

Application No: 14/3844M

Location: LAND OPPOSITE, LOWERHOUSE MILL, ALBERT ROAD,
BOLLINGTON

Proposal: Change of use from industrial to residential. Development of 33 new dwellings including 8 apartments, improvements to land levels, amenity, infrastructure and landscaping to suit.

Applicant: Rowlinson Investments Ltd

Expiry Date: 12-Nov-2014

REASON FOR REPORT:

The proposal is a major development requiring a Committee decision.

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the development taking place on a green field, however, the proposal falls on land which is allocated for employment uses and appeals on this site and the land opposite have been allowed and development has been found to be acceptable.

It is considered that a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for employment purposes has been established elsewhere and will help to contribute to both local housing needs, and the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing, contributions to public open space and local health care. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release, where it cannot be demonstrated that there is a need for the site to be safeguarded for employment purposes.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. In fact, the impact from a residential scheme would be less than that of a commercial one.

The design is considered to be appropriate as too is any impact on amenity. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

RECOMMENDATION:

Approval is recommended subject to conditions and completion of a S.106 Agreement.

DETAILS OF PROPOSAL

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 33 units, comprising 11 detached dwellings, 14 semi-detached and 8 apartments in one apartment block. The application would also include 10 affordable dwellings.

All properties would be provided with off street parking spaces. The detached and semi detached properties would have private gardens and the apartments would be surrounded by a shared amenity space.

It should be noted that initially the scheme was submitted for 34 units, however, revised plans were submitted, which see the number of dwellings reduced from 34 to 33, an increase in the amount of formally equipped play area from 195 sq m to 521 sq m, increased space separation distances, and an increase in the amount of amenity space around the apartment block.

SITE DESCRIPTION:

The application site consists of predominantly flat agricultural grassland surrounded by mature hedgerows.

To the south, it is bounded by residential dwellings on Woodlea Drive and to the east by industrial buildings on Albert Road. The road to the east of the site terminates at the Council's Household Waste Recycling Centre. To the north of the site is the River Dean, with open countryside beyond it.

The site area is 1.2 hectares.

Access to the site is taken from Albert Road. The residential properties on Woodlea Drive are two storey detached properties.

RELEVANT HISTORY:

07/2812P 10 Business industrial and storage units (outline) – Refused 25.01.08 – Appeal Withdrawn

06/2021P 12 Business, industrial and storage units (outline) – Refused 07.11.06 – Appeal Allowed 28.05.08

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

Development Plan:

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the whole site under policy E4. This policy allows for general industry (Class B2), warehousing (Class B8), high technology (Class B1b), and light industry (Class B1c) usage.

The relevant Macclesfield Local Plan Saved Policies are considered to be: -

Built Environment

BE1– Design Guidance

BE2 – Historic Fabric

Development Control

DC1 – New Build
DC3 – Amenity
DC5 – Natural Surveillance
DC6 – Circulation and Access
DC8 – Landscaping
DC9 – Tree Protection
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

E1 – Retention of existing and proposed employment sites
E4 – General Industrial Development

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
H13 – Protecting Residential Areas

Recreation and Tourism

RT5 – Open Space

Implementation

IMP1 – Development Sites
IMP2 – Transport Measures

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

- MP1: Presumption in favour of sustainable development;
- PG6: Spatial Distribution of Development;
- SE1: Design;

- SE2: Efficient Use of Land;
- SE3: Biodiversity and geodiversity;
- SE4: The Landscape;
- SE5: Trees, Hedgerows and Woodland;
- SE6: Green Infrastructure;
- SE9: Energy Efficient Development;
- SE12: Pollution, Land contamination and land instability;
- SE13: Flood risk and water management;
- EG3: Existing employment sites;
- IN1: Infrastructure
- IN2: Developer Contributions:
- SC4: Residential Mix
- SC5: Affordable Homes
- SD1: Sustainable Development in Cheshire East;
- SD2: Sustainable Development Principles; and
- CO1: Travel Plans and Transport Assessments.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

SPG on Section 106 Agreements (Macclesfield Borough Council)

CONSULTATIONS (External to Planning)

HIGHWAYS:

The Strategic Highways Engineer raises no objections to the proposals.

There are two points of access to the site; the northern most access serves 21 dwellings and the southern access serving 12 dwellings. The technical designs of the access points are acceptable and visibility has been provided at both junctions. The parking provision for the residential units within the site meets current standards.

ENVIRONMENTAL HEALTH:

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

It is recommended that a noise impact assessment is carried out (for the flats 1-8) to gauge any impact from the commercial/industrial uses both on the boundary and across the road, to inform the applicant as to any mitigation measures required from these potential 24hrs use noise generative sources.

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks.

UNITED UTILITIES:

No objection subject to a condition relating to site drainage.

A public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

HOUSING:

The Housing Strategy and Needs Manager Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield and Bollington.

