

Application No: 13/2765M

Location: LAND OFF, REDHOUSE LANE, DISLEY, SK12 2EW

Proposal: Residential development comprising 39 dwellings, access and associated works.

Applicant: Lucy Hawley, Persimmon Homes North West

Expiry Date: 02-Oct-2013

### **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 (NPPF), it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

It is considered that a scheme for housing falls 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 have a more positive impact on the local area than employment 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, and contributions to public open space.

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 the previously approved schemes and historic use of the site.

The design is considered to be appropriate as too is any impact on amenity, subject to a revision to the area around plot 152. 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.

**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 39 units, comprising 14 detached dwellings, 8 semi-detached and 17 terraced properties. The application would also include 12 affordable dwellings.

All properties would be provided with off street parking spaces. All the properties would have private gardens.

It should be noted that initially the scheme was submitted for 42 units, however, revised plans were submitted, which resulted in the number of dwellings being reduced from 42 to 39 units and a loss of the apartments adjacent to the access point.

**SITE DESCRIPTION:**

The site lies east of Redhouse Lane and west of Lower Greenshall Lane. Access to the site has previously been from Redhouse Lane and the proposed development access will be based on the existing site entrance.

The site largely resembles an open builders yard. The buildings which formed part of the Fibrestar works have largely been demolished and removed from the site. There is a significant difference in levels on site, with the site sloping steeply down from the main entrance on Redhouse Lane down towards the Peak Forest Canal at the north of the site. The site is considered to be in a sustainable location, with good access to public transport and local amenities.

The development site benefits from an extant outline planning permission (08/2718P) for employment uses B1 and B8 and assisted living C2 and C3 uses. An Employment Land report has been submitted with the application which outlines the marketing which was undertaken prior to the submission of the application for the approved uses and details the lack of interest and enquiries since its approval.

The south of the site borders the existing Persimmon housing development, which originally gained planning permission for 121 dwellings in 2013. The residential properties on the Persimmon estate are two storey detached properties.

The site area is 1.12 hectares and previously constituted part of the Fibrestar/Harcostar Factory site.

## RELEVANT HISTORY:

The south of the site borders the existing Persimmon housing development, which originally gained planning permission in 2013. However, at an early stage in the build, Persimmon erected a wall (approximately 120m in length and up to 5m in height), following which, Officers concluded that the development was not being constructed in accordance with the approved plans, and therefore, a new application would be required to secure a lawful development. A retrospective application was submitted and approved by the Strategic Planning Board in March 2015, subject to completion of a S106 Agreement. The S106 Agreement is currently being progressed, however, it should be noted that no formal consent has yet been issued.

- 14/4172M     Residential development for the erection of 122 dwellings, access and associated works (amendment to previously approved application 12/0165M) – approved by SPB subject to S106 on 21.01.15 – awaiting completion of S106 and formal issuing of decision notice.
  
- 13/2765M     Residential development comprising 42 dwellings, access and associated works – Decision awaited. This application constitutes phase 2 of Persimmon Homes' recently approved wider development site, and lies to the northwestern corner of the old Fibrestar site, which was considered under outline application 08/2718P.
  
- 13/3685D     Discharge of conditions 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 28, 29, 30, 32, 33, 34, 35, 37, 42, 44, 46, 47 on Application 12/0165M to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P.
  
- 12/4837M     Reserved matters application for the erection of 121 residential dwellings, including details of appearance, scale, layout and landscaping in relation to outline permission 12/0165M (Original permission 08/2718P) – Approved 11<sup>th</sup> September 2013.
  
- 12/0165M     Application to Vary Condition 30 (Pertaining to Highways) of Planning Approval 08/2718P - Approved with conditions and varied S106, 18 June 2012
  
- 08/2718P     Outline Planning Application For The Demolition Of Existing Buildings And Erection Of C3 Residential; C2/C3 Senior/Assisted Living And B1/B8 Employment - Approved with conditions and a S106, 27 June 2011

## 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
- 47 – 50          Wide choice of quality homes

- 56-68.1      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.

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.

It is clear that a recommendation of refusal for this application on highway grounds could not be supported, the principal reason for this statement is that there is already an existing consent for development on the site that would produce slightly more traffic generation than is being proposed in this planning application. In this scenario, it would not be possible to prove severe harm on the road network given that it has already been accepted in another application. The proposed access to the site is located in a position that has been used previously and therefore is considered acceptable. Some of the development is accessed from the Phase 1 spine road.

The implementation of signals at the Redhouse Lane junction is in the Strategic Highways Managers view important, as traffic levels increase on the A6 Buxton Road and finding sufficient gaps in the flow to turn right will be particularly difficult and queues will form. Under the S106 Agreement for application 14/4172M it is agreed to investigate the introduction of signals. This is considered sufficient to deal with this application and the Strategic Highways Manager would not propose changing the S106 Agreement for the signals in this application.

