

## **ITEM**

<b>Application Reference</b>	<b>DC/079856</b>
<b>Location:</b>	The Rope Works Stanbank Street South Reddish Stockport SK4 1PX
<b>PROPOSAL:</b>	Variation of Conditions 1 (Approved Plans) and 28 (Opaque Glazing) attached to planning permission DC063392 in relation to minor changes to the existing permission in relation to Building A (improve the efficiency of the layout for the mill building conversion, retaining more of the fabric of the original building and providing a glazed link between the retained features) and Building B (increase in height of building along with changes to car parking layout).
<b>Type Of Application:</b>	Minor Material Amendment
<b>Registration Date:</b>	19.02.2021
<b>Expiry Date:</b>	Extension of Time agreed
<b>Case Officer:</b>	Jeni Regan
<b>Applicant:</b>	Taylor Realty Group
<b>Agent:</b>	Paul Butler Associates

## **DELEGATION/COMMITTEE STATUS**

Planning and Highways Regulation Committee – Departure from the Development Plan. The development proposes a residential development on a site located within an Employment land allocation within the UDP. Also, due to viability, reduced contributions are proposed to provide future residents with access to new or improved formal recreation or children’s play facilities.

Application was referred to Heaton and Reddish Area Committee on the 17<sup>th</sup> April 2023 for comment and recommendation only.

## **DESCRIPTION OF DEVELOPMENT**

Planning permission was granted on the 28<sup>th</sup> February 2018 for the conversion of the existing employment units and new build to create 34 residential dwellings at The Rope Works, Stanbank Street in South Reddish (DC/063392). The planning permission included 3 different elements:

- Refurbishment and repair of the existing three storey mill building (Building A) to create 12 apartments;
- Demolition of warehouse building (Building B) whilst retaining the brick facade facing Stanbank Street. Replication and extension of facade on the short return facing the rear of the Asda building. 4 storey apartment building constructed behind the existing façade to create 18 no. apartments; and
- Demolition of single storey rear ‘rope-making’ workshop and construction of two pairs of 2 storey semi-detached houses (Buildings C) at the end of Morton Street.

The proposals included necessary highway works, car parking and landscaped areas to the rear of the retained mill.

Members will recall that this application was presented to the Heatons and Reddish Area Committee on the 5<sup>th</sup> June 2017 for recommendation and comment, and then Granted by the Planning & Highways Regulatory Committee on the 22<sup>nd</sup> June 2017 subject to conditions and a S106 agreement. The application was finally approved on the 15<sup>th</sup> February 2018 following the completion and signing of the S106 agreement.

The S106 agreement secured the contribution of £15,000 towards new or improved formal recreation or children's play facilities and a contribution of £4,500 towards the cost of necessary traffic regulation orders to impose parking restrictions on Stanbank Street and Morton Street. The application was accompanied by a Viability Appraisal, in lieu of affordable housing and public open space requirements. The report identified that there was insufficient value within the development to contribute towards affordable housing and a reduced commuted sum of £15,000 was also agreed following an independent assessment.

Following the above approval, a lawful start was made at the site in February 2021 and therefore, this consent remains extant. However, the construction of the development has been stalled for some time due to a number of factors including the necessity to submit this current amendment application.

After the original planning permission was granted, it was discovered by the current applicant that there were issues of buildability, and that changes were needed to the plans previously approved to improve the efficiency of the internal layout of the mill building conversion, to allow the retention of more of the fabric of the original building and to increase the height of the new apartment block to achieve the necessary floor to ceiling heights to comply with current building regulations standards.

Condition 1 attached to this planning permission was in relation to the development being carried out in accordance with the approved drawings. However, it was discovered that it was not possible to complete the development in accordance with the approved plans due to buildability reasons. Therefore, planning permission is now sought through this Section 73 Minor Material Amendment application for the Variation of condition 1 (approved plans) and condition 28 (opaque glazing) previously attached to planning permission DC/063392 to allow the following amendments to the previously approved scheme:

#### Amendments to Building A and site layout

- Revised ground floor, first floor and second floor layout to create a more efficient and functional apartment layout.
- In the side north west elevation, infilling of two existing openings at ground floor with matching brickwork, the two other ground floor windows to be obscure glazed and non-opening.
- First floor and second floor windows in the side north west elevation to be non-opening and obscure glazed up to a minimum of 1.7 metres above the finished floor level to prevent overlooking.
- Re-location of the internal bin store and cycle store from the rear of the building to the front of the build for ease of access and collection.
- Retention of the lift shaft and stairwell to the eastern elevation of the building and creation of a glazed link between these features.
- Minor revision to courtyard layout to accommodate footpath.