The applicant has stated in their Planning Statement that the affordable units will be transferred to Peaks and Plains Housing Trust. The Design and Access Statement states that the affordable housing offer will comprise of 8no. 1 and 2 bed units and 4 houses (2 x 2 bed and 2 x 3 bed), they have also confirmed the 65% social rented and 35% intermediate tenure split. The Housing Strategy and Needs Manager initially had concerns about the housing mix, however, following discussions and revisions the Housing Strategy and Needs Manager now supports the scheme. Peaks and Plains Housing Trust would be the deliverer of the affordable housing.

PUBLIC RIGHTS OF WAY:

The Public Rights of Way Officer raises no objections to the proposed development. The Public Right of Way Officer advises the applicant that they should not interfere with the public right of way in any way – such interference may give rise to enforcement action being taken against the developer to prevent obstruction of the public right of way.

ENVIRONMENT AGENCY (EA):

Raised no objections in principle to the proposed development, subject to the following conditions and informatives:

The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA.

1. *Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
2. *Provision of compensatory flood storage.*
3. *Finished floor levels are set no lower than the 1% plus climate change plus 600mm freeboard, design river flood level.*

The EA have reviewed the Preliminary Risk Assessment with respect to potential risks to controlled waters from land contamination. Based on the information provided within the desk study the site's previous uses appear to be unlikely to give rise to significant contamination. Therefore, the EA have no requirements for additional works to be undertaken at this time in respect of controlled waters.

THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:

This development will generate 5 primary and 4 secondary aged pupils.

The primary schools within a 2 mile radius of the site are forecast to cumulatively have no unfilled places by 2019, and therefore a contribution will be required for those pupils generated by this development. $5 \times 11919 \times 0.91 = \text{£}54,231$.

There is forecast to be 72 unfilled places in the local secondary schools by 2020. However, the service has already considered this capacity against a number of approved applications and applications with resolutions to approve. On this basis a contribution will be required. $4 \times 17959 \times 0.91 = \text{£}65,371$.

GREENSPACES:

The Green Spaces Officer initially raised concerns with the private amenity space around the apartments, however, revised plans have been received, so further comments on this have been requested.

A detailed design scheme for the POS will be required. As will a S106 agreement. The revised plans have increased the area of POS. A commuted sum for offsite Recreation Open Space provision will be required. The amount for 33 family units would be £33,000. Further comments are awaited from the Green Spaces Officer.

REPRESENTATIONS

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice.

A petition with approximately 35 signatures has been received from local residents. The petition is simply titled "Say No to houses in Bollington".

Approximately 62 letters of objection have been received from local households. The objections are summarised as follows: -

Access –

Access by road is poor, being via Moss Brow – an extremely narrow and steep yet already very busy road and Albert Road (on which there are two primary schools and two infant nurseries with consequent gridlock twice a day, a fire station which needs clear access, a factory, many houses and a recycling centre, which sees heavy traffic from local residents recycling large items, particularly at weekends).

Housing traffic demand is very different to employment demand and will contribute massively to peak traffic levels. Peak times are the biggest issue with Albert Road and must not be increased further or gridlock will occur.

Green Belt -

The land should be returned to Green Belt with no housing or industrial buildings being built as it is a flood plain. The local flora and fauna would be destroyed.

The field provides access to footpaths and beautiful countryside used by dog walkers, runners and walkers. The land is also home to, or used by owls, bats, buzzards, badgers and other wildlife.

Building in this area will affect the views across the Cheshire Plain. It is at this point that the hills begin, and there are some outstanding views which must not be lost or affected by building in this location.

Is it wise to build houses adjacent to a refuse disposal site? They will be blighted by the noise and smells. It was sited there so as not to affect Bollington residents.

The land should be retained for industrial use as Bollington has lost most of its industrial land to housing developments over recent years.

When local people get together these days the main topics of conversation are the following: 1. The GP surgery is already overloaded and not as efficient as previously, and the same applies to the pharmacy. 2. Parents are already experiencing difficulty in getting their children into local schools. 3. How awful the traffic is in Bollington these days. 4. How sick and tired people are of having to continually write and protest in order to protect this area of Bollington.

The site should be left for business's use, as there are several businesses which are unable to find suitable ground or suitable premises locally. After looking now for over a year, the writer is unable to find anywhere locally that would suit his needs. The writer will have to travel to the surrounding areas like Stockport to find something suitable. If the site was to be divided into individual plots for development to suit small and medium businesses then the writer feels this would attract more people to this ground and that this would be beneficial to the local economy. The type of business use the writer sees a need for is units with some parking and working space that would suite manufacturing, food production and small offices.

Provision of flats is not in keeping with the property types available in the Lower house area. These should be removed from the plan.

The properties should be built in the same style and materials as the Woodlea Drive properties which are adjacent to stone properties. Any other materials would have a negative impact on Woodlea Drive.

As usual this site has been jam packed with houses for maximum profit with minimum aesthetic appeal. There is not enough parking on the plan to allow 2.5 cars per household. The number of properties should be reduced to reduce the number of cars. A visitors parking area should be provided adjacent to the play area which will attract additional traffic for children to play in this beautiful setting.

