

APPLICATION NO: 21/1249M

LOCATION: Land West Of London Road And South Of, GAW END LANE, LYME GREEN

PROPOSAL: Full planning permission for the erection of 42 dwellings including access and associated works

CONSULTATIONS

The following consultation response has been received since the preparation of the report:

ANSA / Greenspaces: No objection subject to financial contributions towards Public Open Space (POS), Recreation Open Space (ROS) and Indoor Sport and Recreation. £126,000 would make enhancements additions and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow, £42,000 would go towards Recreation Open Space at Congleton Road Playing Fields and £11,800 towards Macclesfield Leisure Centre.

ADDITIONAL REPRESENTATIONS

A further representation has been received objecting to the proposal on the grounds summarised below:

- The proposed drainage plan is not acceptable. A discharge into a shallow agricultural ditch is not an acceptable way of disposing of runoff water
- Contaminants will affect nearby pond and drinking water for wildlife
- A hydro brake of SL/s suggests a higher anticipated flow, however, at SL/s would equate to an output of 18,000L/h or 432,000L/d which would cause flooding of the ditch and adjacent field
- A court injunction can be obtained to block any such proposed discharge into the ditch
- The proposal is contrary to LPS 17 and the figure of around 300 homes should be adhered to and has already been fulfilled
- This section of London Road already present dangers in terms of road safety with the speed limit being ignored
- Proposal does not provide green buffers with London Road or Rayswood Nature Reserve
- No mitigation for trespass or illegal entry into Rayswood Nature Reserve
- If approved, it will constitute wilful maladministration by overriding LPS 17

OFFICER COMMENT

Public Open Space and Recreation

The application triggers the requirement for the provision of open space, outdoor sport and recreation and indoor and outdoor sports in line with Policies SE 6 and SC 1 - 3 of the Cheshire East Local Plan Strategy (CELPS). The applicant has submitted a 'Public Open Space Plan' but none of the spaces highlighted are appropriate. They are for the most part areas provided or retained as buffers to the main road or surroundings, contain retained trees or are required as part of good planning and design, but which do not provide well designed and located POS. In the absence of appropriate on-site provision, commuted sums are required for offsite provision to mitigate the impacts that the development would have on local provision.

With respect to Public Open Space (POS), a financial contribution of £126,000 would be used to make additions enhancements and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow. Turning to Recreation Open Space (ROS), a financial contribution of £42,000 would be used to make additions enhancements and improvements to Congleton Road Playing Fields in line with the Council's Playing Pitch Strategy. Lastly, in respect of Indoor Sport and Recreation, a financial contribution of £11800 would be made towards Macclesfield Leisure Centre to provide an additional 1.8 stations (exercise equipment) to meet the demand generated by the proposed development.

These would mitigate the impacts of the proposed development in lieu of onsite provision and would make the scheme policy requirement in these areas in accordance with both the requirement of LPS 17 and Policies SE 6, SC 1, SC 2 and SC 3 of the CELPS.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 financial contributions in lieu of public open space, recreation open space and indoor and outdoor sport provision 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. These elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development proposed.

Other Matters

The additional comments made by representation has already been dealt with in the main body of the report.

In deferring the application, Members sought further clarification regarding flood mitigation. The Lead Local Flood Authority (LLFA) and United Utilities has confirmed that subject to conditions and compliance with other legislation outside of the planning forum (i.e. building regulations and land drainage consents), the scheme is acceptable in terms of its impact on drainage and flood risk. The detailed drainage design details would be secured by imposition of condition. Further, the biodiversity and ecological impact has been assessed as being acceptable subject to mitigation as explained in the main report.

RECOMMENDATION

APPROVE the application subject to a s106 legal agreement and the conditions and heads of terms on pages 28-29 of the Agenda Reports Pack as amended by this update to include additional heads of terms as follows:

- **Public Open Space off site contributions of £126,000 to make enhancements additions and improvements to the two nearby facilities of Lyme Green playing field and play area and Cop Meadow and £42,000 Recreation Open Space PPS/PPOS at Congleton Road Playing Fields**
- **Indoor Sport contribution of £11800 towards Macclesfield Leisure Centre**