

Application No: 12/4390M

Location: LAND OFF, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD

Proposal: Outline Planning Application for the Erection of up to 160 Dwellings with all Matters Reserved

Applicant: Ainscough Strategic Land Ltd

Expiry Date: 14-Feb-2012

SUMMARY RECOMMENDATION

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

MAIN ISSUES

- Loss of a site allocated for employment purposes
- Housing policy and supply
- Provision of affordable housing
- Scale, design, layout, density and impact on residential amenity
- Impact on highway safety & sustainability of the site
- Impact on landscape, trees and ecology
- Heads of terms for a legal agreement

REASON FOR REPORT

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

The application seeks outline consent for 160 dwellings on land allocated for employment use, and therefore is considered to be of strategic importance.

DESCRIPTION OF SITE AND CONTEXT

The site is located 1.5 miles to the north of Macclesfield, in Tytherington. The site is bounded by the A538 (Manchester Road) to the west and Tytherington Business Park to the east. Tytherington Lane is north of the site, whilst Pool End Close and Pool End Farm lie to the south.

The site comprises 6.8 hectares of scrub land, with a watercourse running through the site, with some small ponds. The site is undulating, with land to the south at a higher level. The western part of the site is the most visible from Manchester Road.

The eastern boundary is open to the Business Park. The north, southern boundaries abut existing dwellings. There are a number of trees around the perimeter of the site.

Within the Macclesfield Borough Local Plan (2004), the whole site is allocated under policy E3 and E4 for Business and Industrial uses. The southern part of the site falls under policy RT6, which seeks to retain an area for informal recreational and amenity open space purposes.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the redevelopment of the site for residential development – a maximum of 160 dwellings, comprising a mix of 3/4/5 bedroomed houses and 2 bedroomed flats.

The parameters plan indicates the majority of the dwellings will be 2 storey (ridge height of 8m), with some properties around the perimeter of the site and the apartment block being 2.5 storey (ridge height of 9.5m).

The developer seeks agreement to the principle of development to be determined at this stage, whilst matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval.

Following discussions with officers, revised plans were submitted which incorporate a “Green link” to the south of the site, for pedestrians and cyclists, providing access between Manchester Road, Tytherington Business Park and on to the Middlewood Way.

The green link concentrates the Public Open Space towards the centre and south of the site.

Other alterations to the indicative layout, are the provision of a pedestrian access onto Tytherington Lane, and an increase in the density of housing to the north of the site, to reflect the cottages on Tytherington Lane.

RELEVANT PLANNING HISTORY

Planning Application Reference No.	Location	Proposal	Decision
10/3139M	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Extension of time to 07/1041	Resolution to grant planning permission subject to the signing of the S106 Agreement
07/1041P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Erection of 9 three storey buildings for class B1 (Business) use, 1 two/three storey building for C1	Approved 28.08.2007

		(Hotel) use together with associates highways, car parking and landscaping infrastructure	
83318P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Site for B1, B2 and B8 development comprising offices, research development facilities, light and general industry and warehousing	Approved at Appeal 19.06.2007
02/1441P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Renewal of outline permission 99/0664P for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)	Undetermined - N/A
97/2379P	Land off Manchester Road Macclesfield	New estate road (For Business Park)	Approved 27.03.2000
99/0664P	Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield	Outline application for B1 (Office Development), B2 (General Industrial Units) and B8 (Warehouse)	Approved 26.07.1999

POLICIES

Regional Spatial Strategy

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke

the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

DP1 - Spatial Principles, promoting sustainable development
DP2 - Promote Sustainable Communities
DP5 - Manage Travel Demand
EM2 - Remediating Contaminated Land
EM18 - Decentralised Energy Supply
W3 - Supply of Employment land
W4 - Release of Allocated Employment Land

Macclesfield Borough Local Plan 2004 (Saved policies)

Built Environment

BE1- Design Guidance

Development Control

DC1 – New Build
DC3 – Amenity
DC5 - Natural Surveillance
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
DC17 – DC20 - Watercourses
DC35 - Materials and Finishes
DC36 - Road Layouts and Circulation
DC37- Landscaping
DC38 - Space Light and Privacy
DC40 – Children’s Play Provision and Amenity Space
DC41 – Infill Housing Development
DC63 – Contaminated Land

