

Application No: 11/1992M

Location: NORBURY'S YARD, KNUTSFORD, CHESHIRE, WA16 6DR

Proposal: Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses. Identical submission to Withdrawn Applications (10/4764M and 10/4758M) on 22nd March 2011 (Full Planning Application)

Applicant: Hillcrest Homes

Expiry Date: 13-Sep-2011

**Date Report Prepared:** 8<sup>th</sup> July 2011

**SUMMARY RECOMMENDATION**

Approve subject to conditions and completion of a Section 106 Agreement

**MAIN ISSUES**

- Scale, design and layout of the development
- Impact on the character of the area
- Impact on the Knutsford Town Centre Conservation Area
- Impact on residential amenity
- Traffic generation and parking
- Impact on protected species

**REASON FOR REPORT**

The proposed development is for 11 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**

Planning permission is being sought for the redevelopment of the site to form 11 residential units with associated parking in a basement, this is in addition to the existing 2 no. three-storey dwellings which are to be retained. A parallel application for Conservation Area

Consent has also been submitted (11/1996M). The application follows a recently withdrawn application, which was withdrawn due to the requirements for an updated bat survey.

The units comprise 8 no. 4 bedroom 3 storey townhouses, 2 no. 5 bedroom 3 storey townhouses and 1 no. 3 bedroom 2 storey dwelling. The two existing dwellings to the rear of no 19 King Street are proposed to be retained. The proposal makes provision for car parking in the basement for the proposed residents (45 spaces) and this would be accessed by way of a ramp which would be to the east of the site (off Church Walk). Access is also proposed to an area of open space and service/turning area to the rear of 19 King Street, and to provide access to the 2 dwellings which are proposed to be retained. This access would run to the rear of 1-19 King Street.

### **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 **Strategic Highways Manager** raises no highways objections subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

The **Public Rights of Way Unit** raise no objections as the development does not appear to affect a public right of way.

**English Heritage** comment that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist Conservation advice.

**Natural England** note that the proposal is close to the Tatton Mere Ramsar site which is a European site protected under the Habitats Regulations. The proposal is also close to the Tatton Mere Site of Special Scientific Interest (SSSI). Natural England is of the opinion that the proposed development will not materially, or significantly affect either of the above providing a condition is attached to ensure Tatton Mere and Tatton Mere SSSI's are protected from any contamination during the demolition of buildings on the site.

In addition, a condition preventing contamination of the River Lily during the demolition/construction phase of the development should be attached. It is also noted that both foul sewage and surface water will be via the mains sewer and this should be included as a condition to ensure the protection of Tatton Mere from discharges which could affect the site.

Natural England believes in encouraging the adoption of the principles of sustainability in all plans and projects. The standards included in, 'The Code for Sustainable Homes' should be adopted. Natural England also considers that the provision of high quality green infrastructure should be an integral part of the creation of sustainable communities.

Natural England use standing advice to assess bat surveys and mitigation strategies. In this instance the conclusion reached is that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

### **Leisure Services:**

A financial contribution is required in lieu of Public Open Space (POS) / off site play and amenity facilities / recreation and outdoor sport. The POS commuted sum based on 11 units is £33 000 and the Recreation / Sport commuted sum would be £11 000. The total commuted sum is therefore £44 000, and this would be used to make improvements, additions and enhancements at The Moor. This sum is in accordance with the Supplementary Planning Guidance on S106 Agreements.

The **Community Fire Protection Officer** commented on the previously identical planning application as follows: - in relation to Access for the Fire Service - the access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000. In relation to Water Supplies – the applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. In relation to the Means of Escape – the applicant should be advised that the means of escape should be provided in accordance with the current Building Regulations. The applicant is also advised that they should consider the inclusion of an automatic water suppression subsystem to enhance any proposed design. The above comments should be forwarded to the applicant.

The **Strategic Crime Reduction Officer** from Cheshire Constabulary commented on the previously identical planning application with regard to the safer sustainable criteria of PPS1. Good practice comments were offered regarding the proposal and in particular in relation to the basement parking facility. Every effort must be made to prevent unauthorised access into the car park. Therefore, an access control system must be applied to all pedestrian and vehicular entrances. Inward opening automatic gates or roller grilles must be located at the building line or at the top of ramps to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters shall be as quick as possible to avoid tailgating by other vehicles. Internal lighting must also be good with the walls and ceilings painted in light colour finishes. Any internal door that gives access to the residential floors must have an access control system. However, this will be subject to requirements for means of escape. Closed circuit television may be required. The residents must be able to monitor the car park from individual dwelling units if no formal monitoring agreement is planned.