Mitigation measures to provide additional pedestrian facilities and traffic management measures in Redhouse Lane are required as part of this development and the Strategic Highways Manager proposes that if approved these measures would be delivered through a S278 Agreement, the specific details of which is to be agreed prior to commencement of development.

Therefore, no objections are raised to the application subject to the implementation of pedestrian and traffic management measures on Redhouse Lane and if required measures to close Hollinwood Lane to through traffic.

#### **GREENSPACES:**

Comments awaited.

#### **ENVIRONMENTAL HEALTH:**

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

There is insufficient information contained within the application to determine whether there will be a loss of amenity caused to the occupiers of the proposed dwellings by noise from the nearby railway line. In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit a noise impact assessment report. If noise mitigation is found to be necessary then any mitigation shown as part of the report must achieve the internal noise levels defined within the "good" standard within BS8233:1999.

An Air Quality Impact Assessment accompanied the application and has been submitted to consider the cumulative impact of both developments. The conclusions of the report confirm

the development is not likely to have a significant impact on air quality within the Air Quality Management Area, or other nearby areas. The conclusions of the report are accepted. The Environmental Health Officer would therefore recommend the same conditions be attached to this application as 12/4837M

The application area has a history of industrial use and therefore the land may be contaminated. The report submitted with the application identifies potentially complete contaminant linkages, which require further investigation to allow a full assessment of their presence and to determine suitable remedial options. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Phase I contaminated land report recommends that a Phase II investigation is required to assess any actual/potential contamination risks at the site.

#### **UNITED UTILITIES:**

No objections, providing the following conditions are met: -

- 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.
- The site must be drained on a separate system, with only foul drainage connected into the foul sewer.
- No objection is raised provided that the Flood Risk Assessment is adhered to for the management of surface water.

There is a 300mm sewer crossing the development. Although no legal easement protects this pipe, United Utilities would want a 5m easement strip to allow for any maintenance issues. Nothing should be erected within the easement strip.

#### **PUBLIC RIGHTS OF WAY:**

Clarification is requested as to the legal status and future maintenance of the footpath proposed within the public open space adjoining the canal.

The Peak Forest Canal will provide a key route for residents of the proposed development, both as part of a circular leisure route and as part of an off-road active travel route to nearby communities and facilities. Therefore, contributions would be sought from the developer in order to bring the towpath up to a standard suitable for those uses and to accommodate the additional traffic resulting from the proposed development. The aspiration to improve the route has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T1), and will be required to a greater extent as a result of increased footfall from the proposal.

Appropriate and adequate destination signage and interpretation should be placed on-site and off-site to inform local users about the availability of routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

**ENVIRONMENT AGENCY:**

The Environment Agency has no objection in principle to the proposed development but request that the following conditions are attached to any decision.

With regards to Flood Risk - the development hereby permitted shall not be commenced until such time as a scheme for the provision and implementation of a surface water regulation system has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable Drainage Systems (SuDS) and the results of the assessment provided to the Local Planning Authority.

The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority.

With regards to Contaminated Land, the EA has reviewed the submission of a Preliminary Risk Assessment for Phase 2 of the Redhouse Lane development. The EA has not reviewed the detailed remediation strategy report (dated July 2013), as this report appears to solely apply to the rest of the former Fibrestar Ltd development. Comments have previously been provided for this phase of the development.

Having reviewed the maps showing historic land uses, this small area appears to have been in industrial use since c. 1875 until the present date.

The EA consider that planning permission could be granted for the proposed development as submitted, if a planning condition is included to prevent the pollution of controlled waters.

**CANALS AND RIVERS TRUST:**

The proposed 42 dwellings, in addition to the 121 previously approved on the adjacent site, will result in the increased use of the Peak Forest Canal towpath, which can be accessed adjacent to the site at Dryhurst Bridge (No. 26). The towpath will potentially be used by the residents of the proposed dwellings, as a sustainable route for walking and cycling to Marple and Romiley to the north and New Mills and Whaley Bridge to the south, in addition to providing opportunities for local leisure and recreation.

The Canal & River Trust requests that the local planning authority seeks to secure a developer contribution towards improvements to the canal towpath from Bridge 26, extending approximately 360m eastwards to join the tarmac surfaced section of towpath adjacent to Bridge 27. The contribution should cover the cost of re-surfacing the towpath to an appropriate surface and width, in addition to any repairs to the canal washwall necessary to facilitate the towpath works. The Trust is satisfied that this request meets the statutory requirements of the CIL Regulations 2010 for planning obligations to be necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

On the basis of the information provided, the Canal & River Trust is unable to fully assess the potential impact of the development on the Peak Forest Canal Site of Biological Importance and the visual amenity of canal users. The Trust therefore requests the submission of the following details, prior to determination of the application:

- An amended Flood Risk Assessment including a detailed assessment of the impact of the proposed surface water drainage arrangements on the Peak Forest Canal, when compared to the existing surface water drainage arrangements. The consequences of the proposed surface water drainage arrangements should be fully assessed in terms of the potential impact on water levels in the canal,
- The applicant should be aware that a historic breach of the canal in the vicinity of the site was caused by over-topping due to increased water levels. We would also request full details of the existing surface water discharges into the canal from the site, including the storm water drainage network referred to in the RSK Risk Assessment, and the proposals in respect of stopping-up the discharges and removing the existing drainage infrastructure on the canal edge.
- A revised Preliminary Risk Assessment including a detailed assessment of the risks of pollution to the canal SBI from the application site. The preliminary risk assessment highlights risks from various substances, based on limited sampling within the site. The leaching of polluting matter into the canal is seen as probable with a medium consequence, yet there is no further expansion on this. We would therefore request a more detailed ground investigation and mitigation strategy which clearly highlights any risks and means of control.
- The Woodland Management Plan and drawing D3573.003B. These are referred to in the Landscape Strategy Report and Habitat & Landscape Management Plan but have been omitted from the Arboricultural Impact Assessment (AIA). In the absence of these details the impact on the trees on the canal embankment (Group W5) is unclear. In addition, at the western end of the site, the Landscape Strategy Plan indicates “vegetation to retaining wall to be retained” but the AIA indicates the removal of these trees (Group G8) and we would be grateful for clarification.
- Full details of the materials and method of construction of the proposed new 4.5m high retaining wall on the canal edge and any works to the existing retaining wall adjacent to Bridge 26 (as indicated in the Engineering Plan).
- A more detailed method statement for the protection of the Peak Forest Canal SBI. Once the further information and details requested above (in respect of drainage, contamination, tree works and measures to retain the site adjacent to the canal) have been provided, the method statement should be revised on the basis of this information and should set out the measures proposed to prevent any risk of harm to the canal in appropriate detail.

## **HOUSING:**

The Housing Strategy and Needs Manager requires confirmation on the tenure split of the scheme.

The amended plans show a revised number of 39 dwellings in Disley. As per the Council's Interim Planning Statement on Affordable Housing (IPS) sites of 15 units or more are required to provide 30% affordable housing. The site will therefore be required to deliver 12 units of affordable housing.

The proposal is compliant in that it offers 12 units as affordable. The amended plans outline where the affordable housing units are located and this is suitable pepper-potting as required by the IPS.

#### **THE SCHOOL ORGANISATION AND CAPITAL STRATEGY MANAGER:**

This development will generate 8 primary pupils. Therefore, the contribution would be  $8 \times £11,919 \times 0.91 = £86,770$ .

#### **NATURAL ENGLAND:**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### Bats

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

Natural England has not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and the LPA should use Natural England protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

Natural England also recommends that the Council consults its in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, Natural England draw the LPA's attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

#### **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.

Two petitions with approximately 20 signatures have been received from local residents.

In addition, approximately 50 letters of objection, 3 letters of support and 3 general observations have been received from local residents. The following is a brief summary of their views: -

#### Design/Layout

- Not in keeping with stone built cottages
- Visually obtrusive because of height
- Layout is too dense
- Space should be made for car parking safe access and pavements
- Surrounding properties are either brick and stone and are two storey

#### Amenity

- Too close to existing cottages loss of privacy and sunlight

#### Access

- Access is not designed for dwellings, road is narrow and dangerous
- Only designed for one car at a time
- No pavements road is dangerous
- Object to the installation of traffic lights at the junction of Redhouse Lane and Buxton Road. This application assumes that traffic lights will be installed but the need for traffic lights has not yet been demonstrated
- Hollinwood Road, Dryhurst Lane and Redhouse Lane are already used as cut through/rat runs further development will exacerbate this
- Objections raised to proposed second access
- Suggest: Stopping up of the road at the Hollinwood Road / Ashwood Road / Oakwood Road junction., this would instantly solve the current problems, and the problems we will face with the new housing development
- Blocking the road off, where Hollinwood Road, meets Hagg Bank Lane would solve rat run problem
- Alternatively, restricted access/ controlled speed/ restricted speed controls should be implemented.
- Most definitely another entrance is required say Greensall Lane to dilute the traffic
- Do not include a sufficient road infrastructure to support this development
- Development will create pollution
- More traffic lights and increased traffic will make life very difficult for local residents and village shops with congestion
- Another access point to the site is required further up the A6
- A secondary exit via Lower Greenshall Lane is required
- The impact of the traffic is not adequate -mitigated against within the development
- New access to the A6 is required
- Traffic calming measures need to be given serious consideration
- The original traffic report produced at the outline stage assumed that cars from the development would not use Hollinwood Road or travel down Redhouse Lane towards Strines. This is wrong
- When the new residents leave the development they will find it difficult to walk or cycle safely to any facilities as there are few pavements and the extra traffic will significantly increase the danger to pedestrians and cyclists on the local roads and therefore does not comply with para 29 of the NPPF