Employment

E3 & E4 – Allocations for Business and Industrial Employment Uses

Transport

T2 Integrated Transport Policy

Environment

NE11 - Protection and enhancement of nature conservation interests
NE17- Nature Conservation in Major Developments

Housing

H1- Phasing policy
H2- Environmental Quality in Housing Developments
H5- Windfall Housing
H8 – Provision of Affordable Housing
H9 - Occupation of Affordable Housing
H13- Protecting Residential Areas

Recreation and Tourism

RT5- Open Space

Implementation

IMP1- Development Sites

IMP2- Transport Measures

Other Material Considerations

- National Planning Policy Framework (2012)
- Employment Land Review (ARUP on behalf of CEC 2012)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Strategic Market Housing Assessment (SHMA)
- North West Sustainability Checklist
- SPG Planning Obligations (2004)
- Tytherington Business Park - A Development Brief – (Macclesfield Borough Council April 1989)

CONSULTATIONS

Archaeology

No objection.

Environment Agency

No objections, subject to conditions and remediation strategy in accordance with the submitted Flood Risk Assessment (FRA).

Environmental Health

No objections subject to conditions to control the construction phase of the development. The submitted noise mitigation scheme is considered acceptable and should be implemented prior to the first occupation of the site. As this is an outline application there is opportunity for a suitable Air Quality Impact Assessment to be provided at a later stage and conditions have been suggested to this effect. The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land.

Highways

No highway objections are raised to the application given the reduced traffic impact on the road network from the existing consent on the site for office development. The potential access to the site is acceptable and the site is in a sustainable location.

Public Rights of Way Team

The development does not appear to affect the public right of way. The proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

School Organisation and Capital Strategy

The School Organisation and Capital Strategy manager has confirmed that there is projected to be sufficient unfilled places at both the local primary school and secondary school to accommodate the pupils generated by this development. Therefore, no contribution is required.

Macclesfield Civic Society

The society have concerns regarding access and there is no indication that the highways appraisal has considered the issue of congestion at or adjacent to Marlborough School and along Tytherington Drive. The link should be secured by an appropriate phasing condition and, if necessary a planning obligation or undertaking.

United Utilities

No objections, subject to conditions to ensure that the site is drained by a separate foul and surface water system, with surface water being discharging directly in to the adjacent watercourse and details of the foul to be submitted. An easement condition will also be required as several public sewers cross the site.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council raise no objection, but consider that the development would have an impact on the Bollington's primary schools, because not all parents would send their children to Marlborough. Therefore, planning obligation funding (£106/CIL) should contribute to their increased needs.

It was also pointed out that the safe route to Bollington schools would involve crossing the busy Silk Road and Cheshire East Council should take this into account with planning obligation funding a suitable controlled crossing.

OTHER REPRESENTATIONS

24 representations were made in respect of the original proposals. 14 in support of the proposals, subject to the provision of the link road with the Business Park, and 10 against. The Dumbah Association are generally supportive, and have provided general comments.

A full copy of all of the representations is available for inspection on the planning file, but the following is a summary of the concerns raised:

- Loss of employment growth opportunities
- Traffic generation having adverse impact on amenity
- Access / congestion problems

- Loss of privacy
- High number of dwellings
- Detrimental impact to ecology
- Potential flooding as a result of the development, SUDS scheme required
- Requirement for a green buffer/zone including footpath and cycleway to comply with policy
- Pedestrian access off Pool End Road
- Proximity of the play area to Manchester Road
- Lack of public consultation
- Omissions from the tree survey
- Noise pollution
- Lack of provision for any shops or infrastructure e.g. school
- Proposal is premature before a new local plan is adopted
- Proposal should be considered in context of other planning approvals/applications
- Proposal is not sustainable on existing infrastructure

Following discussions with Officers, revised plans have been submitted.

A further 7 representations have been submitted in respect of the revised proposals.