Impact on residential amenity -

The occupier of 8 Woodlea Drive comments that they have concerns about the prospect of having two blocks of two storey apartments overlooking their house. Given the small size of the gardens on Woodlea Drive, there is very little separation between the writers house and the boundary of the site meaning that the writers property will be in very close proximity to the residents in the apartments and considers they will be overlooked by the windows in that side of the building. The plans indicate that the bin area for the apartments would be located directly on the other side of the writers fence adjacent to the writers only outdoor seating area in their garden. The writer objects to this and would request that a different location is chosen. Finally, the only direct sunlight the writer currently gets in their garden in the morning is from the direction of the planned development, the location of the apartment block will block this sunlight completely.

The occupier of 6 Woodlea Dive comments that their property is not overlooked at all currently and the proposed development layout would change this, with the proposed apartments looking directly into their property and rear elevation of the writers home. The writer comments that the distance between the rear of the writers property and the proposed apartments is such that they could probably converse easily with any residents of the apartments from the comfort of the writers rear bedroom window or bathroom. The parking area proposed is less than 4m from one of the writers bedrooms and the potential disturbance and noise from the vehicles would ensure that the bedrooms at the rear of the writers property is compromised. Furthermore the proposed layout makes no consideration for the historic path or the right of way crossing the land, which is disappointing. The density of the houses in the plan is not in keeping with the immediate surroundings. Given the new development under way in Bollington the planners should consider if further housing is required and if the village infrastructure can cope. Is Bollington going to become too large and lose it's charm and character?

Flood risk –

The report states that “areas within Flood zone 3 will be lowered to increase water storage” This doesn't work, if areas are lowered they will be below the water table and will fill with water. This means that there is no additional volume available. They even say as much themselves further down by saying that “compensatory flood storage will be provided on an area elsewhere” This implies it is on an area outside the site which means that the site itself is not viable. Raising the land by 600mm and digging a ditch are insufficient protection against the volume of water that can flood.

Loss of employment land –

The situation is that in an economic downturn employment land will not be developed but will be saved for the future. Also with development of several key employment sites within Bollington (Kay Metzler and the canal side timber site) it is debatable if there is enough employment land in Bollington. This will be reviewed as part of the imminent Neighbourhood plan and any decision should await this review.

Other matters raised –

The Co-op is due to move in October and exiting site to be redeveloped for housing – meaning additional traffic for the duration of development.

Lowerhouses is a small hamlet – historically different to Bollington and should remain that way.

The development would cause light pollution and increased emissions from vehicles.

There is no clear case for the building of houses in this area at this time, given the existing availability of brown sites to meet housing demand over the life time of the strategic plan.

Total housing supply expectations for East Cheshire service centres will not be clarified until early 2015, pending local plan's land allocation process.

The site is not in a sustainable location.

The present bridge is very narrow, of short span over the river providing limited capacity and, by modern standards, of very poor quality. Therefore, in the unfortunate case that this development gets approval, CEC should grasp the opportunity and apply a condition requiring the bridge to be re-built with greater road width, height and span across a widened river at the entire expense of the developer, an expense that CEC are unlikely ever to justify on their own account.

New occupants will need healthcare and the children will need schooling. Do the Bollington Health Centre, the 4 primary schools and Tytherington High School have sufficient extra capacity to accommodate new patients and pupils? If not, the proposal should be rejected.

Whilst the developers will state that Albert Road will be the main access to the development, the occupants will more than likely use Moss Brow as a short cut.

The only solution that would satisfy us would be to close Moss Brow making both sections of the road cul de sac's. Would it not be an option to make it a condition of the application that the above road traffic improvements are carried out by the developer at their cost? This would alleviate our problem but would then increase traffic along Albert Road, although the move of the Coop to the new development at Waterhouse Mill should help.

Following the submission of revised plans, further neighbour consultation letters have been posted. At the time of preparing the committee report, no further comments had been received from residents.

VIEWS OF THE TOWN COUNCIL

Bollington Town Council recommends the application for refusal on the following grounds: -

1. The Town Council has consistently opposed all development on this land and has requested Cheshire East to consider returning this open countryside to the Green Belt. The land should return to Green Belt because it is rural open countryside, grazing land and not a typical brownfield site.
2. The Town Council asks that this Application be refused on the grounds that there is no objective need to build these houses in the area. The Cheshire East Local Plan is not clear about the number of houses to be built in the Town Council area up to 2030, however even if a high figure of 30% is used (330) the town is approaching that number with houses in the pipeline, or recently completed. An example of these, are the former Kay Metzeler Industrial Site with 91 homes being built over the next 2 years and numerous smaller developments within the Town. Also partly within the Town's boundary and immediately on our borders are the former Tytherington Business Park with 300 houses and the permission for 61 homes at Ingersley Vale. The location of these developments means that many of these residents will use Bollington's facilities some of which are stretched.
3. Of particular concern is that this application land is unsuitable for development because it is set partially within the flood plain of the River Dean as is acknowledged by the applicants. Even if there is amelioration, taking this land out of the flood plain will cause potential serious flooding further down the River Dean. Local knowledge indicates flooding of far greater volume than is acknowledged in the report. Building in the flood plain lays potential and existing residents open to the threat of flood damage and the threat of not being able to insure their homes. There has already been extensive reengineering of the River Dean, not acknowledged by the application documents, upstream of this flood plain which will increase water flow and therefore the volume of water build up at any one time and thus the risk of flooding.
4. The creation of 34 new dwellings including 8 apartments will add significant traffic to very overcrowded roads. Access to the site is either by the narrow steep road called Moss Brow which has a very dangerous exit onto Bollington Road. Moss Brow is used by school children; or access is down Albert Road which suffers from heavy traffic flows due to two schools, two nurseries as well as a large factory, a Fire Station and a very heavily used waste disposal and recycling centre. The applicant points out that the Coop Store at the top of Albert Road will be moving in future but that has no bearing on traffic flows down and up Albert Road which are very large at particular times.
5. When considering the plans in detail the Town council objects to the use of the access road to the recycling centre to provide access to the site. This road is too narrow to take the additional traffic and the exit will not be wide enough to safely accommodate vehicles entering and leaving the site.
6. The Town Council further objects to the creation of a block of apartments opposite the mill. Apartments are suitable when restructuring reused buildings such as churches or mills and the Town council has supported such developments. Free standing apartments