- Nearest bus stop is in an unsuitable location
- Traffic survey did not take into account the extra SEMMS traffic
- Council needs to consider the wider impact of traffic lights within an Air Quality Management Area, especially with the predicted increase of traffic from SEMMS
- Can the traffic lights be 'smart' traffic lights
- Impact on the Disley Air Quality Management Area
- Limited pavements on Hollinwood and Redhouse lane
- Where will local residents park if traffic lights put up.
- Like to see no parking on the A6 near the rehouse lane junction
- Developer should pay for costs to upgrade/enhance pedestrian access to canal towpath
- Traffic models submitted do not reflect current volume of traffic on Redhouse Lane
- Redhouse lane offer very limited viability with bend in the road and blind summit.
- A new access route should be created either by creating a bridge over the railway to the A6 or through an embankment.
- Already been serious accidents along red house lane along this road and the increased traffic will exacerbate this more
- If the greenery along Redhouse Lane was cut back maybe pavement could be introduced?
- Roads are impassable in the winter months
- Road safety, queuing traffic, noise, vibration, air quality, reduced resident parking, the removal of two bus stops, also the removal of a pedestrian crossing opposite the children's playground.

#### Miscellaneous comments

- Local services can not support proposed development surgery and schools
- Hope that some of the dwelling will be affordable
- When development completed consideration should be given to a weight restriction to preserve listed bridges

#### Comments received in support

- Regeneration of the site
- Development will help community and business
- 300 cars will never be leaving the property all at the same time
- The planning application has taken into account the impact of traffic and new road is not required.

### **VIEWS OF THE TOWN COUNCIL**

**Disley Parish Council** make the following comments on the application: -

Disley Parish Council has supported the development of this site from the outset in 2008 but, at the same time, has continued to raise concerns over several aspects which do not conform to our adopted Village Strategy on Housing and Development (see pages 11-14 of copy attached). In relation to this application the Parish Council welcomes the early development of the remaining plot of land but wish to make the following comments:

Concerns about access, egress and the impact on adjacent roads have been consistently raised by the Parish Council at all stages of this development. Since the original outline planning consent was obtained in 2009 there has been a significant development with the advent of the SEMMMS A6 to Manchester Airport Relief Road which is projected to increase traffic through Disley village by 40%.

The Parish Council is aware that many residents living in the vicinity of the development are extremely anxious about the potential impact of increased traffic on Redhouse Lane and rat runs on Hollinwood Road and Dryhurst Lane in particular. The Parish Council is also aware of the residents' petition for a secondary exit from the site via Lower Greenshall Lane and we would strongly urge that Cheshire East Council obliges the developer to undertake a feasibility study of this option before consideration of Phase 2 of the development.

The Parish Council is very concerned about pedestrian safety and access to the village and the nearby Arnold Rhodes play area given that part of Redhouse Lane does not have pavements.

Disley Parish Council therefore urges Cheshire East Council to ensure that the developer uses Section 106 Highway Works monies to provide safe walking and cycling space on Redhouse Lane in addition to traffic management measures.

Disley Parish Council is disappointed that this land, which was originally designated for employment units and senior /assisted living dwellings, is now going to be developed as residential.

It is also concerned that its request for Persimmon to include some bungalows in the housing mix has not been considered given Disley's ageing population and lack of suitable 'downsizing' accommodation.

The design and access statement refers to Disley Primary school and a further 10 schools within a 3 mile radius. However, Disley Primary is currently running at full capacity and all the other schools mentioned are in different authorities.

The statement also refers to the nearest health facility being in New Mills, Derbyshire when in fact it is the School House Surgery in Disley and Disley Parish Council would request that the practice is consulted about whether they are able to manage the influx of new patients.

Supplemental comments were made from the Parish Council following the receipt of the revised plans, which replaced the apartment block with three houses due to concerns about the height of this particular block and its impact on other properties on the development. Disley Parish Council has no objection to this amendment.

Disley Parish Council did also register serious concerns about the raft of pre-construction conditions which had not been discharged despite the commencement of work on the site. Comments were also made on the five metre high retaining wall that has been constructed adjoining the canal and was concerned about the impact on the planned canal side footpath and wildlife area. It is also concerned that there has been no discussion or plans showing the type of safety barrier that is being proposed for the roadway and the visual impact that this may have on the canal area.

The Parish Council also requested that all construction on the site be closely monitored by Cheshire East Council to ensure compliance with all planning and building regulations pertaining to this development.

## **APPLICANT'S SUPPORTING INFORMATION**

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Planning Statement;
- Arboricultural Impact Assessment;
- Transport Note;
- Preliminary Risk Assessment;
- Ecological Assessment;
- Ecological Statement;
- Flood Risk Assessment;
- Habitat and Landscape Management Plan;
- Landscape Report;
- Engineering Appraisal; and,
- Employment Land Report.

## **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 Disley and within an area allocated for employment purposes, 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 Disley and by virtue of its proximity to shops and services within Disley.