## Amendments to Building B and site layout

- Overall height of the building increased by approx. 1.2m in order to be buildable to achieve the recommended 2.4m headroom in the units.
- 2 No. passenger lifts have been introduced in order to further comply with DDA regulations, which means that lift pop-ups have been introduced at roof level, set back from the street facing elevations.
- Adjustments to the windows on the street facing elevations to resolve a discrepancy between the floor plans and elevations for the size and location of the windows.
- The previously approved plans were working to an incorrect site boundary, so the site plan and parking layout has been adjusted to conform to the correct site boundary.
- The disabled spaces have been moved to a more central location in order to accommodate the same number of total spaces, but their new location is an improvement when considering the journey from the spaces into the buildings.
- The bin store to Noble Mill (Building B) has been reworked to work alongside the new lift, but still accommodates the same number and size of bins as previously.
- PV panels on the roof which is required to satisfy the SAP calculation for Building Control.

It is necessary to amend the wording of condition 28 (opaque glazing), as this condition required the windows in the western elevation of the converted mill building to be un-openable and fully opaquely glazed. As listed above, the proposed amendments include for the first and second floor windows in the side west elevation to be obscure glazed up to a minimum of 1.7 metres above the finished floor level and so would be contrary to the original wording.

## **SITE AND SURROUNDINGS**

The application site comprises the existing Rope Works Mill building and associated complex. The site measures approximately 0.3ha in area and is roughly rectangular in shape. The building is located to the north of Stanbank Street, a cobbled road which also serves residential properties, it links round to the A626 Manchester Road to the South via Bourn and Reuben Street.

The immediate locality is the remnant of a late 19th century community that was centred upon textile mills and the Ropeworks itself, whose main three-storey building is a prominent structure amid streets characterised by terraced houses. The rear of the building faces a series of yards that share a boundary to the alignment of the former Stockport Branch Canal. The surrounding area contains a mixture of commercial and residential uses, the rear of the Asda food store is located directly to the East of the site.

The Rope Works building is a Locally Listed Building and is constructed from an industrial redbrick. The listing is as follows:

### Description

*Former Ropery with local historical significance.*

### Historic Asset Description

*Ropery, probably early and mid 20th century. Red brick, sparing stone dressings, roofs not visible. The main block of three storeys has windows with cambered heads and decorative stone cornice treatment to notional pilasters between the bays.*

*Attached block to the rear is more simply treated. A possibly truncated stair or water tower rises behind. At the entrance a single-storey block may have been offices or porter accommodation. To the south alongside the road is a single storey block which has a parapet concealing the roof and large windows with semicircular heads. This part is a later addition, possibly of the interwar period. To the rear a long single-storey building alongside the line of the Stockport branch of the Ashton-under-Lyne Canal was not accessible at the time of the survey.*

*During the late 19th century the site was occupied by Reuben Rivett when it was used to manufacture rope for rope drives, a method of power transmission in textile mills.*

The former complex covered three distinct elements; including the main 3 storey building with adjoining gate house, a 2 storey warehouse and a large single storey warehouse that extended beyond the terrace properties located on Morton Street. However, the latter 2 elements have now been demolished following the granting of planning permission DC/063392.

## **POLICY BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **The Development Plan includes-**

- Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

The site is allocated as an Employment Land on the Saved UDP map. This allocation borders a Predominantly Residential area.

- E3.1 Protection of Employment Areas;
- E3.2 Refurbishment of Older Buildings in Employment Areas;
- MW1.5 Control of Waste from Development;

### **LDF Core Strategy/Development Management policies**

- CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- SD-3 Delivering the Energy Opportunities Plans – New Development
- SD-6 Adapting to the Impacts of Climate Change
- CS2 Housing Provision
- CS3 Mix of Housing
- CS4 Distribution of Housing
- H-1 Design of Residential Development
- H-2 Housing Phasing
- CS8 Safeguarding and Improving the Environment

- SIE-1 Quality Places
- SIE-2 Provision of Recreation and Amenity Open Space in New Developments
- SIE-3 Protecting, Safeguarding and Enhancing the Environment
- CS9 Transport & Development
- CS10 An Effective and Sustainable Transport Network
- AED-3 'Employment Development in Employment Areas
- T-1 Transport & Development
- T-2 Parking in Developments
- T-3 Safety & Capacity on the Highway Network

## **Supplementary Planning Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

- The Design of Residential Development SPD;
- Sustainable Transport SPD;
- Affordable Housing SPG;
- Open Space Provision and Commuted Sum Payments SPD 2019;
- Transport & Highways in Residential Areas SPD