are not needed as part of the Towns planned infrastructure. The requirement is for affordable family homes of good quality build. This aspect of the development should be rejected.

7. When consulted later this year or early next year by Cheshire East Council in relation to the Local Plan, Bollington Town Council will reiterate strongly representations already made in November 2013 to Cheshire East that the two parcels of land on either side of the access road to the recycling centre were designated employment land in 1988 against the advice and wishes of local people and should be returned to the Green Belt as protected open countryside to prevent urban sprawl and to protect the integrity of Lowerhouse and Bollington as a whole. Until that request has been fully investigated and a decision taken no development of any kind should be considered on these sites.
8. In addition, it should be noted that the Bollington community have long held the ambition to create a Conservation Area in Lowerhouse to preserve and acknowledge the vital contribution of Samuel Greg and family to the history of the Town and to the industrial revolution in North East Cheshire. Further development on these open country sites would weaken the impact of that unique heritage which includes the mighty Lowerhouse Mill and reservoir built by Phillip Antrobus in 1819 and bought and renovated as a cotton mill by Samuel Greg junior in 1832. Samuel Greg took a benevolent view towards his employees, he improved the cottages in Long Row, built a school and library, allocated allotments and built the coach house. All these architectural elements are still clearly in place. Bollington Town Council supports the view of the Bollington Civic Society that this architectural heritage should be recognised and the Greg story commemorated as it is the basis of the Towns nickname of the Happy Valley. The Town Council therefore objects to development of open countryside as a degradation of this unique inheritance and while recognising this may not be a planning objection, would wish to bring to the attention of the Planning authority as the custodian through its responsibilities for conserving our architectural, historical, sociological, economic and industrial heritage, to the high level of potential damage that development of any kind on these sites would do to that heritage in this context in Bollington. The demand for a Conservation Area was presented to Macclesfield Borough Council in 2005 and was rejected precisely because the land was at that time designated employment land. Please note that throughout the boom years of the early 2000's no developer wished to use this site for employment purposes. It is highly likely that the demand for a Conservation Area to recognise the special heritage value of this area would be reiterated in any development of a Neighbourhood Plan for Bollington.
9. In terms of Neighbourhood Planning, the Town Council is about to declare its Neighbourhood Plan Area and begin the process of planning with the community what Bollington needs in terms of future development and where that development should take place. This will not be to stop development but to properly plan it alongside the other needs of the community such as access to open space which is acknowledged by Cheshire East Council to be less than required. This development and the one on the East side of the Household Waste Access Road, which is likely to be given the green light if this application is approved, will undermine that process and rob the community of the chance to consider these large plots of land within that Neighbouring Planning Process.

10. The Town Council meeting, which considered this application last night (16th September), was held at the local school because of the number of people who were likely to attend. As expected the School Hall was full. You will also note from the responses you have received directly from residents near and far from this development the depth of feeling within the community about the development of this land.

APPLICANT'S SUPPORTING INFORMATION

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Tree Survey Report;
- Transport Assessment;
- Preliminary Risk Assessment;
- Planning Statement;
- Ecological Report
- Flood Risk Assessment.

OFFICER APPRAISAL

The key issues are:

- Principle of the Development (Windfall Housing Sites);
- Loss of land allocated for Employment purposes;
- Principle of the Development (Need for Affordable Housing);
- Impact on open space;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Flood risk
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

Principle of the Development (Windfall Housing Sites):

The site lies within the settlement boundary of Bollington and within a Predominantly Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Bollington and by virtue of its proximity to shops and services within Bollington.

It is considered that this development on this site would make effective use of the land and make a contribution to the Council's 5 year land supply.

The site is allocated as an existing employment area where policy E4 (which normally permits Use Classes B2, B8, B1b and B1c) applies. Furthermore, Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan. Planning decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, there are a number of relevant material considerations when considering the proposed loss of employment land. These are:

- Replacement of a potentially unneighbourly use to adjacent residents.
- HGV's associated with the allocated use would be removed from the highway.
- The site is vacant and there is an oversupply of employment land in both the former Macclesfield Borough and the wider Cheshire East area.
- The proposed scheme provides a good mix of housing types. 30% of which is offered to be affordable.
- Some on-site public open space would be provided.
- Provision of family-sized homes in Bollington.
- The site is in a relatively sustainable location. The site has good access to the major road network (Wellington Road) and a bus service. Shops and schools are in walking distance.