The **Environmental Health Officer** raised concerns with the previously identical planning application in respect of noise, vibration and contaminated land. The proposed development is in relatively close proximity to a railway line, and as such there is potential that residential units could suffer loss of amenity as a result of the impact of environmental noise. In addition, there is potential for noise, vibration and dust caused during the construction / demolition phase to adversely impact on existing residential receptors in the vicinity. These concerns can be addressed by way of the following conditions: -

- The submission of an acoustic report (prior to the development commencing) which will assess the acoustic impact of the railway noise on residential properties. The report shall include a recommended mitigation scheme to ensure that noise levels at sensitive residential dwellings achieve, as a minimum, the “reasonable” standard in accordance with the British Standard. It is recommended that internal noise levels achieve the “good” standard.
- An hours of construction condition to restrict works to during daytime hours (Monday to Friday), Saturday mornings and no generative works on Sundays.
- A piling method statement condition

In relation to contaminated land, the application area has a history of use as a Smithy and therefore, the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application is out of date and requires updating to current

standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

No objections are raised, subject to a condition requiring a Phase II Investigation (in respect of any land contamination, and remediation works if required, and an Environmental Regulation informative.

**The Environment Agency** commented on the previous identical planning application and raised no objection in principle to the proposed development, but requests that an informative is attached to the decision notice which relates to the Agency's consent being required for the removal or installation of any culverts. The Environment Agency are pleased the developer is intending to partially re-open Lily Brook which is currently culverted at this location.

Comments are awaited from United Utilities and Leisure Services. Should any further comments (in addition to the comments made on the previously identical application 10/4764M) be made by The Environment Agency, Environmental Health Officer, Strategic Crime Reduction Officer, or Community Fire Protection Officer, then these will be reported to the Committee.

**Knutsford Town Council** recommends refusal of the application on the following grounds:

- The development constitutes site overdevelopment by virtue of size and impact.
- The development is out of character, as design and finish are inappropriate to the location
- Pose a potential of flooding risk to the underground car park.
- There is risk of contamination to the site, from the 'Moor'.
- Concerns are raised with regard to the structural impact to the adjacent listed building at 19 King Street.
- The proposal will cause traffic generation, or an unacceptable level due to the existing high flow of two way traffic.
- The proposal will neither preserve nor enhance the Conservation Area
- If the development proceeds the council request that the cobbled throughway from King Street be retained.
- The Council also wish to highlight that a 'Private Right of Way' exists behind 19 King Street.
- They also wish to express concern as to the structural suitability of the land due to ground conditions.

## **OTHER REPRESENTATIONS**

No letters of representation have been received to date. It is noted that the publicity period expires on 27<sup>th</sup> July, and as a result any further comments shall be forwarded at a later date.

A summary of the general comments which were received in relation to the previously submitted identical scheme are as follows: -

- A reduction to the vehicular access to the rear of 19 King Street.
- The proposed houses are 3 storey. These are too high and will substantially alter the townscape and impede the overall character of the vicinity due to the increased height.
- Concerns were raised in relation to the amount of earth extraction and piling procedures which will be required to provide the underground car parking. Many of the existing surrounding properties are Victorian and these may be damaged by the works.
- The existing drainage and water pipes from nos 1-13 King Street leave the properties at the rear of the terraced row of terraces and into the existing track. Will the existing drain/water supply pipes be incorporated and integrated into the proposed drains of the proposed development?
- Concern was raised that there will be a substantial reduction in the number of car parking spaces in Church Walk. Residents and member of the public have been able to use this area for many years and the loss of the area will affect many people
- Concern was raised that the proposed development utilises an area of land, which has been used as a public parking area. Parking on King Street is time restricted and the loss of this parking facility would have a significant impact on amenity of local existing dwellings along the southern end of King Street. It is not clear how the loss of parking currently available is overcome by the development and this should receive due consideration, especially as it has always been understood that existing residential use in the town centre was to be encouraged.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted in support of the application:

- Design and Access Statement
- A Planning Statement
- A Heritage and Demolition Statement
- PPS3 Housing Self Assessment Checklist
- North West Sustainability Checklist
- Archaeological Building Assessment
- Basic Site Investigation Report
- Draft Heads of Terms – to cover open space and recreation/outdoor sports facilities

Details of the above documents can be found on the application file.

## **OFFICER APPRAISAL**

### **Principle of Development and Policy**

The proposed development needs to be considered with regard to the Knutsford Town Centre and Conservation policies contained within the Macclesfield Borough Local Plan, and policies contained within PPS1, PPS3 and PPS5. Policy KTC12 encourages permitting housing where a satisfactory housing environment can be created.

In this case, there are a number of relevant material considerations.

- The proposals follow extensive consultation with English Heritage and the Conservation Officer
- The existing buildings on site are in poor condition and are an eyesore in a conservation area

## **SITE HISTORY**

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. The 2008 applications were broadly similar to the appeal schemes with some minor alterations to fenestration, balconies, parking, layout and landscaping and therefore, that scheme was considered in relation to the Inspectors comments and findings from the 2004 appeals. Applications 10/4764M (Full Planning) and 10/4758M (Conservation Area Consent) were submitted in January, however, as no bat survey was submitted to accompany the application, the applications were withdrawn.