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) in July 2021 replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Relevant paragraphs include:

Introduction: 1, 2

Achieving sustainable development: 7, 8, 11, 12

Decision Making: 38, 47

Achieving well-designed places: 126, 130

*Para.219 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **Planning Practice Guidance**

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

### **RELEVANT PLANNING HISTORY**

Reference: DC/063392

Type: FUL

Proposal: Conversion of existing employment units and new build to create 34 residential dwellings

Decision Date: 28.02.2018

Decision: Granted subject to S106 Agreement

### **NEIGHBOUR'S VIEWS**

The owners/occupiers of surrounding properties were notified in writing of the application. A reconsultation was also completed following the submission of further amended plans throughout the life of the application. The application was also publicised by site notice and press notice in the same way as the original host application DC/063392.

1 letter of objection has been received in result of the application, which can be summarised as follows:

- After speaking to the owner, I was assured that windows on the ground floor and the steel door would be bricked up and no ground floor windows are to overlook the back of my house.
- The revised plans show windows that will overlook the back of my house which is not what the owner said.
- The owner also received an email from me regarding the adjoining walls within boundaries of 26 Stanbank Street. The walls must be rebuilt to the height as they were before the work started.
- There were promises made that the scaffolding over the top of my front door and over the roof of my house and in the garden at the rear would be removed by May 2022, but are still there and are causing me a lot of stress and anxiety.

### **CONSULTEE RESPONSES**

#### **Highways**

##### **Original comments 31.03.2021**

This application seeks permission to vary conditions 1 (Approved Plans) and 28 (Opaque Glazing) attached to planning permission DC/063392. The amendments, which relate to Building A, are as follows:

- 1) Revised floor layouts
- 2) Amendments to windows and openings
- 3) Re-location of the bin store and cycle store from the rear of the building to the front of the building

- 4) Retention of the lift shaft and stairwell to the eastern elevation of the building and creation of a glazed link between these features.
- 5) Minor revision to courtyard layout to accommodate a footpath.

After reviewing the amendments, I would make the following comments

- 1) I note that the relocated cycle store within Building A will be a similar size to the approved store (as shown on drawing L(-1)001 Rev 01) and will be able to accommodate the same number of cycles (8 no.)
- 2) I note that the relocated bin store within Building A will be a similar size to the approved store (as shown on drawing L(-1)001 Rev 01)
- 3) I would not object to the revised location for the entrance to Building A (although dropped kerbs will need to be provided, to ensure there is level access to the building – this can be agreed as part of the DOC application).
- 4) Other amendments to the building should not have any highway implications.
- 5) It is noted that the proposed amendments to the car park do not affect the number of car parking spaces or the overall level of cycle provision.

I do note, however, that the drawing shows slight amendments to the site layout to the rear of Building B, with one of the cycle stores relocated slightly and the bin store being removed / amended.

It appears from the revised plan that it may be hard to access the eastern end of the relocated cycle store and it is not clear what is intended in respect to bin storage. As such, I consider that these amendments need to be reviewed.

As such, I recommend that the application is deferred to enable this to be carried out.

Recommendation: Defer

### **Further comments 12.01.2023**

I note that various amendments have been made to the site layout and other aspects of the development.

These include:

- 1) Slight amendments to the car park layout, including relocation of 2 disabled parking spaces
- 2) Amendments to the site boundary (with knock on affects to the car park layout)
- 3) Two passenger lifts are now proposed to be provided in Building B
- 4) Slight amendments have been made to the cycle stores adjacent to Building B
- 5) Amendments have been made to the bin store to the rear of Building B
- 6) Gates are shown to be provided on the access drive
- 7) The site layout plan appears to show a section of wall being retained adjacent to the site access (although the elevation shows a pedestrian access being formed)

After reviewing the amendments, I would make the following comments:

- 1) I note that the overall number of parking spaces will remain the same

- 2) I note that the number of disabled parking spaces will remain the same.
- 3) The level of cycle parking will accord with the adopted parking standards
- 4) The new lifts will not affect parking or vehicular access but will improve access to the apartments on the upper floors.
- 5) I consider the revised car park layout and location of the disabled parking spaces acceptable
- 6) I consider the revised location and design of the cycle stores and bin stores acceptable.
- 7) Erection of gates at the access would be contrary to Condition 22 of the original consent (DC/063392) which states that no gate or other means of obstruction shall be erected across the vehicular accesses that will serve the approved development at any time. As such, these should be removed.
- 8) Retention of the wall to the south east of the access to the car park would be contrary to Part 3 of Condition 18 which requires the wall on the south-east side of the access to be removed and replaced with a pillar and pedestrian access (with the ability to see through). The elevations, however, shows a pedestrian access being formed, as required. As such, the site layout plan needs to be amended to clearly show the required pedestrian access.

