

Application No: 16/1560M
Location: NED YATES NURSERIES, MOOR LANE, WILMSLOW, CHESHIRE, SK9 6DN
Proposal: Erection of 14 no. dwellings with associated access and infrastructure
Applicant: Elan Homes
Expiry Date: 01-Jul-2016

REASON FOR REPORT

The application is a major development that requires a committee decision.

SUMMARY

The application site is a previously developed site in the Green Belt and the proposal is not considered to have a greater impact on openness of the Green Belt or the purpose of including land in the Green Belt than the existing development. The proposal is therefore an appropriate form of development in the Green Belt. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would make financial contributions to public open space in the local area.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The proposals would result in a reduction in vehicle movements and levels of commercial activity, which would be a benefit local residents

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon ecology and trees is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.

The adverse impacts of the proposal include:

- The proposed development would be more visible from surrounding vantage points than the existing, however this would result in only very limited harm to the character of the area, and proposed landscaping would provide suitable mitigation.
- There would be a loss of employment in the local area due to the relocation of the existing businesses

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval subject to conditions and the Heads of Terms listed in the report. However, as noted above in order to allow time for the updated bat surveys to be completed, it is recommended that the application is delegated back to officers in consultation with the Chairman for approval.

RECOMMENDATION

Delegate back to Planning & Enforcement Manager in consultation with the Chairman to approve subject to conditions and a Section 106 agreement

PROPOSAL

This application seeks full planning permission for the construction of 14 no. dwellings with associated access and infrastructure.

SITE DESCRIPTION

The application site comprises a number of buildings and structures associated with Ned Yates Garden Centre (with retail shop and restaurant), Jacques Landscaping, and a car repair business, along with areas of hardstanding, storage and car parking associated with those uses. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

No history relevant to the current proposal.

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
89. Green Belt

Development Plan

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan. The relevant Saved Policies are:

Macclesfield Borough Local Plan Policy
NE11 Nature conservation interests
BE1 Design Guidance
GC1 Green Belt
RT7 Cycleways, Bridleways and Footpaths
H1 Housing requirement
H2 Environmental Quality in Housing Developments
H8 Provision of Affordable Housing
H13 Protecting Residential Areas;
DC1 Design criteria for new build
DC3 Amenities of residential property
DC5 Design – natural surveillance
DC6 Circulation and Access
DC8 Landscaping
DC35 Materials and Finishes
DC36 Road layouts and circulation
DC37 Landscaping in housing developments
DC38 Space, light and Privacy
DC40 Childrens Play Provision and Amenity Space
DC63 Contaminated land

Cheshire East Local Plan Strategy – Proposed Changes Version

Relevant policies of this document are:

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
SC4 Residential Mix
SC5 Affordable Homes
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
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
National Planning Practice Guidance
SPG Planning Obligations

CONSULTATIONS

Head of Strategic Infrastructure - No objections

Environmental Health - No objections subject to conditions relating to dust control, electric vehicle charging and contaminated land.

Housing - No objections subject to 30% affordable provision

ANSA – Comments not received at time of report preparation

Education – Comments not received at time of report preparation

Public Rights of Way – No objections

Flood Risk Manager - Comments not received at time of report preparation

United Utilities - No objections subject to conditions relating to foul and surface waters

Manchester Airport – No objections subject to detailed surface water drainage strategy

Wilmslow Town Council – No objections

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

12 letters of representation have been received – 2 make general comments, 9 support the proposal and 1 raises concerns / objections:

General comments:

- S106 money should be used to improve highway (traffic calming), local schools or Gravel Lane Park.
- Additional traffic may present a risk to pedestrians, cyclists and horse riders.
- Is affordable housing being provided on site?
- If allowed, one of the Green Belt sites identified in the emerging local plan should be reduced accordingly

Support

- Bungalows cater for a wider range of people
- Support principle of using brownfield site
- A good development for Wilmslow
- Good access to local services
- Reduction in traffic movements
- Ecological impact kept to a minimum
- Development will take pressure off Green Belt sites

Object

- 14 houses on a small plot
- Maintenance of character of area
- Road may be overwhelmed by increase in traffic
- Prolonged inconvenience and annoyance caused by the building works
- Safety issues during the development phase and no pavement on road with potential for significant increase in traffic, particularly before and after school
- Possibility of direct damage to neighbouring property
- Proximity of the nearest bungalow to adjoining neighbour

APPRAISAL

The key issues are:

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Further to this, the NPPF clearly states at paragraph 49 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."

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

"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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted."*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

ENVIRONMENTAL SUSTAINABILITY

Green Belt

Local Plan policy GC1 and paragraph 89 of the Framework state that the construction of new buildings within the Green Belt is inappropriate unless it is for one of the listed exceptions. The relevant exception in this case is *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*.

It is confirmed that the site is a previously developed site in the Green Belt. The majority of the existing buildings are largely concentrated in the south western corner of the site, others are loosely spread across the site. The maximum ridge height of any of the existing buildings is 6.3 metres. The structure to the eastern side is an open sided timber pergola type structure, which is relatively lightweight in form, and has a maximum height of around 3 metres. There are numerous other structures such as fenced compounds, skips, shipping containers and vehicles which all currently impact upon the openness of the Green Belt. The common factor with all these ancillary items is that they are all relatively low level.