Concerns remain in respect of the following:

- How will the internal spine road link to Springwood Way, when Springwood Way is some metres short of the site?
- Over-development of the site/density is too great
- Harm to historic hedgerows
- Footpath/cycleway would result in overlooking of properties
- Oak tree still missing from the plans – adjacent to Pool End Close
- New footpath onto Tytherington Lane will have an adverse effect on No. 15 Tytherington Lane

APPLICANT'S SUPPORTING INFORMATION

The following information has been submitted in support of the application: -

- Planning Statement
- Design and Access Statement
- Employment Land Report
- Transport Assessment
- Ecological Assessment
- Tree Survey
- Air Quality Report
- Noise assessment
- Preliminary Risk Assessment Report
- Flood Risk Assessment
- Heads of Terms

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

OFFICER APPRAISAL

National Planning Policy Framework (NPPF) & consistency with the MBC Local Plan

At paragraph 215 of the NPPF it states

“due weight should be given to relevant policies in existing plans 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”.

Paragraph 216 goes on to say that:

“from the day of publication, decision takers may also give weight to relevant policies in emerging plans”.

In general, the Macclesfield Local Plan 2004 is considered to be consistent with the NPPF.

Paragraph 11 states that:

“applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.

At paragraph 14 it advises that decision takers should approve development, unless:

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

specific policies in this Framework indicate development should be restricted”

Therefore the key consideration in the determination of this application is whether the loss of employment land significantly and demonstrably outweighs the benefits of additional housing coming forward.

Employment land

The application site is allocated in the MBC Local Plan (2004) as an existing employment site (Business and Industry). Policies E1, E3 & E4 apply, which seek to retain the land for both existing and proposed employment uses. However, it should be noted that paragraph 22 of the NPPF suggests that employment land allocations should be regularly reviewed, and that long-term protection should be avoided. It advises:

“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable location communities”.

In March 2012, CEC appointed Ove Arup & Partners and Colliers International to produce an Employment Land Review for the Borough. The Employment Land Review considers the need for employment land (for B1, B2 and B8 uses) over the period from 2009 – 2030, and forms part of the evidence base for developing the new Local Plan.

The report suggests that the application site should be considered for a mixed use, as it is less attractive than the units on Tytherington Business Park and it does not have a profile onto the Silk Road. In Appendix E1 (pages 43-44) it advises:

“It’s undulating topography would seem to give aspect and make it more attractive as a residential site”.

The Study suggests residential development as an attractive option as part of a mixed scheme – with 75% of the site being used for non-employment uses.

Balancing the loss of employment land

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

- The site is located in Tytherington and is adjacent to residential areas;
- The site is in a relatively sustainable area with shops and services within 650m;
- Employment take up rates on Tytherington Business Park has been very limited over the past few years, and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area;
- The site has been extensively marketed since 2002 to no avail;
- The site does not have frontage onto the Silk Road;
- The indicative scheme provides a good mix of housing types and 30% of the units would be affordable;
- An attractive Green link, would be provided giving pedestrian/cycle linkages between Tythington Business Park and Manchester Road and would provide on-site Public Open Space with play areas.

Housing

In respect of the provision of housing, paragraph 49 states that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”.

The application site is identified within the Strategic Housing Land Availability Assessment SHLAA (ref 3516) as being deliverable for 196 homes, (subject to a policy change), achievable and developable.

The site is sited in a relatively sustainable location, has good access to the major road network (The Silk Road) and a bus service. Shops and schools are within walking distance.

The developer has been struggling to attract new business for a lengthy period of time which goes back before the recession. There is an identified shortage of housing land supply and a need for affordable housing. Consequently, although contrary to the Development Plan, it is acknowledged that there are significant material considerations that indicate that the principle of a residential development on this site could be acceptable. Consideration needs to be given as to whether the material considerations are such that the benefits of the proposal are sufficient to justify the development.

The provision of 30% affordable housing and the provision of a good quality housing development clearly are very important material considerations which may help to justify the development. As such, it is considered vital to ensure that they are delivered as part of the overall scheme.

Need for additional affordable housing in the area

The Strategic Housing Manager advises that the site is located in the Macclesfield & Bollington sub-area for the Strategic Housing Market Assessment 2010, which identified a need for 318 new affordable homes each year.