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:

- The principle of residential development has already been accepted by the granting of outline planning approval in June 2011 (application no. 08/2718P) and in June 2012 (application no. 12/0165M) which included the provision of up to 160 residential units on this site and the adjacent Persimmon housing site, where 122 houses are currently being erected.
- Replacement of a potentially unneighbourly, unsuitable industrial business use from a residential area, to both historic existing adjacent residents and future occupiers of the recently permitted housing development.
- 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.
- Provision of family-sized homes in Disley.
- The site is in a relatively sustainable location. The site has good access to the major road network (Buxton 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.”*

A comprehensive Employment Land Report was submitted by Lambert Smith Hampton to accompany the application. The report concludes that the site comprises a legacy site from historic industrial use and is not suitable for current day employment use. The dilapidated buildings present on site were unviable and removed some time ago. Market conditions combined with the tertiary location and access make redevelopment for continued employment use unrealistic.

Following analysis of the employment land position and take up rates in the Borough, it can be concluded that retention of the Redhouse Lane site in an employment allocation will not meet the aspirations of the NPPF. Retaining a site in an allocation for which there is little prospect of it coming forward for that use is contrary to the aims of national guidance.

The unlikelihood of this site coming forward for employment use has been clearly demonstrated through an extensive and robust marketing campaign undertaken by national and local agents. A marketing strategy was implemented over a sustained period, utilising multimedia initiatives with negligible unviable interest. The poor access links, and location of the site; factors which cannot be altered, render the site unattractive to the market for future employment redevelopment.

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

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 12 affordable units and to be in line with the IPS, should equate to 8 rent and 4 intermediate tenure.

Disley is located in the Disley sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which shows that for the sub-area there is a requirement for 70 new affordable units between 2009/10 – 2013/14, this equates to a net requirement for 14 new affordable units per year made up of 6 x 1bed, 5 x 3bed and 2 x 4/5bed.

In addition to this there are currently 99 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system used to allocate rented affordable housing in Cheshire East), these applicants require 44 x 1 bed, 37 x 2 bed and 10 x 3 bed (8 applicants have not specified how many bedrooms they require).

There has been no delivery of the affordable housing need in Disley between 2009/10 – 2013/14 to date. Therefore as there is affordable housing need in Disley there is a requirement that 30% of the total units at this site are affordable, which equates to 12 dwellings

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 Housing Strategy and Needs Manager is 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 sites 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Requiring good design and character and appearance of the area:**

The main public view would be from both Redhouse Lane from car borne residents, and on foot by people walking along the towpath of the Peak Forest Canal. The dwellings are proposed to be constructed in brick, with man made tiles on the roof. Contrasting head and cill details would also be used. The materials can be conditioned, should planning permission be granted, and the look would be consistent with the 122 houses which Persimmon are actively building on the adjacent site. The dwellings would be predominantly 2 storeys high,

however, it is noted that The Moseley and The Lumley house types have a third storey. The design of the dwellings is considered to be appropriate to the local area.

### **Highways access, parking, servicing and highway safety:**

The Strategic Highways and Transportation Manager has assessed the proposed development. A very important consideration in the assessment of this application is the existing permission for a mixed use scheme on the site. If the traffic generation of both the existing consent and the new proposed residential development is undertaken, then it is apparent the traffic impact is broadly very similar with the new residential application generating slightly less traffic in the morning and evening peak hours. There are also environmental and amenity benefits arising from the current residential scheme, in that the mixed use scheme would have an element of HGV traffic accessing the site in what is a predominately residential area. The current scheme would reduce the noise and vibration from traffic accessing the site.

Phase 1 of the development included an agreement to install traffic signals at the junction of Redhouse Lane/A6 Buxton Road. The applicant has undertaken a Linsig assessment of this junction as part of this application, to assess whether the introduction of the signals with the additional traffic arising from this development included, would operate within capacity levels. The results of the capacity tests at the junction show that it would operate within capacity for the opening year (2015) with all development included. The capacity tests results are not unexpected as these have been undertaken on the A6 current flows, the background flows are likely to change significantly on the A6 as a result of the SEMMMS scheme and this would affect the operation of the Redhouse Lane/ Buxton Road junction. The current submission does not include a capacity assessment of the current priority junction arrangement and how it would operate with the development added but without the introduction of the signal scheme. This information would have proved helpful in deciding when the new traffic signal junction was actually needed. At present the introduction of the signal scheme is triggered when 50% of the phase 1 development is occupied but only after capacity tests have been undertaken to show that the priority junction would be operating at capacity levels.

The access to the site is constrained by the number of routes suitable to accommodate the development traffic, there is also a low bridge in Redhouse Lane that affects large vehicles from accessing the site. The potential alternative access using Lower Greenshall Lane has been investigated and although it is possible to access the development using this route, there are many constraints. Lower Greenshall Lane is effectively a single track lane with a poor alignment and also it has a very low bridge that would need to be negotiated. To make this access viable, the road would need to be widened to accommodate two-way flow, this would need the acquisition of third party land through CPO's as the extent of the adopted highway is only the road itself. It is possible to have traffic exiting only using Lower Greenshall Lane as a one way road although the TRO would have to apply to the whole of Lower Greenshall Lane. However, the developer has not agreed to provide a one way route through the site. Additionally, due to poor visibility at the junction of Lower Greenshall Lane with Buxton Road, a traffic signal junction would be required. Therefore, overall it would be a very difficult to provide an access to the Fibrestar site using Lower Greenshall Lane and it would also require a substantial amount of funding and land take.