## **CURRENT PROPOSAL**

This application differs to that previously approved in 2008 (also the subject of an extension of time application, which can be found elsewhere on this agenda), in that it now proposes the erection of 11 new townhouses and the retention of 2 existing houses. The 2008 scheme provided 14 new units of residential accommodation, most of which would have provided 3 bedrooms (the previous 2004 scheme was a mix of 1 and 2 bedroom apartments). This proposal seeks 6 no townhouses to be erected at a 90 degree angle to the existing King Street properties. The three town houses which would front The Mere and two town houses which would be attached to the two houses to be retained would broadly be on similar footprints to the previously approved scheme from 2008. This scheme is identical to application 10/4764M which was withdrawn in March 2011.

## **Housing policy and supply**

As stated above, the site falls within an area where housing is encouraged. The number of dwellings falls short of the number needed for affordable housing to be achieved.

It is considered that the proposal would contribute to the housing needs of the area and provide a reasonable mix of properties. The site is considered to be in a very sustainable location. It is within the town centre, which provides a wide variety of shops and services, churches and businesses. It is also close to the train station and bus stops. Overall, the proposal accords with current housing policy.

## **Design, layout, density and impact on residential amenity**

The current site is made up of a collection of small workshops, garages and car parking areas. Visually the existing buildings are an eyesore which provide little merit in a



conservation area. It is considered that the uses although not particularly unneighbourly at present times could cause noise and disturbance to local residents within the vicinity of the site. The proposed development would change the nature of the site to a residential use.

The layout illustrates that the relationship with the rear of the King Street properties will be tighter than that previously approved in 2008. However, the distance between the rear facing windows of the King Street properties and side gable of the proposed development would be approximately 13m. This falls narrowly short of the space distance recommended by Local Plan policy DC38 (policy DC38 would normally require 16.5m in such cases). The properties which are affected are on King Street and their rear elevations are north west facing and currently have outriggers to the rear, which cause a 'tunnelling' affect to the rear windows. It is not considered that the proposals would unduly harm this relationship further, and as a result the proposals are considered to comply with Local Plan policy DC3 (amenity).

The internal relationships within the site itself are considered to be tight and do not reflect the spaces distance standards of policy DC38. However, these relationships are considered to reflect the tight historic fabric of the surrounding area and are therefore, considered to be acceptable.

Given the scale, relationships, amenity and outlook of the buildings which exist in the vicinity of the site, it is considered the three storey development proposed is acceptable within the character and appearance of the area and street scene of the area around Church Walk.

### **Design and Impact on the Conservation Area**

The application site is at the lower end of King Street and beyond the southern extent of the original burgage plots of the medieval settlement. This is thought to have been built out in the 18<sup>th</sup> century. There was probably a mixture of residential and commercial property on the east side of the street and the development site would always have been a series of courtyards, gardens and workshops, running back from the principal frontage buildings lining the street. Two small courtyard cottages survive and these are retained as part of the development scheme.

The proposed layout has to respond to the requirement to retain the two court houses. It also has to reflect the original plots which ran at 90 degrees to the King Street frontage. This informed a decision to create a new pedestrian street along the line of the existing ginnel, not only to give access to the new houses, but also a safe route towards The Moor. The top end of Church Walk is not pedestrian friendly.

The new layout quite consciously adopts a tight urban grain that reflects the high densities and close building relationships of a town centre location. In this regard, it will not achieve the normal separation standards, but historic development rarely did. The aim is to create new urban spaces of character. The layout does have the support of English Heritage, following pre-application consultations.

The proposed house designs will be sympathetic to Victorian terraced precedents in the area, but are careful to employ crisp and unmistakably modern detailing. In this way, they avoid pastiche. The rear elevations are fairly formal. This is important as the terrace backing on to Church Walk will be prominent when viewed from the railway line. The houses are reasonably

tall (at three storeys in height), but as the site falls away quite strongly they will always remain subservient to the frontage buildings on King Street.

The hard landscaping area within the development will be important, particularly in respect of the new public space. The materials for this should be natural and of high quality. Consideration should also be given to retaining or reusing any surviving areas of traditional paving or surfacing found on site.

A method statement will be required for the excavation techniques to be used for the basement parking, to control the danger of vibration affecting the historic properties on King Street.