In addition to the information taken from the SHMA 2010, there are 877 applicants on Cheshire Homechoice housing register who require social or affordable rented housing in Macclesfield

The Interim Planning Statement - Affordable Housing advises:

“that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 15 dwellings or more or than 0.4 hectare in size”.

It also advises that:

“the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment”.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% which is the preferred tenure split identified in the SHMA 2010.

The applicant is agreeable to this.

Scale, design, layout, density and impact on residential amenity

The detailed scale, design, appearance and layout of the dwellings are reserved for subsequent approval as part of a Reserved Matters application.

The key consideration with this Outline application, is whether 160 dwellings can be accommodated within the site, bearing in mind all of the constraints and requirements, such as the provision of the green link and the wildlife corridor and buffers. The density of development equates to 29 dwellings per hectare of developable land. The density is considered commensurate to the development off Dorchester Way and the committee's resolution to approve 111 houses at land to the East of Larkwood Way (Application No. 11/3738M), on the opposite site of Tytherington Business Park. Overall, the revised illustrative masterplan demonstrates how these requirements can be met, whilst achieving a satisfactory layout.

Adequate separation distances can be achieved between the existing office developments on the Business Park, the properties within the vicinity of the site, and the houses proposed within the new development. The green link between the proposed housing development and existing houses on Marlborough Close, Gloucester Close and Pool End Road will provide good separation distances and landscaping between the developments. It is considered that a scheme could be designed at the Reserved Matters stage that could comply with the requirements of Local Plan Policy DC38.

The land to the north, south and west of the site is characterised by two storey dwellings. Terraced cottages to the north of the site, and predominantly detached dwellings to the south and west of the site.

The proposed layout reflects the character of the surrounding area, by proposing some terraced properties to the north of the application site, and detached and semi-detached to the south of the site.

The majority of the properties will be 2 storey (ridge height of 8m), with some properties around the perimeter of the site and the apartment block, which backs onto the Business Park being 2.5 storey (ridge height of 9.5m). This is considered to reflect the character of the local area.

Highway Safety

Proposal

Whilst "Access" is reserved for subsequent approval, it is anticipated that access to the site will be located on Manchester Road opposite the Dorchester Way junction. Access to the site is to be signalised and incorporates Dorchester Way. The main access road through the site will link up with Tytherington Business Park.

Development Impact

The site has a resolution to approve 27,230 Sq.m of B1 office use and a 100 bed hotel. The likely traffic generation associated with this permission therefore needs to be compared to the traffic flows arising from the residential development and the net increase/decrease it creates.

The development trip rates assumed by the developer are based upon average rates and have assessed the morning peak 08.00 – 09.00 and evening peak hours 17.00 – 18.00. The predicted trip generation is 103 two way trips in the morning and 113 two way trips in the evening, these figures are considered robust.

The agreed traffic associated with planning permission approved in 2007 is 665 trips two-way AM and 612 trips two-way PM. Clearly there is a substantial reduction in trips associated with this application for residential development.

With regard to the sustainable access to the development, the site is linked to the footpath network and is in reasonable walking distance of a range of facilities such as schools and local facilities. A 5km cycle catchment surrounding the site encompasses a considerable area including Macclesfield. As such the site is accessible by bicycle. There are a number of bus services that are available in the vicinity of the site that have a good frequency of service and the accessibility to public transport is acceptable.

Although all matters are reserved, a potential signal junction access has been submitted by the applicant supported by a "Linsig" capacity assessment that indicates that the junction will operate within acceptable limits. An indicative internal layout does show a link through to Springwood Way. This is consistent with the original masterplan which linked Manchester Road to Tytherington Lane.

Summary

Clearly, the main highway consideration is the fallback position for office & hotel use, (should the s.106 be completed). Residential development would have much less traffic impact on the road network and on this basis no objection is raised.

The potential access to the site is acceptable, although this is not for determination in this application nor is the internal layout of the site.

The sustainability of the site in regard to walking, cycling and public transport is judged acceptable.

Landscaping and Trees

Landscaping has been reserved for subsequent approval, but in principle, the Illustrative masterplan (revision G) is acceptable.

The following information should be submitted at the reserved matters stage for approval prior to commencement of the development:

1. Trees & Hedges

All existing trees and hedgerows should be retained and properly protected in accordance with BS5837 (2012)

2. Levels and contours

Existing and proposed site levels, contours and cross-sections plus details for any proposed retaining structures should be submitted.

