

Strategic Planning Board

Updates

Date: Wednesday, 24th April, 2013

Time: 10.30 am

Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the Board agenda.

Planning Updates (Pages 1 - 8)

Please contact Sarah Baxter on 01270 686462
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STRATEGIC PLANNING BOARD – 24th April 2013

UPDATE REPORT

Application No. 12/4390M

Location: LAND OFF, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD

Proposal: OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 162 DWELLINGS/FLATS WITH ALL MATTERS RESERVED

Prepared: 22nd April 2013

REVISED PLANS

This Outline application originally proposed 166 units. During negotiations with Officers, the number of units reduced to 160 to incorporate the provision of a “wildlife corridor”. The applicant has since made minor amendments to the layout to incorporate 162 units. The change in the number of units is considered acceptable. The density will remain under 30 dwellings per hectare, which is considered commensurate with the surrounding area.

For clarity, the revised illustrative masterplan is revision H.

ADDITIONAL CONSUTATION RESPONSES

Environment Agency

The Environment Agency has no objection in principle to the revised proposal (160 units), but make the following comments:

The submitted Flood Risk Assessment (Addendum Report) dated 4th March 2013 is acceptable in principle. However, they would request that the following planning conditions are attached to any planning approval as set out below.

1. The development hereby permitted shall not be commenced until such time as; a scheme to provide fluvial flood storage for up to the 1 in 100 years event within the realigned watercourse, has been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding.

2. The development hereby permitted shall not be commenced until such time as; a scheme to show finished floor levels of proposed buildings are set

at a minimum level of 144.4 mAOD, has been submitted to and approved in writing by the local planning authority.

Reason: To prevent the increased risk of flooding.

3. The development hereby permitted shall not be commenced until such time as; a scheme to show road, parking and pedestrian areas are set at a minimum level of 144.0 mAOD, has been submitted to and approved in writing by the local planning authority.

Reason: To provide access/egress during a severe fluvial flood event.

4. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

5. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6. No development shall take place until a scheme for the provision and management of an 5 metre wide buffer zone alongside the deculverted watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The de-culverted section of watercourse must be as natural as possible and not heavily engineered (guidance available on the River Restoration Centre website (www.therrc.co.uk)). The buffer zone shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- *plans showing the extent and layout of the buffer zone*
- *details of any proposed planting scheme (for example, native species)*
- *details demonstrating how the buffer zone will be managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan*
- *details of any proposed footpaths, fencing, lighting etc.*
- *plans showing the alignment of the de-culverted watercourse, including cross sections*

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Watercourses and land alongside watercourse are particularly valuable for wildlife and it is essential this is protected and enhanced.

These conditions are considered to be reasonable & necessary and should be added to those summarised in the original committee report.

NUMBER OF REPRESENTATIONS

For clarity, 29 representations have been received in support of the application (subject to the provision of the link road to Springwood Way), 10 representations objecting to the proposals.

FURTHER REPRESENTATIONS

The Dumbah Association have submitted further representations, whilst they are fully supportive of the proposal; they question the reasoning for the pedestrian access onto Tytherington Lane.

The applicant and case officer have replied in respect to this, and advised that the pedestrian access was incorporated to improve pedestrian permeability through the site, and re-iterated that “access” and “layout” are reserved matters; however, the illustrative masterplan has been provided to assist in the determination of the application.

CONDITIONS

Provision of link road and green link

Given the costs involved to provide the link road and green link, Officers are agreeable to the southern part of the site (to the south of the link road) being developed, prior to the completion of the link road and green link (up to 65 units), however, it is recommended that no development take place to the north of the road, until the link road & green link are completed to our satisfaction.

The applicant has requested that these issues be resolved through the submission of method statements at the Reserved Matters stage. Officers are concerned about this approach.

Renewable energy

The applicant has requested a “fabric first” approach to reduce emissions, which is considered acceptable.

HEADS OF TERMS

The applicant has requested staggered payments, which is considered acceptable.

LINK ROAD

The issue of the link road joining up with Springwood Way is being discussed with our legal officers at present. A verbal update will be provided in respect of this.

CONCLUSIONS

Members are requested to duly consider the additional information.

There is no change to the recommendation of approval, subject to the additional/amended conditions and the completion of a legal agreement.