The proposed dwellings have ridge heights ranging between 5.1 metres and 7.2 metres, and the buildings are spread across the site. In order to demonstrate the impact on openness, the applicant has submitted volume calculations for the existing and proposed buildings. The existing buildings have combined volume of 7,664 cu.m. and the proposed have a combined volume of 8,474 cu.m. A difference of 810 cu.m, an 11% increase. In addition the proposal will result in a reduction in the amount of hardstanding across the site of 2371sqm or a 39% reduction on the existing. This existing hardstanding accommodates:

- Parking of cars by visitors and staff;
- Parking of vans, skip waggons, goods vehicles associated with the landscaping business;
- Storage of a range of materials associated with both the garden centre use and the landscape contractors use;
- Storage of rubble, concrete, pallets and other ‘waste’ materials carried out on site.
- Shipping containers associated with the existing uses.

All these items do have an existing impact upon the openness of the Green Belt as do the general levels of activity associated with the lawful uses of the site. Overall it is considered that the proposed development will not have a greater impact on openness than the existing development. Furthermore, the proposed development is located in the area occupied by the existing buildings and hardstanding and does not encroach further into the countryside. The proposal is also not considered to have greater impact on the purpose of including land within it than the existing development. The proposal is therefore not inappropriate development in the Green Belt. It is however recommended that permitted development rights are removed to ensure that there is no greater impact upon the openness or character of the Green Belt.

Design / character

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development

should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

The site is located within a semi-rural area where the built up area “thins out”, and agricultural / equestrian buildings are interspersed with dwellings. The local area is characterised by a variety of house types – predominantly two storey terraced, semi-detached and detached properties constructed in brick. The design of the proposed dwellings is considered to be adequately in keeping with this established context. Due to the increased height of the buildings, it is considered that the proposed development will be more visible from surrounding vantage points than the existing, however landscaping is proposed which will help to mitigate this impact.

Of perhaps more significance is the boundary treatment. Due to its semi rural location soft boundary treatments will help the development better integrate with its surroundings. There appear to be some significant lengths of walls / fences proposed particularly along the site boundaries, where softer treatments would perhaps better reflect the site’s context. Discussions are ongoing in this regard to see if the boundary treatment can be softened.

Subject to outcome of these discussions, overall the proposal is not considered to have a significant impact upon the character of the area, and would accord with policies BE1 and DC1 of the Local Plan.

Trees

Comments from the Council’s Forestry Officer are awaited and will be provided as an update.

Ecology

The nature conservation officer has commented on the application and confirms that it is supported by an extended phase one habitat survey application which includes the results of a bat survey.

Evidence of roosting bats was recorded in a number of buildings on site. Based on the quantity of fields signs observed and the result of the bat activity surveys it appears that there are minor roosts of two species of bat present.

The bat activity surveys were however undertaken late in the season so the nature conservation officer advises that it is possible that evidence of a more significant roost may have been missed.

Mitigation and compensation proposals have been submitted which include the creation of a replacement bat loft. These proposals are considered to be suitable to address the loss of the identified roosts and may also be suitable to compensate for a more significant roost.

There is however a risk that Natural England may reject a subsequent licence application due to the proposals being ‘over mitigation’ for the loss of minor roosts.

As the optimal bat survey season is now upon us the nature conservation has recommended that a further bat activity survey be undertaken to allow the level of bat activity to be more confidently established. This further survey should focus on those buildings where evidence of bat roosting has already been recorded and the results of the surveys should inform the development of a proportionate mitigate package.

These surveys require multiple visits, which will unfortunately take us past the committee date. However, given that mitigation in the form of a replacement bat loft has been proposed that may also be suitable mitigation for a larger roost, it is suggested that the application is delegated back to the Planning & Enforcement Manager in consultation with the Chairman to determine, once the appropriate mitigation has been identified. Assessment against the habitats regulations will also be carried out at that time.

Residential Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

There is only one neighbour that shares a boundary with the application site. Moor Lane House is located immediately adjacent to the south west boundary of the site. The existing buildings on the site are also concentrated in this area, and the proposal moves the built form further away from the boundary compared to the existing buildings.

The corner of the dwelling on Plot 14, which is a bungalow, is located approximately 1.8 metres from the boundary shared with Moor Lane House. This represents an improved relationship compared to the existing situation, and given the single storey nature of the proposed dwelling, there is not considered to be any significant impact upon the living conditions of the occupiers of Moor Lane House. The rear elevation of Plot 11, will be over 20 metres from the rear elevation of the neighbour, which is below the guidelines in policy DC38 but does still represent an improvement compared to the existing situation.

The proposed layout shows that the most of the proposed dwellings are able to meet the distance guidelines set out in policy DC38 of the local plan. Some distances between proposed dwellings do fall 1 or 2 metres short of these guidelines; however, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission. No further amenity issues are raised, the proposal is therefore considered to comply with policies H13, DC3 and DC38 of the local plan.