3. A 1:500 scale landscape masterplan for the entire site which should include the following:

- A Recreation Area/Green link/Green link which should be a minimum width of 20 metres and should include a continuous footpath/ cycleway of 3.0 metres minimum width between Manchester Road and the eastern site boundary to join the existing

footpath/cycleway located on the Orbit owned land to the east. The Green link should be attractively landscaped and should include native tree and shrub planting, grassland and wildflower meadows, wildlife ponds and, if required, a watercourse/SUDS system plus formal and informal play areas, the sizes and specifications for which should be to the satisfaction of the leisure services officer.

- An attractive site entrance and spine road corridor to include semi-mature tree planting and public art.
- Details for any watercourse/SUDs system within the site.
- Details for wildlife ponds and wildlife buffers which should be designed to allow access for future maintenance.

4. Full hard and soft landscape details.

5. Landscape Implementation and phasing.

6. Landscape management

The Council will not take ownership and responsibility for the open space areas. A Landscape and Habitat Management Plan (L&HMP) is therefore required via a s106 Agreement in order to secure appropriate ongoing management for the Green link and all other open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

The L&HMP must establish who will be responsible for the future management and maintenance of the open space areas (e.g. a management company).

The format and content of the document must be agreed and it should include the following:

- The long-term design objectives
- Management techniques (e.g. variable mowing, selective thinning, coppicing etc)
- Maintenance schedules and frequency of operations
- Health and safety issues
- Timescales for the replacement of hard and soft landscape elements to maintain high standards and public safety (e.g. resurfacing of footpaths, replanting areas etc)
- Public access issues – litter picking, repairs etc

The Arboricultural Officer raises no objections to the outline scheme in principle. It will be expected that the finalised layout for the estate, including the Public Open space (which comes forward at a latter date as part of the reserved matters application), will satisfy the requirements of BS5837:2005 Trees in Relation to Construction and the Council's Trees and Development Guidelines. A detailed Arboricultural Implication Study will be required as part of any future full Planning Application. Adequate space should be made available to retain existing mature trees, whilst allowing early mature specimens to reach maturity. Suitable space should also be established to retain and promote existing hedgerows.

Ecology

An ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development.

Habitats

It is advised that the hedgerows, ponds, semi-improved grassland habitats and mature trees on site have nature conservation value. However, these habitats would only be considered to have value at the local scale. A number of these habitats are Biodiversity Action Plan Priority Habitats and hence a material consideration.

Whilst it appears feasible to maintain the majority of mature trees and hedgerows on site as part of the proposed development, the majority of semi-improved and marshy grassland habitat and the majority of small ponds on site will be lost. The submitted ecological assessment suggests that this impact could be at least partially compensated for through the provision of an ecological/SUDS area.

The proposed de-culverting of the stream on site is supported. The loss of grassland habitats on the site could potentially be at least partially compensated for through the creation of semi-natural habitats within the open space areas. Similarly, the loss of ponds on the site could be compensated for through the provision of six replacement wildlife ponds within the open space. Ponds utilised as part of a SUDS scheme are also likely to offer habitat of a lesser quality than those designed solely for ecological purposes. Therefore, it is recommended that ponds utilised for ecological mitigation should be for this sole purpose.

The Nature Conservation Officer requested revised plans to show the ponds and habitat creation areas. He is satisfied with the revisions submitted.

Protected and Priority Species

Badgers

There is a well recorded history of badger activity on this site. Whilst the site does not support a main sett, a number of outlying setts have been recorded on site. The submitted ecological assessment states that the setts will not be directly affected by the proposed development. In our view the proposed development has the potential to both directly affect the badger setts and isolate the onsite setts from the main sett and foraging habitat available within the wider countryside.

To mitigate this impact, it is recommend that undeveloped 'buffer zones' around the setts and an appropriate 'wildlife corridor' along the eastern boundary of the site, with a badger tunnels under the link road if deemed necessary at the reserved matters stage.

Bats

Bat activity is relatively limited on site and there is no evidence to suggest that a roost is present. Bats do not present a constraint on the proposed development. However, the incorporation of features suitable for bats would be beneficial.