STRATEGIC PLANNING BOARD 24th APRIL 2013 – UPDATE TO AGENDA

APPLICATION NO: 12/4837M

PROPOSAL: Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165P (Original permission 08/2718P)

LOCATION: Fibrestar Limited, Redhouse Lane, Disley, SK12 2EW

UPDATE PREPARED: 22nd April 2013

ADDITIONAL INFORMATION/PLANS

The following additional information/plans have been received since the agenda was published:

- Updated landscape and layout plans removing the direct link to Disley Footpath 48 from the POS at the eastern end of the site. Additionally, amendments have been made to the boundary treatment to the southern boundary of POS which is now shown as 1.2 metre high Cheshire Railings;
- Updated Habitat and Landscape Management Plan;
- Updated Landscape Strategy Report;
- Additional Ground Gas Monitoring Letter Report;
- Additional Site Investigation and Outline Remediation Statement Report.

ADDITIONAL CONSULTATION RESPONSES

Network Rail

Since the publication of the agenda further comments have been received from Network Rail.

Level Crossing

They have objected to the application on the grounds that the proposal is likely to result in a material increase in the volume and material change in the character of users of the level crossing (the public footpath over the railway is also a level crossing).

Network Rail has estimated that the existing crossing is used 14 times a day. They have also indicated that the Northern Hub project is looking at increasing the line speed and train frequency on this line.

They have requested as part of any planning consent a condition is included requiring the closure of the level crossing and diversion of the public footpath prior to works commencing.

Asset Protection

Network Rail has also made a number of comments/observations from an asset protection viewpoint:

Noise – the Northern Hub is looking to increase line speed and frequency of trains on this line. There is potential for noise/vibration impacts.

Encroachment – the developer should ensure the proposal does not affect the safety, operation or integrity of the railway.

Fencing – suitable trespass proof fencing to mitigate risk of trespass should be provided. They recommend a condition requiring the submission and approval of such details prior to commencement of development.

Landscaping – only evergreen shrubs should be planted adjacent to the boundary with the railway and should be planted a minimum distance from the boundary equal to their expected mature growth height.

Drainage – Soakaways and storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary. Requests a condition for details of the disposal of surface water and foul water drainage away from the railway to be submitted and approved prior to commencement.

Excavation – request a condition requiring full details of ground levels, earthworks and excavations to be carried out near to the railway boundary to be submitted and approved prior to commencement. This is to ensure all works do not impact upon the railway infrastructure.

2 metre gap – requests the developer ensures a minimum 2 metre gap between the buildings and structures on site and Network Rail boundary fencing.

Network Rail have also highlighted concern that the existing headroom signage on the Redhouse Lane underbridge does not meet the recommendations set out in 'Prevention of Strikes on Bridges over Highways – A Protocol for Highways Managers and Bridge Owners'.

Environmental Health

Land Contamination

The Contaminated Land team has withdrawn its objection following the submission of further additional information in the form of an updated Ground Gas Risk Assessment report and an updated Outline Remediation Strategy. The reports are satisfactory and provide sufficient information to demonstrate the site can be safely developed and provides a strategy for dealing with contamination present at the site.

They recommend a condition requiring a detailed remediation strategy to be prepared and submitted prior to the commencement of development. They also recommend a condition requiring a validation report, including remedial actions to pre and post construction to be submitted and approved prior to first occupation.

OFFICER COMMENTS

The public footpath, which is also a level crossing, lies outside the application site.

An amended plan has been received which removes any direct link between the application site and the public footpath. However, access from Lower Greenshall Lane will remain in place and the development is likely to increase the usage of the footpath. The condition proposed by Network Rail - requiring the diversion of the

public footpath and closure of the level crossing - would not meet the tests of Circular 11/95 given:

- the applicant does not own the land,
- it does not cross their land,
- it is not clear whether a diversion would be possible.

In these circumstances, such a condition would be unenforceable and therefore cannot legally be imposed.

Additionally, the principle of residential development in this location has been established at outline stage and this matter should have been dealt with at that stage. It is not considered this can now be addressed at the reserved matters stage, particularly since the time for challenging this decision has passed. Therefore, whilst it would appear Network Rail were not consulted on the outline application (which they should have been), this is not something that can now be rectified at this late stage.

Comments from Network Rail regarding the landscaping can be dealt with under existing proposed landscaping conditions.

The conditions requested by the Contaminated Land section are considered reasonable and accordingly should be attached.

RECOMMENDATION

The recommendation of approval remains unchanged. However, the following additional conditions are now recommended:

- Prior to commencement of development, details of suitable trespass proof fencing to the boundary with the railway to be submitted and agreed.
- Prior to commencement of development, details of how surface and foul water drainage will be directed away from the railway to be submitted and approved.
- Prior to commencement full details of ground levels, earthworks, and excavation carried out near to the railway to be submitted and agreed.
- Prior to the commencement of development a detailed remediation strategy to be prepared and submitted.
- Prior to first occupation a validation report including remedial actions to pre and post construction to be submitted and approved.

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