As such, whilst I consider the majority of the amendments acceptable, I do not consider the proposed gates or retention of the wall adjacent to the access acceptable and, as such, I do not consider all the revised drawings acceptable. I therefore consider the layout drawings need to be further revised so as to address these issues.

Finally, I note that an external works drawing has been submitted. Whilst I note that it provides some details of surfacing and kerbing, it does not actually show which kerbs will be provided where or provide full specification details. It is also not clear whether trees are proposed to be provided to the rear of Building A. As such, I do not consider the drawing fit for purpose. As such matters are covered by condition, I would recommend that the drawing is not approved and the matter is dealt with as part of a separate DOC application.

Recommendation: Defer

### **Final comments 21.02.2023**

I write with reference to the revised drawings submitted on the 8th February 2023. The applicant has not outlined what amendments have been made but I note that the revision lists on some of the drawings outline that amendments have been made to the windows on the 2nd and 3rd floors. I also note that gates are no longer shown at the access to the car park and the layout plans have been revised to match the elevation drawings, showing a pedestrian access to the side of the vehicular access, as required. As such, the revised plans address the issues raised in my previous consultation response. I can therefore confirm that, based on these revised plans, I would not object to conditions 1 and 28 being varied. As such, I raise no objection to this application, subject to the same conditions relating to construction, access, parking, off-site highway works and production of a travel plan (conditions 16-26) as were attached to the original permission.

Finally, as previously outlined, although an external works drawing has been submitted, it does not actually show which kerbs will be provided where or provide full specification details. It is also not clear whether trees are proposed to be provided to the rear of Building A. As such, I do not consider the drawing fit for purpose. As such matters are covered by condition, I would recommend that the



drawing is not approved and the matter is dealt with as part of a separate DOC application.

Recommendation: No objection, subject to conditions.

CONDITIONS - As DC/063392

### **Conservation**

#### **Original comments 14.04.2021**

No objections to the proposed minor alterations as set out in application ref DC079856 – these will not result in harm to the significance of this building of local historic and architectural interest.

#### **Further comments following amendments to Building B 22.12.2022**

No objections to proposed amendments to Building A.

The amended plans indicate an increase in the height of Building B with the result that it now appears less subordinate to Building A, with the eaves of both buildings set at a broadly equivalent height. The plans also now indicate the proposed use of Equitone Linea cladding panels, in Hessian. The combination of the increased height in conjunction with amendments to the window layout and the proposed materials/unit size/layout of the cladding have changed the external appearance of the building and its visual relationship with the original Ropeworks buildings. It is recommended that further consideration is given to the treatment of the Stanbank and Bourne Street elevations to provide a more integrated design approach, with less visual emphasis given to the cladding panels. This could include (amongst other options) increasing the size/verticality of the third floor windows, the use of a darker cladding material as originally intended, the potential use of a different cladding finish between windows to suggest more verticality, or reducing the unit size of the cladding panels throughout to provide more visual interest. If Linea is to be used, clarification should be provided on how this is to be installed (eg with ribs aligned vertically or horizontally) and consideration given to alternative textured finishes within the same range such as Lunera.

No objections to the various amendments to the site plan and associated servicing.

#### **Final comments 28.02.2023**

I've reviewed the amended drawings and in my view the revised setting out of the elevations is now acceptable.

I recommend we specify the use of Lunera cladding in the darker colour (pebble [LA20]) to match the setting out as indicated on the recently revised plan.

### **Contaminated Land**

It would appear that the application only involves minor changes to the mill building itself, as such I have no objection or comments to make.

### **Nature Development**

Original comments 22.03.2022

The proposed amendments as part of the above planning application relate only to Building A. This building is referred to as Building 4 within the bat report. As part of the original application (DC063392) sections 1 and 4 of Building 4/Building A were found to offer low potential to support roosting bats (no signs of bats recorded). An inspection survey and activity survey was undertaken in 2015 and an update inspection survey was carried out in 2019. The survey findings are summarised in the attached ecology report which I was sent by the demolitions team as part of the demolition application for the site.