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 is acceptable in this location and that a case to retain employment land would not be sustainable. This is looked at in more detail below.

Permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

Loss of Employment land

The application site is designated for employment uses within the Local Plan.

Policy E1 seeks to retain employment land for employment purposes. However, Paragraph 22 of The Framework states that:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. 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 local communities.”

The land at Albert Road has been allocated for employment use since 1997 and despite obtaining consent; it has never come forward for development. The Employment Land Review considers this site in Appendix E1 (page E1-123). It notes that the site has zero prominence, has been actively marketed for rent or for sale, has access constraints and flooding constraints. Other barriers to delivery of employment development include market conditions and the size of the market.

This would suggest that the site is not a prominent site in an attractive location for business as well as having some constraints to its development. The ‘Market Attractiveness’ section (completed by Colliers CRE) of the site pro-forma in the Employment Land Review suggests that residential use would seem a logical use for the site.

The employment land recently lost at Tytherington Business Park was intended for a completely different market sector (serviced offices) and it is not considered that the loss of that employment land increases the likelihood of the land at Albert Road being developed.

The following is a list of large employment sites in the former Macclesfield Borough where employment land is available:

- Tytherington Business Park
- Lyme Green Retail and Business Park
- Hurdsfield Industrial Estate
- Adlington Park
- Poynton Industrial Estate
- Stanley Green Industrial Estate, Handforth

This equates to there being approx 30 years worth of supply of employment land in the immediate areas of Macclesfield, Tytherington and Bollington based on historic take-up rates from 1996 and an over supply of employment land in Cheshire.

In the context of NPPF paragraph 22, on the evidence to date, it would be difficult to argue that there is a reasonable prospect of the site being used for employment purposes and therefore be protected for such use.

Principle of the Development (Need for Affordable Housing):

This application includes 10 affordable units with 6 to be provided as rented and 4 to be provided as intermediate tenure. It is understood that the units would be transferred to Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA).

The site falls within the Adlington, Prestbury and Bollington sub-area for the purposes of the SHMA update 2013. This showed a net requirement for 15 affordable homes per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 1x 1bd, 11x 2bd and 1x 4+bd general needs units and 2x 1bd older persons accommodation. In addition to this, information taken from Cheshire Homechoice shows there are currently 86 applicants, these applicants require 40x 1bd, 26x 2bd and 16x 3bd units.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 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. 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. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development. The IPS also requires that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007) or whatever standards the HCA are applying to their grant funding programme at the time.

The proposal provides 6 x 1 bed apartments for Social Rent and 4 x houses provided as 2 x 2 bed and 2 x 3 bed Intermediate units.

The Housing Strategy and Needs Manager is now happy with the residential mix.

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the

latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

If this application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Council's 5 year land supply position.

Bollington Town Council have commented that there is no need for the houses, and if 300 houses are needed in Bollington, adjacent areas like East Tytherington and Ingersley Vale can make up the shortfall. The Cheshire East Local Plan Strategy – Submission Version contains no specific housing figure for Bollington.

Bollington is one of thirteen Local Service Centres, which are to accommodate 2,500 houses between 2010-30. The application site is within the SHLAA (ref 4036), where it is referenced as contributing to the housing requirements in years 6-10 of the Plan. It states that the site is available, achievable and developable for 35 houses.

ENVIRONMENTAL SUSTAINABILITY

Requiring good design and character and appearance of the area:

The main public view would be from Albert Road from car borne residents who would be visiting the Council's Household Waste Recycling Centre, and on foot by people accessing the local footpath network. The site would also be visible from residents on Woodlea Drive. The apartments would have a small communal garden area. The dwellings are proposed to be constructed in brick or natural stone with man made stone slates on the roof. Stone cills and thresholds to windows would be used. The materials can be conditioned, should planning

permission be granted. The dwellings and apartment block would be two storey. The design of dwellings is considered to be appropriate to the local area.

Highways access, parking, servicing and highway safety:

There are two points of access to the site, the northern most access serves 21 dwellings and the southern access serving 12 dwellings. The technical designs of the access points are acceptable and visibility has been provided at both junctions. The parking provision for the residential units within the site meets current standards.

Albert Road joins the B5090 Wellington Road and is a straight road of reasonable standard, it does also serve two primary schools that causes considerable on-street parking at school times in both the morning and afternoon. There are other existing industrial premises served from Albert Road.

In regard to the traffic implications of the development, a development of 33 units is not considered a major development in highway terms and is likely to generate some 22 two way trips in the peak hours along Albert Road and Moss Brow. It has to borne in mind that the industrial consent for the site would have produced a similar level of traffic on the road network but also have included an element of HGV's. All of the development trips to and from the site would not use Albert Road, a proportion of trips will be via Moss Brow.