Breeding Birds

Previous surveys have revealed a moderate level of breeding bird activity on site. Conditions are required to safeguard breeding birds.

Common Toad

This species, which is a biodiversity Action Plan priority, has been recorded on site. The loss of grassland habitats on this site is likely to have an adverse impact on this species at the very local scale. The habitat and pond creation discussed above would go some way towards addressing the potential adverse impacts of the development upon this species.

Barn Owls

Barn owls, a Biodiversity Action plan priority has been recorded foraging on site. It is advised that the loss of rough grassland habitat associated with the proposed development at this site is likely to have an adverse impact on barn owls at the local scale. It is recommended that this loss of habitat be compensated for by means of a commuted sum secured by the Council which could be utilised to deliver habitat improvements for barn owls locally possible in partnership with the local barn owl group.

Summary

In summary, the Nature Conservation Officer raises no objection to the revised proposals (Revision G dated 05.04.13), subject to:

- The provision of 6 ecological ponds (minimum of 6m x 4m), unless alternative number / size are agreed by LPA
- Provision of a minimum 2m wide badger “corridor” to the eastern boundary
- 2 No. 10m wildlife buffer zone
- Updated badger report & any necessary mitigation
- Standard breeding birds and bat boxes conditions
- Commuted sum of £2000 to mitigate against the loss of Barn Owl habitats

Leisure / Greenspaces

Public Open Space (POS)

The proposal provides the required amount of POS, which based on 160 dwellings would be 6,400sqm. The applicant is proposing 8,118sqm in the form of the green link through the site. This fulfills the POS requirement, subject to detailed design and layout and an acceptable mechanism for management and maintenance in perpetuity.

In terms of the requirement for children’s play, 3,320sqm of formal and informal play is required, to include equipped play, free play / social play and active play (kickabout etc). Broken down into the elements, the applicant is proposing two formal play areas to LEAP standard of 400sqm each, when 1,245sqm is required meaning a shortfall of formal provision of 425sqm. The applicant proposes the shortfall is to be met through the Incidental Play opportunities throughout the green link including formal imaginative play pieces, and that these also act as link between the play areas, creating in effect a larger play area. This approach is considered acceptable, subject to the detailed design and layout of these opportunities and on the development of the overall theme for the green link and its contents. Informal play provision (kick about and free play areas etc, required amount being 2075sqm)

is to be provided as part of the green link in the open areas alongside the cycleway, which is also considered acceptable.

Amenity Open Space

Amenity open space of 3320qm is also required to service the 'other' members of the community and is as important an element of provision as children's play. The amenity open space needs to provide opportunities for informal recreation and leisure activities and support users of all ages. This should include people with decreasing mobility and those wanting to engage in quieter less active pastimes as well as those looking for fitness and social opportunities. The applicant has proposed some pieces of green gym equipment and trim trail and these are appropriate and welcomed, alongside productive planting, interpretation, signage, public art and landscape features.

Recreation and Outdoor Sport

The Recreation and outdoor sport provision is to be provided off site through the payment of a commuted sum. The commuted sum (based on the current proposal for 160 family dwellings and does not taking into account any affordable housing provided) is £160,000 and will need to be paid on commencement of development. The commuted sum will be used to make additions, enhancements and improvements at Rugby Drive sports facility in line with the Supplementary Planning Guidance.

CONCLUSIONS AND REASONS FOR THE DECISION

Whilst the application site is allocated for employment uses, the Arup Employment Land review acknowledges that there is an over-supply of employment land, and recommends that the site come forward with 75% residential development, 25% employment use. During the determination of application 11/3738M – Land to the East of Larkwood Way, Members concluded that as there were a number of vacant office buildings on Tytherington Business Park, and take-up rates were low the site was not required for employment uses. The same argument can be made in respect of this case.

In accordance with paragraph 14 & 49 of the NPPF:

“housing applications should be considered in the context of the presumption in favour of sustainable development”, unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.