I can't find the original 2015 and 2019 bat reports on uniform and so am unable to see where sections 1 and 4 correspond to on Building 4/Building A. Please could the applicant liaise with their ecologist and confirm whether any of the proposed amendments would affect either section 1 or section 4 of the building?- i.e. any of the features identified as offering low bat roost potential. If any impacts are anticipated on section 1 or 4, then update bat survey work would most likely be required to inform determination of the current application.

### **Further comments 13.04.2022**

The email from the applicant confirms that the proposed amendments do not affect the parts of Building A (referred to as building 4 in the bat report) which were identified as offering low bat roosting potential, as the amendments are confined to changes to the windows and the glazed link only.

As such, I am satisfied that providing the previously approved mitigation strategy (including the update bat survey) are implemented, this will be sufficient to ensure that bats are adequately protected by the proposed works.

### **LLFA**

The proposals put forward do not appear to bear any significant changes to the drainage. The LLFA, therefore, has no comment for this application.

### **ANALYSIS**

The principle of the proposed residential development at the site has already been established through planning permission DC/063392. Therefore, the loss of the employment designation has previously been considered acceptable at the site by Members as a departure from the Development plan in 2017. The principle of 34 additional residential units at the site, comprising previously developed 'brownfield' land within an accessible and sustainable location is welcomed. The current proposals make no material changes in this regard to the previous approval and on this basis, the proposal remains in compliance with Core Strategy DPD policies CS2, CS4 and H-2.

Therefore, the main considerations in this case are specifically the proposed amendments that are sought to the previously approved plans as listed above in the description of development section. As outlined above, issues with buildability has resulted in changes being required to the previously approved scheme and as such the potential impacts of these changes must be considered in relation to heritage matters (locally listed building), highway safety and parking, visual and design matters and potential impacts to the residential amenity of the surrounding occupants.

These will all be considered below.

## Visual Amenity and Design

Policy SIE-1 of the Core Strategy stresses the importance of developments achieving the highest standard of design. This is reiterated within the adopted SPD's for the design of residential development.

The proposed amendments to the conversion of the works building (Building A) would retain the building's overall appearance and character from the street scene and would not result in any detriment to its visual quality or design. The internal layout of the building has been re-considered to result in better living spaces for the future residents, whilst retaining the overall character of the building and protecting the amenity of the surrounding residents.

The biggest changes visually would be from the increase in height of Building B by over 1m and the minor changes to the overall design of the new build element behind the retained façade. However, the increase in height remains relatively minor in relation to the overall height of the 4 storey building and the elevations would still have a regular window arrangement that helps to lighten the overall appearance. The design and form of the extension remains respectful to the historical form of the building by virtue of its subordinate scale being setback behind the retained facade. As such, it is considered that the proposals would not be out of character with the building and the works are considered to meet the design/environmental requirements expected by policies SIE-1 & SIE-3.

## Heritage Assessment

In relation to heritage matters, the application has been considered in detail by the Council's Conservation officer and the full comments received can be seen in the consultations section above. From a heritage perspective and the protection of the character of the Locally Listed Building, the proposed amendments to Building A are an overall improvement to the previously approved scheme. This is particularly the case in relation to the retention of existing window openings and the retention of the lift shaft and stairwell to the eastern elevation of the building and creation of a glazed link between these features. The Conservation officer has offered no objections to the proposed amendments to Building A from the outset of the application.

In relation to the later amendments proposed to Building B, there were some minor concerns about the increase in height of the building, the amended alignments to the windows on the front elevation and the proposed materials for the new build element. However, following negotiations with the applicant and the submission of amended plans and materials information, the Conservation officer has now confirmed that there are now no objections to the proposed changes to Building B from a heritage perspective.

It is considered that although the proposed interventions associated with the development will have a direct impact on the historical significance, it will not lead to any harm which is considered to outweigh the public regeneration benefit of securing the long-term retention of the main building by bringing it into a full and viable use, preventing any further decline, as outlined within the NPPF.

It is therefore considered that the proposal will sustain and enhance the heritage asset, as prescribed by the NPPF, for future generations. The applicant has demonstrated that the use of the building for residential purposes is viable and

will ensure that the historic fabric and special architectural elements of interest are retained. There is no substantial harm or total loss of the significance of the heritage asset and the harm that does arise is outweighed by the public benefit of bringing this important building back into use and so would accord with Core Strategy policies CS8 and SIE-3 and the NPPF.

### Residential Amenity

The Design of Residential Development SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties. In this regard, SPD states that a distance of 25 metres should be achieved between private (rear) elevations, 12 metres between a principle and non-principle elevation and a minimum of 6 metres should be achieved between a principle elevation and the boundary with a private garden.