The access road, which concludes at the Council's Household Waste Recycling Centre measures 5.5m for the short section which would be accessed by traffic generated by the proposed development. This is suitable to cater for two-way traffic, as identified by "Manual for streets".

It should be noted that the appeal decisions for industrial development on the application site have not found the access arrangements for industrial vehicles to the site to be inadequate.

In summary, there has been an acceptance that the land in this proposal can be developed for industrial use and this is material factor in the assessment of this application. From a highway point of view, it would be preferable if this site was residential as it would not have the HGV element of vehicle trips on the local road network. It is accepted that at peak school times there is considerable on-street parking associated with the two primary schools, although this problem is confined to relatively short times in the morning and afternoon. The problem with parent parking occurs outside most schools and planning applications are not normally refused on all roads that have schools located on them. Considering this particular application, the quantum of development does not produce a severe impact on the road network even if all trips were routed along Albert Road. The traffic associated with the site will be distributed on two routes and also only a percentage of development traffic will travel during the peak school time, the Strategic Highways Manager cannot therefore recommend that there is a highway reason to refuse this application especially when industrial development has previously been approved on the site.

Residential Amenity:

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located adjacent to the River Dean and fields. The main relationship with existing dwellings are those on Woodlea Drive.

It is considered that the relationship with the properties on Woodlea Drive would be acceptable. The distance between the rear of the third and fourth properties on Woodlea Drive and the proposed apartment block would be approximately 15m and it is noted that there are no habitable windows on the facing elevation of the apartment block. The distance between the dwelling at the end of Woodlea Drive and plot 16 would be approximately 18m, which would be on balance acceptable given the existing landscaping on the boundary. Overall, it is considered that the application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or by being overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

With regard to the inward levels of amenity provided to the occupiers of the proposed new dwellings. It is considered that this broadly satisfies the amenity standards of the local plan. However, the distance between plots 11 and 14 is too tight. The applicants' agent has been asked to address this and subject to an alteration here, it is considered that the internal relationships would be acceptable.

In addition, it is considered that the area of communal space around the apartment block is too limited. The applicants agent has been asked to reconsider this.

ARBORICULTURAL IMPLICATIONS:

The application was initially supported by a Tree Survey but not by an Arboricultural Implication Assessment. The Tree Survey indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2005 Trees in Relation to Construction. This document is now obsolete, and has been superseded by BS5837:2012 (Trees in relation to design, demolition and construction).

The submitted plans and particulars were more illustrative than accurate and are not cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan.

An updated tree survey and implication assessment was submitted in response to comments received from the Arboricultural Officer, these provide more detailed information relating to the protection of tree roots, tree and hedgeline protection measures during the proposed construction works and an assessment of the hedge status and condition in the area of the proposed new vehicular entrance.

It is accepted in arboricultural terms that given the openness of the central core aspect of the site, development should be able to be accommodated without impacting on those trees protected as part of the 1993 TPO on the offsite trees to the west.

The identified layout establishes adequate space in terms of social proximity and initial concerns about plots 9 and 22 have now been addressed in terms of the provided “no dig” construction specification.

ECOLOGICAL IMPLICATIONS:

The Council's Nature Conservation Officer has considered the ecological issues associated with the proposed development.

Grassland habitats

The majority of grassland habitats on site are of limited nature conservation value. There are however two areas of grassland located near to the River Dane which are more diverse and worthy of retention as part of the proposed development. The submitted landscape plan refers to river margins being planted up. In order to safeguard the existing nature conservation value of the river corridor, the Nature Conservation Officer has advised that the landscape proposals should state that the river margins would be safeguarded and managed appropriately. An area of 2758 sq m has been defined for amenity and species rich grassland to be maintained and managed adjacent to the River Dean

If planning consent is granted, the Nature Conservation Officer recommends that conditions be attached to ensure no development takes place within 8m of the top of the bank of the River Dane, and that a method statement be submitted for safeguarding of the river corridor during the construction process. In addition, a condition requiring the submission of a habitat management plan would be required.

Roosting bats and trees

A tree on site was initially identified as having potential to support roosting bats. An updated Bat Survey has been received, which concludes that there are no issues with the tree proposed for removal – once the surveyors were able to climb the tree for a close inspection the tree was found to have limited potential to support roosting bats.

Hedgerows

Hedgerows are a habitat of principal importance and hence a material consideration. The proposed development is likely to lead to the loss of a section of hedgerow to facilitate the proposed site entrance. It is recommended that the submitted landscaping plan be amended to include suitable replacement planting to compensate for the loss of this section of hedgerow. It is considered that this replacement planting can be secured under a landscape condition.

Otters

No evidence of otters was recorded during the submitted survey however this species is known to be present on the River Dean. However, as the application site supports limited opportunities for otters to seek shelter or protection and a buffer adjacent to the river will be provided it is advised that the proposed development is unlikely to have a significant adverse impact upon this species.

However, to secure an enhancement for biodiversity, it is recommended that if planning consent is granted, a condition be attached requiring the applicant to submit proposals for the construction of an artificial otter holt as part of the proposed development.