### **Highway Safety (in respect of the proposed access and parking arrangements)**

There are visibility difficulties at the existing access point, but as this is an already established access and the level of usage will reduce as a result of the development, no highway objections can be raised. The new access will allow two-way flow into and out of the car park and also provide visibility splays at the access point. The basement parking layout provides some 45 car parking spaces, which appears to be an overprovision of parking for the number of dwellings proposed. The applicant's agent has confirmed that parking would be included for the previous owners of the site. A condition can be attached to ensure that adequate parking provision (200%) is made for new residents. The access to the car park is via an access ramp, this caters for two way flow and is designed to an acceptable gradient. There are no highway objections to the application subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

### **Environmental Issues**

Although no formal comments have been received from the Environmental Health Officer in relation to this application, it is anticipated that no objection will be raised to the application, subject to conditions in relation to noise and vibration, contaminated land and piling. A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. The report submitted with the application is out of date and requires updating to current standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

The Environment Agency raised no objections to the previously submitted identical application, and it is anticipated that they will raise no objections in relation to this application. It is noted that with the previous application, the Environment Agency welcomed the partial re-opening of Lily Brook, however, no comments were made in relation to flooding.

### **Trees and landscape**

This proposal presents a no worse relationship to trees (an avenue of mature Limes situated within the Moorside and protected by virtue of their inclusion within the Knutsford Town Centre Conservation Area) than the previously approved application (08/0175P).

The trees, which have been pollarded, now have reformed crowns and present a dominant feature within the locale, contributing significantly to the visual amenity of the area. The previous application set the new build within 8-11 metres from the stems of these trees, which are located to the west of the buildings. It is however accepted that this relationship does not present an ideal relationship in terms of social proximity, however existing properties on

Swinton Square/Tatton Lodge appear worse. As the trees are within Council ownership it is anticipated that this issue can be controlled in terms of the trees future maintenance, however it is also accepted that the trees probably now require some management/pruning to remove deadwood and some crown containment/lifting over the adjacent road in the interests of safety.

The submission and implementation of a landscaping scheme will be required that reflects the landscape character of the Conservation Area and to address boundary treatment along the Church Walk frontage.

### **Ecology**

The proposed development should not impact on the nearby Tatton Mere SSSI, provided satisfactory measures to prevent surface water and groundwater contamination are enforced.

### **Impact upon protected species**

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.

### **OTHER RELEVANT INFORMATION**

The comments submitted from the Fire Protection Officer, Strategic Crime Reduction Officer, Environment Agency, and Environmental Health Officer in relation to the previous identical planning application in March are noted and it is anticipated that similar appropriate conditions/informatives should be attached as required. In the event that any of these consultees alter their recommendations, Members will be informed accordingly.

The Leisure Services officer has requested a contribution towards improvements to public open space and towards recreation and outdoor sports. Improvements to the quality of existing facilities at The Moor are required.

The comments expressed by residents in relation to the previous identical submission and Knutsford Town Council relate to overdevelopment, the development being out of character, contamination, structural impact on adjacent buildings, traffic impact, flooding, impact on the Conservation Area and retention of the cobbled thoroughway from King Street, are noted. It is considered that these issues have been covered in the report above. The issues previously raised in relation to retaining private rights of way to various King Street properties are noted, however, this is a civil matter which will need to be resolved between the applicants and the individuals affected. The query in relation to existing drain/water supply pipes and integration with the proposed development would also be a private matter. However, it is noted that comments are awaited from United Utilities. The loss of the existing parking areas is noted, however, this land is privately owned and therefore, this use is beyond the Council's control. In addition, there is an extant permission for 14 houses which would result in the loss of these

parking spaces. A landscape scheme should be conditioned, where details of issues such as impact on existing residents can be considered in further detail.

### **SUBJECT TO**

Comments are awaited from Leisure Services in relation to the potential requirement for an additional open space contribution in relation to this scheme. If an additional commuted sum is required, then this would need to be included within a S106 Agreement.

Should any further comments be made by The Environment Agency, Environmental Health Officer, Strategic Crime Reduction Officer, Community Fire Protection Officer, or United Utilities, these will be reported to the Committee.

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

In summary, it is considered that the scheme for 11 new dwellings and retention of 2 existing dwellings is acceptable with regards to Local Plan Policies. The site is in a sustainable location and the proposals are considered acceptable with regard to the character and appearance of the area, neighbouring residential amenity, highway safety and the impact on the Conservation Area. Although the relationships between properties within the proposed development are slightly less than would normally be expected, this is considered to reflect the historic form of the locality. A recommendation of approval is therefore made, subject to the comments of United Utilities and the Leisure Services Officer.

### **HEADS OF TERMS**

- Leisure Services have stated that the commuted sum required for provision of Outdoor Space is £33 000; the figure required for Recreation / Outdoor Sport is £11 000. Both the above commuted sums would be used to make improvements, additions and enhancements to 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 11 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 Full Planning

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 - entrance handrails, window balustrades, eaves details and chimney pots
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 and excavation
- 38.A07EX - Sample panel of brickwork to be made available
- 39. Surface water drainage system
- 40. Protection of River Lily during construction