The site is considered to be in a sustainable location with access to local services, including shops, schools and good public transport links, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

The proposal will bring a number of redevelopment benefits namely:

- 160 dwellings comprising a good mix of house types and sizes, which will help meet the Council's housing targets;
- the provision of 30% will be affordable housing;

- a green link which will provide a pedestrian/cycle link between Manchester Road and Tytherington Business Park;
- on-site Public Open Space containing play provision;
- a wildlife corridor

In summary, for the reasons outlined, it is considered that the principle of residential use on the site is considered acceptable, and although the proposal does not comply strictly with policy, there are sufficient material considerations in relation to an oversupply of employment land which result in a recommendation of approval being made, subject to conditions and a S106 agreement.

HEADS OF TERMS

- 30% Affordable Housing of which 65% social or affordable rent, and 35% intermediate tenure
- A commuted sum would be required for Recreation / Outdoor Sport of £160,000 based on 160 dwellings (discount to be applied in respect of affordable housing). The commuted sums would be used to make improvements, additions and enhancements to the facilities at Rugby Drive playing field. The Recreation / Outdoor sports commuted sum payment will be required prior to commencement of the development.
- Provision of Public Art to be incorporated into green link proposals.
- Commuted sum of £2000 to mitigate against the loss of Barn Owl habitats. The £2000 would be used to deliver habitat improvements for barn owls locally, possible in partnership with the local barn owl group.
- Landscape and Habitat Management Plan

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 provision of 30% affordable housing is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

The commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 160 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The contribution/provision of some public art is necessary, fair and reasonable, as this form of expression is considered to represent good design and provide cultural awareness and stimulation which helps to deliver a quality environment for the new residents.

The contribution towards Barn Owl habitats is necessary, fair and reasonable, as the proposals will result in the loss of rough grassland habitat and the contribution will help deliver habitat improvements locally.

The Landscape and Habitat Management Plan is necessary, fair and reasonable to secure appropriate ongoing management for the Green link and all other open space/landscape areas that are not within private gardens and to secure public access in perpetuity.

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 Outline Planning

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

1. A01TR - Tree retention
2. A02TR - Tree protection
3. A01LS - Landscaping - submission of details
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A19MC - Refuse storage facilities to be approved
7. Commencement of development
8. Time limit for submission of reserved matters (within 3 years)
9. Submission of reserved matters
10. Implementation of reserved matters (Plans/reports/surveys/statements)
11. Compliance with parameter plans
12. The reserved matters application shall comprise no more than 160 dwellings
13. Existing and proposed site levels, contours and cross-sections plus details for any proposed retaining structures should be submitted with reserved matters application
14. Landscape Masterplan to be submitted with reserved matters application, to include POS landscape scheme
15. Submission of a detailed Public Open Space landscape management and maintenance plan
16. Submission of a detailed play provision scheme covering both formal enclosed LEAP play areas and the Incidental Play features

17. Provision of green link to be a minimum of 20m wide, to be completed prior to 1st occupation
18. Full Arboricultural Implication Study to be submitted with reserved matters application
19. Vehicular access to be taken from Manchester Road
20. Provision of ecological ponds within reserved matters application
21. Updated badger survey report to be submitted with reserved matters application & provision of badger tunnel under the link road, if necessary
22. Provision of a 2m wide wildlife corridor along the north eastern boundary of the site
23. Protection of nesting birds, and incorporation of features for breeding birds
24. Incorporation of features to house birds and bats to be submitted with reserved matters application
25. Construction Method Statement
26. Details of any pile driving to be submitted with Reserved Matters application
27. Hours of Construction
28. Information on walking, cycling and public transport to be provided in each building
29. Submission of lighting scheme with reserved matters application
30. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
31. Submission of a foul/surface water drainage scheme with Reserved Matters application
32. Submission of SUDS with reserved matters application
33. Provision of Internal access road to boundary edge to link up with Springwood Way, prior to first occupation of the dwellings
34. Submission of a phase II investigation with reserved matters application
35. Verification of the remediation works, if required
36. Remediation strategy if contaminants are found during development phase
37. Noise mitigation measures to be carried out in accordance with SRL Technical Report
38. Submission of robust travel planning with reserved matters application
39. Submission of dust control scheme with reserved matters application
40. Submission of a construction management plan with reserved matters application
41. Submission of a site waste management plan with reserved matters application

139m
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