Badgers

Badgers are active upon the application site but no evidence of a sett was recorded. The Nature Conservation Officer advises that the proposed development is likely to result in the loss of foraging habitat for this species but this impact is not likely to be significant. However, as the status of badgers can change within a short timescale it is advised that if planning consent is granted a condition should be attached requiring the submission of a further badger and assessment survey prior to the commencement of the development.

Breeding birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds as part of the proposed development:

Conditions

If planning consent is granted the Nature Conservation Officer advises that the following conditions should be attached:

- Submission of details for compensatory native species hedgerow planting
- Landscaping plan for the river corridor which includes the retention, wherever possible, of the semi-improved grassland habitats as shown on the submitted phase one habitat survey.
- Provision of 8m undeveloped buffer zone adjacent to the river. Where any works are required within this buffer details for the reinstatement of semi-natural habitats following the completion of development should be submitted.
- Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
- Submission of detailed proposals for the construction of an artificial otter holt.
- Safeguarding of breeding birds
- Submission of proposals for the provision of features for nesting birds and roosting bats.
- Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam.

ENVIRONMENTAL HEALTH:

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

Due to the proximity of the proposed residential development particularly but not restricted to flats 1 – 8 on the southern aspect of the site to commercial/industrial premises it is recommended that a noise impact assessment is carried out to gauge any impact from the commercial/industrial uses both on the boundary and across the road. This assessment will inform the applicant as to any mitigation measures required from these potential 24hrs use noise generative sources. This matter can be conditioned.

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. The transport statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

LAND CONTAMINATION:

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Report submitted in support of the application recommends that further investigation is required to address the potential for ground gas risks. The Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

DRAINAGE MATTERS:

A water supply can be provided and a separate metered supply to each unit will be required. United Utilities suggest that conditions are attached to ensure that no development is commenced until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. In addition, it is noted that a public sewer crosses this site and United Utilities will not permit building over it. United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

ENVIRONMENT AGENCY:

It is noted that the Environment Agency has assessed the submitted Flood Risk Assessment and comment that if the suggested measures included within the FRA are undertaken, that the proposed development will meet the requirements of the NPPF.

The River Dean is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agencies prior written consent is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Dean. The proposed layout shows an 8 metres wide strip that is clear and unobstructed, between the top of the river bank and the boundary of the proposed development, which is acceptable in principle. Any proposed surface water outfall structure will require consent as above. The outfall structure should be built wholly within the bank profile using materials in keeping with the local area. The surface water discharge exit velocity should not exceed 1.0 metre/second and be angled with the direction of flow.

The position of the redundant mill channel that passes through the site should be determined and its condition ascertained. The layout should avoid proposed buildings over the line of the redundant mill channel, as this could lead to difficulties with access for maintenance to the mill channel.

The submitted Flood Risk Assessment (FRA) demonstrates that compensatory flood storage will be provided, to mitigate for the flood plain taken by the proposed development such that river flooding will not be increased elsewhere. The proposed buildings are to be set with a minimum floor level, which is to be no lower than the '100 years plus climate change plus 600mm freeboard' design river flood level. This is acceptable to companies providing insurance. The FRA is based on the latest river modelling data for the River Dean.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bollington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Developer Contributions:

In accordance with the Councils SPG on S106 (Planning) Agreements, the proposal triggers the need for both Public Open Space (POS) and Recreation / Outdoor Sports (ROS) provision, in line with the current CEC policy. The requirements are as follows: -

Public Open Space (POS)

The POS requirement at a rate of 40sqm per dwelling will be 1,320sqm of play and amenity open space.

It is noted from the application that it is proposed to provide this on site as part of the development. Whilst there is some merit in providing this on site, the location, design and accessibility is crucial and the scheme presented is not considered to be acceptable.

- The play space should be located together, not split across the site
- The open spaces should be well considered and located with purpose. They must be clearly capable of delivering a consistent facility. It is not acceptable to allocate a verge

along a road edge as informal play space nor is it acceptable to overlay open space use over areas retained for other reasons

- The spaces should be suitably landscaped and be of a useful size, containing elements of interest to a wide range of residents
- The open spaces should have good surveillance and adequate buffers from property boundaries and roads and parking
- Access to open spaces should be clear and defined and available to the wider public

A detailed design scheme for the POS will be required. As will a S106 agreement.

If insufficient POS is provided on site, a commuted sum for offsite provision will be required.

Clarification has been sought from the applicant as to how the applicant proposes the onsite open space to be managed. It is a requirement that the open spaces be provided in perpetuity and measures taken to ensure this. The council may consider accepting transfer of the open spaces with the required 15 year commuted sum for maintenance. This matter will need to be agreed prior to the completion of a S106 agreement. If the applicant intends to retain the POS provision then a landscape management plan will need submitting prior to consent.

Recreation Open Space (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 33 family units would be £33,000. A more accurate com sum figure can be calculated once further comments have been received from the Green Spaces Officer.

The commuted sum will be used to make additions, improvements and enhancements to existing Recreation and Outdoor Sport (pitches, courts and greens) provision in Bollington. The commuted sum will be used at Bollington Recreation Ground and/or Bollington Cross. The spend period will be 15 years.