Despite the site's land use allocation for employment purposes the surrounding area is mixed use in character. The Rope Works complex has itself a very intimate relationship to residential properties located on Stanbank Street, Morton Street and Reuben Street, the rear yards of which back onto the site and whose outlook and privacy is influenced as a consequence.

The impact of the development as a whole on residential amenity was assessed in detail through the original planning consent, and is discussed within the previous officer's report to Committee from 2017. The principle of the relationships between the development, new windows/balconies etc and existing properties was deemed to be acceptable and this has not changed fundamentally through this amendment application. The main area of consideration are the proposed changes to the western side elevation, which faces the rear gardens of the adjoining properties on Stanbank Street.

To address matters of overlooking from occurring from the conversion of Building A, a condition was included (Condition 28) which stated that all window openings within the western elevation would be un-openable and obscurely glazed. The current amended scheme now proposes for the first and second floor windows in this side elevation to remain non-opening, but to only be obscurely glazed up to a minimum of 1.7 metres above the finished floor level with clear glazing above this height. These windows are split into 6 panes and it is proposed for the bottom 4 panes to be obscured and the top 2 panes to be clear. This is because within the amended internal floor layouts, these windows serve habitable rooms and it is preferred for there to be some outlook for the future residents from these windows. However, as the windows will remain obscurely glazed up to a height of 1.7m from the internal floor level, it will not be possible to look out of these windows and down into the adjacent windows or gardens of the existing terraced properties on Stanbank Street. Therefore, the main purpose of condition 28 to prevent overlooking would be retained, but with a slight change to the wording to allow the top panes to be clear glazed.

Furthermore, the position will be improved for the occupant of No. 26 Stanbank Street, as it is now proposed to brick up the 2 no. ground floor windows that would have been retained closest to the existing property and within the private rear garden area of this property. Although these windows would have been

installed as non-openable and obscurely glazed, the windows would have been present immediately adjoining the property and garden and may have led to the feeling of overlooking. This can be seen on the proposed elevational plans within the plans pack attached to this report.

It remains the case that overall levels of outlook from the surrounding properties would be improved as a result of the associated demolition works which would open up views from the rear windows of the surrounding properties.

Finally, the potential impacts of the increase in the height of Building B must also be assessed. It must be acknowledged that the original consent included the construction of a four storey building in this location. The upper 2 floors are set back behind the retained façade, with a terrace at the second floor level. This has not changed through this amendment application and therefore, the only matter for consideration is the increase by approx. 1.2m in the height of the new build element. At a scale of four storeys, this additional height would not be read as significant overall and it is not considered that this would result in any greater overbearing impact on residential amenity than the previous scheme. The land immediately opposite Building B is a car park and the properties closest to this element of the development are on the opposite side of Stanbank Street (Nos. 1 – 11). However, due to the stagger of these properties beyond the end of Building B and due to the site orientation, the proposed building is located to the north of these existing properties. Therefore, there would be no additional overshadowing created from the increase in height proposed.

On this basis, the original development along with the changes made are still considered to be acceptable. In view of the above, the principle of the development and the requested amendments are considered acceptable, in accordance with Core Strategy DPD policies, the relevant SPD's and the NPPF.

#### Access, Highway Safety and Car Parking

Finally, in relation to highway matters, the application has been considered in detail by the Council's Highways officer and the consultation responses received are provided in full above. It is confirmed that the level of cycle parking will remain the same and accords with the adopted parking standards, the relocated bin store within Building A will be a similar size to the previously approved store, the proposed amendments to the car park do not affect the number of car parking spaces or the overall level of cycle provision, the number of disabled parking spaces will remain the same, the new lifts will not affect parking or vehicular access, but will improve access to the apartments on the upper floors and all other amendments to the buildings should not have any highway implications.

Therefore, on this basis, the access, parking and bin storage arrangements remain acceptable, as the site is within a sustainable location which benefits from immediate access to services and transport options. As such, the development is considered to adhere to the provisions of policies CS9, T-1, T-2 and T-3.

#### Other Matters

In relation to matters such as landscaping, ecology, drainage, contamination, noise / disturbance, crime, archaeology and sustainability, the development remains unchanged from the original consented proposals and subject to relevant conditions.

## Affordable Housing, Open Space Provision and Viability

As with the previous application DC/063392, the application has been subject to a viability report in lieu of affordable housing and public open space requirements. The report identifies that there is insufficient value within the development to contribute towards affordable housing. The site sits just within the Reddish Boundary whereby the policy requirement of H-3 would normally be 20-25%.