A number of concerns from residents have been received regarding the use of Hollinwood Road as a rat run for vehicles accessing the application site and these comments have been considered by the applicant and they have proposed a number of locations where the stopping up of Hollinwood Road could occur with the provision of a turning head. These locations are close to Hagg Bank Lane and west of Oakwood Road, both of these locations would need the acquisition of third party land in order to provide the turning head. An alternative option, is to use The Moorings as the turning facility for all vehicles including refuse vehicles, this option would not need any third party land. A one-way system was also proposed with all vehicles travelling eastbound towards Redhouse Lane. The Strategic Highways and Transportation Manager would not propose that this option is taken up as it would be problematical for emergency vehicles and also it would increase pressure on the Redhouse Lane junction with Buxton Road.

As part of the consultation process, internal comments have been sought from the Highway Departments traffic management (TM) team and waste management department. Whilst the TM team have not raised any technical concerns with the stopping up of Hollinwood Way, there is a major problem with waste collection. Due to the low bridge in Hollinwood Lane, refuse vehicles are unable to get under the bridge, so if Hollinwood lane was closed, refuse collection to premises in Hagg Bank Lane would not be possible.

Vehicular access to the site is predominately from Redhouse Lane and there is an absence of a pedestrian footway underneath the railway bridge. The applicant has proposed to provide a footway underneath the bridge and also the use of priority traffic movements through the bridge. The lack of pedestrian facilities is a problem and The Strategic Highways and Transportation Manager would support the introduction of the footway, the traffic flow is unlikely to be delayed significantly with the use of priority working.

In conclusion, it is clear that a recommendation of refusal for this application on highway grounds could not be supported, the principal reason for this statement is that there is already an existing consent for development on the site that would produce slightly more traffic generation that is being proposed in this planning application. In this scenario, it would not be able to prove severe harm on the road network given that it has already been accepted previously approved in another application. The proposed access to the site is located in a position that has been used previously and therefore is considered acceptable, some of the development is access from the Phase 1 spine road.

An alternative access using Lower Greenshall Lane to phase 1 development is theoretically possible but there are considerable problems that would need to be addressed if this was to be delivered. The developer does not need to consider this alternative access as it already has permission for access for similar levels of traffic using the extant mixed use scheme. Although, the Strategic Highways and Transportation Manager does not consider that the closure of Hollinwood Road would provide substantial benefits for residents, this can be achieved if it was deemed necessary by Members. The closure would have to use a technical design that allowed refuse vehicles to pass through as access through the bridge at Hagg Bank Lane is not possible.

The implementation of signals at the Redhouse Lane junction is in the Strategic Highways and Transportation Manager view important, as traffic levels increase on the A6 Buxton Road will mean finding sufficient gaps in the flow to turn right will be particularly difficult and queues

will form. There is an agreement in place to investigate the introduction of signals at 50% of the first phase being completed, this is sufficient to deal with this application and the Strategic Highways and Transportation Manager would not propose changing the S106 Agreement for the signals in this application.

Mitigation measures to provide additional pedestrian facilities and traffic management measures in Redhouse lane are required as part of this development and the Strategic Highways and Transportation Manager would propose that if approved these measures would be delivered through a S278 Agreement, the specific details of which is to be agreed prior to commencement of development.

Problems have been experienced during construction of the first phase due to the bridges that constrain access to HGV's, the SHTM would not wish to see a repeat of these problems and a detailed construction management plan should be submitted and approved by the LPA prior to commencement of development.

Therefore, The Strategic Highways and Transportation Manager does not raise objections to the application subject to the implementation of pedestrian and traffic management measures on Redhouse Lane and if required measures to close Hollinwood Lane to through traffic.

### **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 Peak Forest Canal to the north and a previously consented, partially built residential development to the south. The main relationship with existing dwellings are those on Redhouse Lane, and the new estate road..

It is considered that the relationship with the properties on Redhouse Lane would be acceptable. The distance between the front of the properties on Redhouse Lane and the proposed dwellings within the application site would be approximately 21m. 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. 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 149 and 150 and 152, and 153 and 152 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.

## ARBORICULTURAL IMPLICATIONS:

The application was initially supported by an Arboricultural Implication Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars are considered adequate to assess the impact the development proposals will have on arboricultural aspect of the Phase 2 development.

All the trees were inspected as part of the Phase 1 application and have formed part of lengthy discussion in terms of an overall arching strategy in terms of the woodland strip (W5) associated with the canal.