Accessibility

There are three primary schools within walking distance, and local shops are available at Lindow Parade on Chapel Lane, which is also within walking distance and would provide for most day to day needs. The nearest bus stop is approximately 250 metres from the application site on Moor Lane with Wilmslow Town centre approximately 3kms from the site. The closest healthcare provision is again close to Wilmslow Town Centre at the corner of Bedells Lane and Chapel Lane. Local facilities are therefore considered to be accessible by a range of transport options from the application site.

Highways

The Strategic Infrastructure Manager (SIM) has provided the following comments on the application:

Local highway network

Moor Lane is a lightly trafficked lane; in the vicinity of the site the carriageway width varies between 4.0m and 6.0m with no footway provision and a speed limit of 60mph; although immediately to the east of the site the limit reduces to 30mph. Site observations indicate that actual speeds are generally lower than 30mph due to the alignment and character of the road.

Internal site layout

Referring to the revised Elan Homes drawing number WM-PL-001 rev J, the internal site layout has been designed to adoptable standards and off-street parking provision is in accordance with CEC's minimum standards for residential dwellings. The proposed layout is acceptable to the SIM.

Access

Access to the site is taken from a priority controlled junction with Moor Lane located in the position of the existing site access; the proposed junction layout is illustrated in in Elan Homes drawing number WM-PL-001 rev F. The layout comprises:

- A site access carriageway width of 4.8m;
- Corner radii of 6.0m; and
- 2.0m wide footways.

Site access visibility with Moor Lane is substandard, however, the site has been in use for a number of years serving the Garden Centre, Landscaping and Car Repair businesses and a review of road traffic Personal Injury Accident (PIA's) statistics reveals there have been no reported PIA;s in the vicinity of or associated with the site access. Given the limited scale of the development proposal it is unlikely that there will be a material impact on road safety in the vicinity of the site access.

In terms of junction geometry, layout and visibility, the access proposals are considered to be acceptable to serve a development of 14 dwellings in this location.

Traffic Impact

A development of 14 dwellings would be expected to generate less than 10 two way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network. Furthermore, the development proposals are likely to generate fewer peak hour and daily trips than the site could generate, if the existing uses were all fully operational.

Overall the SIM has no objection to the proposed development, and no highway safety issues are raised.

Flood Risk

Comments from the Flood Risk Manager are awaited and will be reported to Members in an update.

Contaminated land

The contaminated land officer notes that the application site is within 250m of a known landfill site or area of ground that has the potential to create gas, and given that the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition requiring a phase 1 contaminated land survey is recommended.

SOCIAL SUSTAINABILITY

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 14 dwellings on a site which is larger than 0.4ha and so therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 1 unit as Intermediate tenure.

The SHMA 2013 shows the demand in the sub area of Handforth & Wilmslow is for 49 x 3 bed, 5 x 4 bed, 13 x 1 bed older person and 3 x 2 bed older person dwellings. The demand on Cheshire Homechoice is for 115 x 1 bed, 144 x 2 bed, 77 x 3 bed and 18 x 4 bed dwellings. The Vulnerable and Older Peoples Housing Strategy also evidences that there is a need for older person's accommodation in Wilmslow therefore the proposed bungalows on this site would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings. The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

The proposal development includes the provision of four 2 bed bungalows on site as affordable units, one of which will be intermediate with the other three being affordable rent. This can be secured through the s106 agreement. The affordable provision is therefore considered to be acceptable.

Education

Comments from the education department relating to capacity in local schools and any required contributions are awaited and will be reported as an update.

Open Space

Policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space (POS) per family dwelling. A financial contribution will be required in lieu of on site provision at a rate of £3,000 per family dwelling. This would result in a total POS contribution of £42,000.

In addition contributions towards off site provision of outdoor sport and recreation facilities (ROS) in the local area will be required at a rate of £1,000 per family dwelling. Although this is waived for the affordable units. Therefore this will result in a total ROS contribution of £10,000.

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 Wilmslow town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain. There would of course be a loss of employment in the local area due to the relocation of the existing businesses. It is understood that the site owners are looking to relocate to somewhere within Cheshire East.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- £42,000 POS contribution
- £10,000 ROS contribution
- Provision, tenure and phasing of 30% affordable housing

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 affordable housing, and financial contributions towards public open space and outdoor sport and recreation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

PLANNING BALANCE

The application site is a previously developed site in the Green Belt and the proposal is not considered to have a greater impact on openness of the Green Belt or the purpose of including land in the Green Belt than the existing development. The proposal is therefore an appropriate form of development in the Green Belt. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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The adverse impacts of the proposal include:

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RECOMMENDATION

Delegate to Planning & Enforcement Manager in consultation with the Chairman to approve subject to conditions and a s106 agreement.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Removal of permitted development rights
5. Submission of construction method statement
6. Foul and surface water drainage details to be submitted
7. Electric vehicle charging points to be provided
8. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
9. Post demolition Phase II ground investigation and risk assessment to be submitted
10. Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination
11. Advise LPA of any unforeseen contamination
12. Nesting birds survey to be submitted
13. Refuse storage facilities to be submitted



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