Saved UDP policy L1.2, Core Strategy DPD policy SIE-2 and the Open Space Provision and Commuted Payments SPD identify the importance of open space and children's play facilities to meet the needs of the community and require the inclusion of provision for recreation and amenity open space either on-site or off-site, dependent on the population of the proposed development.

As there is no space on the application site to accommodate formal recreation or children's play facilities, Core Strategy SIE-2 and the 2019 Open Space Provision and Commuted Payments SPD requires the payment of commuted sums to fund and maintain off-site provision. As outlined above, the S106 attached to the previous application secured a commuted sum of £15,000 (reduced from £52,712 due to viability) towards new or improved open space and children's play facilities and £4,500 towards the cost of necessary TRO's on adjacent streets.

As the required commuted sum had yet to be paid, it was necessary as part of this application to assess the proposals in light of the up to date 2019 Open Space Provision and Commuted Payments SPD policies rather than the former SPG which pre-dated it. This required a different calculation to be completed on the 34 residential units proposed, which resulted in a much higher contribution being required. Under the 2019 SPD, the proposed development now generates a total commuted sum requirement of £148,104.00.

In this instance, the applicant has argued that in this case, financial viability prohibits the payment of the full amount required for the commuted sums and has submitted a viability assessment to support their position. In the assessment of the submitted appraisal, the Council has appointed a specialist consultant to undertake an independent assessment of the information. The assessment outlines that the proposal with the full required Section 106 Contribution of £148,104.00 applied, would have made the development unviable. However, following lengthy viability negotiations, a sum of £87,000 has now been agreed.

After careful analysis, the District Valuer has concluded that the development profit falls beneath an acceptable level of profit to justify the full requested S106 contribution. They are satisfied with the responses provided by the applicant and therefore, it has been confirmed that the Viability Assessment provides relevant justification for not fully complying with the usual Affordable Housing and Open Space contributions. They have recommended that on this occasion, the £87,000 sum being offered is accepted to ensure that at least some of the contribution is paid and will assist with open space and children's play provision in the area.

Based on the assessment of the information submitted, it is concluded that the applicant has demonstrated that it would not be viable for the scheme to include the normal recreational open space contributions and still deliver the development. Therefore, as the development is considered to be policy compliant

in all other aspects, it is considered that the remaining open space commuted sums above the £87,000 should be waived in this case. This policy shortfall does however weigh against the proposals in the overall planning balance.

The applicant has confirmed that they are happy to enter into a S106 agreement with the Council to secure the payment of the £87,000 contribution towards open space and children's play, and the £4,500 previously included towards the cost of the required TRO's on adjacent streets.

## **CONCLUSION**

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

The proposed amendments to the previously approved scheme are considered to be appropriate in terms of heritage impacts, residential amenity and quality of design and highway safety / car parking. It is not considered that the amended proposals would undermine the character or setting of the locally listed building, the site, the street scene, or the area as a whole.

It is also considered that in this case, the benefits of the proposed development in providing 34 dwellings towards the under supply of housing in the Borough on a brownfield site, outweigh the loss from the reduction in commuted sum amount being received towards open space provision.

In considering the planning merits against the development plan and the NPPF, the proposal would, as a whole, represent sustainable development; and therefore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 would require that the application be granted subject to conditional control.

## **RECOMMENDATION**

Grant subject to conditions and S106 Agreement

## **HEATONS AND REDDISH AREA COMMITTEE SUMMARY 17.04.2023**

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

Members asked the following questions of the planning officer at this stage:

The objections raised appear to be strong grounds based on the promises that have been made by the applicant, and how does the officers report address the objections raised?

The planning officer confirmed that there is an extant planning permission at the site that did not include the bricking up of any windows on the ground floor level of the elevation that faces the rear gardens of the properties on Stanbank Street. These windows were fully opaquely glazed and fixed non-openable windows. The application that is now being considered includes 2 of those windows being bricked up, which is an improvement over the original permission. The proposals do not fully

address the objections raised in that it does not include all 4 windows being bricked up. However, all that can be assessed by the LPA is the proposals submitted for consideration, not what possibly has been promised by the applicant to residents. In comparison to what has already been granted permission and could be implemented at the site by the applicant, the bricking up of 2 windows is an improvement and it would not be possible to force the applicant to brick up all 4 windows due to the extant permission in place. As the windows are fully opaquely glazed and fixed, there would be no overlooking from these windows into the adjacent garden.

