

NORTHERN PLANNING COMMITTEE 13TH JUNE 2012

UPDATE TO AGENDA, PREPARED 11th JUNE 2012

APPLICATION NO: 12/1394M

LOCATION: Massey Dye Works, Loney Street, Macclesfield, Cheshire, SK11 8ER

PROPOSAL: Outline permission for the Demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 08/2405P approved on 02 March 2009).

Heads of Terms

Should Members be minded to approve the application, then a S106 legal agreement would be required to include the following total commuted sum of ;

- £29, 000 to be paid to the Council to make additions, improvements and enhancements at South Park (including allotments), Macclesfield.

Broken down this equates to:-

£24,000 in lieu of Public Open Space requirement based on family dwellings and 6 apartments, and

£5,000 in lieu Open Space based upon 5 family dwellings (1 bed apartments exempt)

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 commuted sum to be paid to the Council will make additions, alterations and improvements to the existing facilities at South Park including the allotments which are in need of substantial works. In lieu of on site provision the Commuted sum will provide opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum is considered to be necessary, directly related to the development and is fair and reasonable in relation to the scale and kind of development.

The applicant has confirmed that they are willing to enter into a Unilateral Agreement based on the above mentioned Head of Terms. The Applicant solicitors have been instructed to prepare the agreement for submission prior to the determination date on 4th Jul 2012.

ADDITIONAL CONSULTATION RESPONSE

None received

RECOMMENDATION

Having regard to the above, there is no change to the recommendation of approval, subject to

- Section 106 agreement for a commuted sum for open space and outdoor sport and recreation;
- Subject to any further representations from local residents.
- Recommended conditions