The key individual and groups of trees which have been accepted as Category A high value specimens are T10 and W5. This application seeks to retain the majority of W5 and T10 within a layout which seeks to accommodate the point of access to the canal side walkway which forms an interface with the previously agreed Phase 1 section which extends through the majority of the northern aspect of the site presently under construction. The previously agreed Woodland Management Plan forms the basis of the retained woodland form which has been further augmented by the need to provide an arboricultural method statement for the footpath to ensure where construction activities are located within RPA 's the adjacent tree cover within W5 is not compromised. The removal of the southern aspect of W5 is accepted with the removals and cutting back having a limited impact on the linear woodland mass and the wider landscape aspect.

T10 appears to have been retained within the woodland walk access path which extends between proposed properties. There may be an issue of levels with the tree located on a banking which formed the alteration in levels between the two sites. The tree prior to the closure of the site had been sandwiched between buildings. On balance it is probably accepted that given the trees growth potential it will become an actionable nuisance because of its relationship to the adjacent private dwellings. An identifiable net gain can be achieved between the trees removal and some additional strategic specimen planting of a species more suited to the urban situation.

The trees identified for removal are all Category B & C moderate to low value specimens which are considered to be inconsequential in amenity terms. The removal of the trees T6, 7 G3, and G4 were agreed as part of the adjacent development. G5 is formed by a limited number of multi-stemmed Sycamore, Goat Willow and Ash, all of which in terms of structural stability are considered to be limited specimen, Those trees which form G8 have in the main established as self set specimens which have colonised the canal banking retaining wall. They have been managed by coppicing which has established a collective group of poor specimens.

The detailed losses are considered acceptable which can be mitigated by a specimen landscape scheme.

## ECOLOGICAL IMPLICATIONS:

The Council's Nature Conservation Officer has considered the application, which is supported by an ecological assessment and an ecological method statement for the protection of the Site of Biological Importance (SBI) located adjacent to the proposed development.

The phase one habitat survey undertaken at the site does not cover the full extent of the proposed development site. However, as this site is well known to the Council the Nature Conservation Officer is satisfied that no additional survey is required.

### Peak Forest Canal Site of Biological Importance

The submitted method statement for the protection of the peak Forest canal recommends the implementation of an undeveloped 8m buffer zone between the canal and the development. The proposed development however currently is located less than 4m from the canal bank.

The Nature Conservation Officer suspects the submitted method statement was formulated to inform the determination of the 'phase 1' of the development of this site which included proposed development set back further from the canal.

The outline consent for this site was determined on the basis that a 5m buffer zone would be provided.

In order to ensure that the canal SBI and the protected species it supports are adequately safeguarded the Nature Conservation Officer recommends that the submitted method statement and layout plan be revised to show a 5m buffer zone.

### 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:

## 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 to the railway line, it is recommended that a noise impact assessment is carried out to gauge any impact from the railway on the future occupiers of the properties. This assessment will inform the applicant as to any mitigation measures required. Given the previous development of 122 dwelling is sited in closer proximity to the railway line, it is thought 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 application site has a history of industrial use and the land therefore may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. 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. 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 application, that the proposed development will meet the requirements of the NPPF.

#### **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 Disley, 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 1,560sqm of play and amenity open space.

No provision has been made for this open space to be on site, therefore, a commuted sum payment of £117 000 will be required for offsite provision (£3 000 per family dwelling).

### Recreation Open Space (ROS)

A commuted sum for offsite ROS provision will be required. The amount for 39 family units would be £27 000.

It should be noted that a play area will be provided on the site of the adjacent Persimmon residential development for 122 homes. The commuted sum will be used to make additions, enhancements and improvements to the play, access, recreation and amenity facilities at Arnold Rhodes open space. The spend period will be 15 years.

## **Responses to issues raised by third parties:**

The comments provided by consultees, the Parish Council and residents in relation to design, amenity, highways/access issues are noted and covered under the headings above.

The impact of the traffic which would result from the development is considered to be less than that which would be associated with both the 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. This proposal also needs to be weighed up against the scheme approved at outline stage, in terms of traffic generation and access. The Strategic Highways Manager raises no objections to the scheme and considers the access arrangements to be acceptable.

The comments raised by PROW team and Canals and Rivers Trust were made to the previous application for 122 dwellings. It is considered that no further justification for any enhancements can be justified by this application.

## **Heads of Terms for a Legal Agreement:**

- **30% Affordable Housing** (i.e. 12 units as proposed);
- A contribution of **£86 770** is required towards primary education;
- Provision of **£117 000** towards Public Open Space.
- Provision of **£27 000** towards Recreation 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 30% 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 public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 39 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 primary school places in and around Disley, 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, officers have requested further details to show the relationship between plots 156-163 and the canal, and in addition, negotiations took place between officers and the developer, which resulted in the submission of a revised layout plan, which

replaced the apartments with 3 dwellings and reduced the overall number of units from 42 to 39.

