stated, this proposal is broadly the same as that previously considered on appeal where it was accepted that the proposal would enhance the character and appearance of the Conservation Area. As such no objections are raised on this basis. The Council's Conservation Officer is supportive of the scheme as he considers that it offers wide benefits.

In terms of amenity, the siting of the proposed new buildings are broadly as previously submitted and are no nearer to existing residential properties or to each other with the exception of a small section of the northern elevation of Block 1. However, the internal layout of the buildings has been amended, and there will therefore be a requirement to ensure that some windows within the development are obscurely glazed in order to protect the privacy of existing residential occupiers. This was the case with some windows in the previous scheme and subject to this, a reduction in the Council's normal space and privacy guidelines was accepted given the nature of the area. No further issues of amenity are therefore raised. Whilst the comments of the King Street resident are noted, for the reasons outlined above it is not considered that an objection can be raised on amenity grounds to the current proposal.

## **DESIGN**

This application incorporates a number of relatively minor amendments to the previously submitted scheme, none of which are considered to compromise the overall design and appearance of the new buildings and the redevelopment of the site as a whole.

## **NATURE CONSERVATION FEATURES AND IMPLICATIONS**



Natural England and the Council's Nature Conservation Officer raise no objections in principle to the scheme, subject to measures to ensure that there is no contamination of the River Lily.

## **HIGHWAY AND TRANSPORT IMPLICATIONS**

No objections are raised from the Highways Authority subject to conditions and subject to agreement with the Highways Authority. At the time of the Committee site visit some concern was raised by Members with regard to the parking layout and to the operation of the parking spaces and access points, some of which would appear to be shared by residents of King Street and residents of the development. Discussions are currently taking place with the applicant's and the Highways Authority and any update on this will be reported to Members.

## **HEADS OF TERMS**

The requirement for financial contributions for public open space and outdoor recreation facilities is under discussion with the applicant's agent. A S106 legal agreement will be required and should include:

- Provision of a commuted sum for public open space and recreation and outdoor sports facilities
- The Council's monitoring costs.

## **SUBJECT TO**

Approval by Cabinet of the replacement of the SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note" and subject to the applicant entering into a S106 agreement requiring a commuted sum for off-site public open space and recreation and outdoor sports facilities.

Application for **Full Planning**

## **RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush
7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows

- 11.A18EX - Specification of window design / style
- 12.A11EX - Details to be approved
- 13.A25GR - Obscure glazing requirement
- 14.A02HA - Construction of access
- 15.A03HA - Vehicular visibility at access (dimensions)
- 16.A06HA - Pedestrian visibility at access in accordance plans to be approved
- 17.A07HA - No gates - new access
- 18.A12HA - Closure of access
- 19.A13HA - Construction of junction / highways
- 20.A15HA - Construction of highways - submission of details
- 21.A18HA - Construction of footways
- 22.A24HA - Provision / retention of service facility
- 23.A26HA - Prevention of surface water flowing onto highways
- 24.A30HA - Protection of highway from mud and debris
- 25.A32HA - Submission of construction method statement
- 26.A01HP - Provision of car parking
- 27.A07HP - Drainage and surfacing of hardstanding areas
- 28.A09HP - Pedestrian visibility within car parks etc
- 29.A12MC - No lighting
- 30.A17MC - Decontamination of land
- 31.A01LS - Landscaping - submission of details
- 32.A04LS - Landscaping (implementation)
- 33.A12LS - Landscaping to include details of boundary treatment
- 34.A23MC - Details of ground levels to be submitted
- 35.A01GR - Removal of permitted development rights
- 36.A22GR - Protection from noise during construction (hours of construction)
- 37. Surface water drainage system
- 38. Additional plans regarding levels, details of construction over the River Lily & surface water drainage
- 39. Protection of River Lily during construction
- 40. Provision of public access through the site including provision of a pedestrian bridge over the River Lily