In relation to the issue of the adjoining walls not being rebuilt, the site layout plan does show the same boundary treatments in this location as was on the original approval and this has not changed through this variation application. The final point relates to an ongoing issue of scaffolding being placed on the neighbouring property. However, this is a civil matter between the applicant and the neighbouring owner and the Council has no power to intervene in this issue.

There was a member of the public present speaking against the application who outlined as follows:

- Object to the windows being glazed as they are in the garden of his property;
- The wall of the building forms the boundary with his garden;
- Four windows and a sliding door and was told that they would all be bricked up, and they haven't been;
- Question has been asked of the applicant as to when these will be bricked up and no reply has been provided;
- Walls haven't been rebuilt since the demolition of the existing buildings at the bottom of the garden;
- Been going on for 2 years and nothing has been finished;
- Scaffolding has been put up on his property without consent and as nothing happens there is no end to things;
- Want the scaffolding to be removed as no works are being completed;
- Lack of communication with residents from the applicant.

Councillor Crix asked the objector the following question:

- What is the objection to the windows being retained on the ground floor when they are opaque glazed and non-openable so there would be no overlooking?

The response was that it was just not right and there should not be any windows in his garden.

Councillor Butler asked for clarification over the relationship of the development to the objectors property, in terms of the position of the doors/windows/garden. The objector described the relationship and the Planning Officer also assisted by directing Members to the relevant plans within the drawing pack which show this relationship more clearly.

Councillor Crix asked which wall had been knocked down that is referenced in the objections. It was confirmed that this was the wall at the bottom of the garden. The Planning Officer again then assisted to show Members where this was located on the plans in the drawing pack and advised that this wall formed part of the former single storey Rope Works building that has been demolished and due to the development stalling for the reasons outlined within the report, it is yet to be rebuilt as shown on the proposed site layout plan.



The applicant then spoke in support of the application and outlined as follows:

- Surprised by some of the comments made by the objector, as it was felt that there was a good relationship there;
- There is a planning permission in place and there is no plan to significantly change the principle of this permission;
- Have reduced the number of retained windows from 4 down to 2 windows that are opaque and non-openable with the other 2 being bricked up;
- Improvement in the original permission;
- The permission the current owners inherited when they bought the site included the removal of the lift shaft, which in his opinion is one of the nicest features of the building, but if this was removed, the mill would collapse as it forms the main structural support for the whole side of the building;
- Cannot brick out the 4 windows, as these serve habitable rooms that require a certain amount of natural light under other legislation;
- They have done as much as they possibly can with the internal layout changes to allow the additional windows to be bricked up;
- Changes to Building B are required due to problems with the plans that were passed in terms of differing heights, which has required a small height adjustment to the plans to achieve the necessary building regulations.

Members asked the applicant the following questions:

Councillor Driver highlighted the issues that had arisen through communication problems between the applicant and the objector and recommended that the applicant writes to the neighbour outlining the problems on site, why the development has stalled and the potential timescales for the completion of the works (and copy in the Planning Officer). This is essential to address the breakdown in communication whatever Committee decides to do with the application. The applicant was asked if he was prepared to do that, the answer to which was yes.

The applicant highlighted that this is a large and complicated development and there have been many issues to address along the way including highway and heritage matters, which have caused long delays. The Planning Officer has provided significant support to the applicants throughout this complicated process and provided the necessary advice to address issues arising. The applicant confirmed that they wish for the development to be completed as soon as possible and for the scaffolding to be removed as soon as possible. Hopefully if the plans are approved, the development can be started again as quickly as possible, and the applicant will write to the neighbours outlining the proposed development programme with the necessary timescales and inform them of everything that is happening.

Councillor McGee then questioned why the plans presented to Committee were not accurate and presumed they had been checked. The original application was debated at length at Committee, particularly around could it be built. Drawings that are not correct should not be presented to Committee.

The Planning Officer responded to state that the issues have arisen through the subsequent Building Regulations process and that Planning Officers do not check the plans with regards to the buildings regulations legislation. The original drawings did not have the correct floor to ceiling heights that are required for Building Regulations and this is not something that Planning check as it is not a material consideration.

Councillor Crix asked the applicant if the wall at the bottom of the objector's garden could be rebuilt now rather than waiting for works to restart. The applicant confirmed that it was not possible, as the contractors have now been off site for some time and it was a cost implication to have them back to site when they are not able to complete the rest of the development. However, it was confirmed that as soon as the development is back on site, the wall will be completed straight away.

No further debate took place beyond the matters discussed above.

Therefore, on this basis, Committee agreed to recommend to PHR that the application be granted, subject to a note being made in relation to the above points and that the applicant communicated with local residents about the project moving forward and timescales for the completion of certain works.