Responses to issues raised by third parties:

The comments provided by consultees, the Town Council and residents in relation to infrastructure issues, highways issues, flood risk and wildlife issues, housing need and affordable housing, design and built environment issues and loss of employment land are noted and covered under the headings above.

In terms of Green Belt, the NPPF is clear that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. The Green Belt Assessment (2013) sets out what the exceptional circumstances are to justify releasing land from the North Cheshire Green Belt but these exceptional circumstances would not apply to adding land to the Green Belt. Therefore, any proposal to put this land in the Green Belt would need to demonstrate the exceptional circumstances particular to this site (in the context of the five purposes of Green Belt – i.e. not including flooding, access, ecology etc). It is the view of officers that this would be very difficult to justify. The Submission Version of the Local Plan (May 2014) has no proposals for de-allocating sites and returning them to Green Belt. The opposite is the case around towns in North Cheshire. In Macclesfield, it is proposed that 700 houses should be built in the Green Belt.

Bollington has not formally started on the Neighbourhood Planning process, but there is interest in this and informal meetings have been held. As discussed, it is not clear whether Neighbourhood Plans can alter Green Belt boundaries (NPPF paragraph 83 “Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.”) It is considered that due to the fact that Bollington Town Council is only “about to declare its Neighbourhood Plan Area and begin the process of planning with the community what Bollington needs in terms of future development and where that development should take place”, it would be inappropriate to withhold granting planning permission on this basis, as this process has not yet commenced and its future and timescale for resolving a Neighbourhood Plan is some way off, possibly up to 2 years.

It should be noted that application 06/2021P was refused on the grounds of insufficient information being provided in order to assess the impact of the proposed development (at that time 12 no. industrial and storage units) having regard to the risk of flooding from the development. It is considered that the FRA submitted complies with the NPPF and the statutory body responsible for flood risk, the Environment Agency, has raised no objections. It is therefore considered that a refusal on the grounds of flooding could not be justified.

The impact of the traffic which would result from the development is considered to be less than that which would be associated with employment use of the land and it is considered that the removal of commercial vehicles from the local area would actually provide a benefit to the local residents. The Strategic Highways Manager raises no objections to the scheme and considers the access arrangement to be acceptable.

The request for the area around Lowerhouse to become a Conservation Area has been previously considered and rejected because the land was at that time designated employment land. This factor has not changed. Under the prevailing Macclesfield Borough Local Plan the site is allocated for Employment purposes and therefore, it would not be justified to refuse development on the basis that it could be reallocated at some time in the future via the Local Plan process.

Heads of Terms for a Legal Agreement:

- **30%** Affordable Housing (i.e. 10 units as proposed);
- A contribution of **£54,231.00** is required towards primary education;
- A contribution of **£65,371.00** towards secondary education.
- Provision of **£33,000.00** towards Public Open Space.

Community Infrastructure Levy (CIL) Regulations

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) Fair and reasonably related in scale and kind to the development.

The provision of 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 33 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for both primary and secondary school places in and around Bollington, where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the S106 contributions associated with the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS AND REASON(S) FOR THE DECISION

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

During the application process, negotiations have taken place between officers and the developer, which has resulted in the submission of a revised layout plan which has improved space separation distances and the amount of public open space on site. The Housing Strategy and Needs Manager supports the proposals and the mix of affordable housing which is now proposed.

It is acknowledged that local residents have repeatedly sought to resist development on this site. Appeals on this site and the land opposite have been rejected and employment development has been allowed. It is considered that a scheme for housing would fall in line with policies contained within the NPPF. The principle of developing land which is allocated for employment purposes has been established elsewhere and will help to contribute to both

local housing needs, and the Council's five year housing supply. It is also considered that housing on the application site will also have a more positive impact on the local area than industrial development.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Northern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Application for Full Planning

RECOMMENDATION:

1. A01AP - Development in accord with approved plans
2. A03FP_1 - Commencement of development (3 years)
3. A01GR - Removal of permitted development rights
4. A01LS - Landscaping - submission of details
5. A02HA - Construction of access
6. A04LS - Landscaping (implementation)
7. A04TR - Tree pruning / felling specification
8. A15LS - Submission of additional landscape details
9. A16LS - Submission of landscape/woodland management plan
10. A02TR - Tree protection
11. Breeding Birds
12. Nesting bird mitigation measures
13. Boundary Treatment
14. Noise mitigation scheme
15. In accordance with Flood Risk Assessment
16. CONSTRUCTION HOURS OF OPERATION
17. Should any contamination be found, a remediation strategy shall be submitted to the EA
18. Features for roosting bats to be incorporated into housing
19. Provision of 8m undeveloped buffer zone adjacent to the river

20. Method statement for the safeguarding of the river corridor and associated habitats during the construction process.
21. Submission of detailed proposals for the construction of an artificial otter holt.
22. Submission of 10 year habitat management plan including proposals for the eradication of Himalayan Balsam
23. Submission of updated badger survey prior to commencement of development.
24. Pile foundations
25. Electric Vehicle Infrastructure
26. Dust control
27. Contaminated Land
28. Engineer designed no dig hard surface construction for the driveway and parking areas located within retained trees Root Protection Areas required
29. Travel Plan

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