

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.