Further clarification will be provided with regards the tenure of the affordable dwellings, following the comments provided by The Housing Strategy and Needs Manager, along with an update will be provided with regards to the relationships of the dwellings around plot no 152, which currently do not comply with the standards.

It is acknowledged that local residents have repeatedly raised issues in relation to access for proposed redevelopment of this site. Previous applications have been approved on this site and both employment and further residential development has been consented. It is considered that this 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.

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*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 Planning & Enforcement Manager, 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.*

*Should this application be the subject of an appeal, authority be delegated to the Planning & Enforcement Manager, in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to ensure that the Heads of Terms for aa S106 Agreement.*

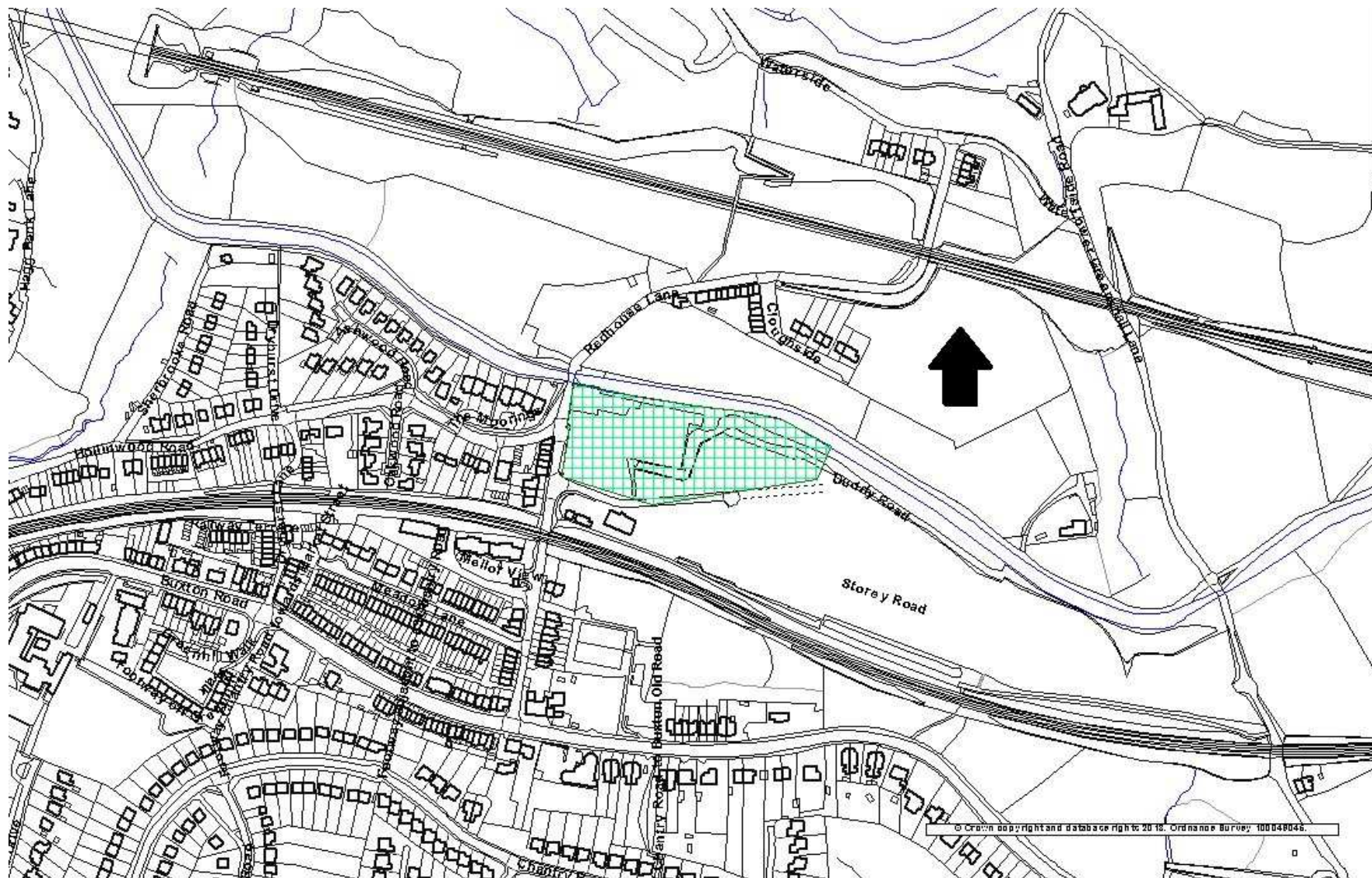
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#### Application for Full Planning

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

1. Development in accord with revised plans
2. Notwithstanding the submitted details -Submission of landscaping scheme
3. Landscaping (implementation)
4. Additional landscaping details required including street furniture, public art and interpretation; vehicular/pedestrian barriers; surfacing material; and secure railway boundary fencing

5. Construction of junction/highways
6. Protection from noise during construction (hours of construction)
7. Pile driving details to be submitted and approved by LPA
8. Commencement of development (3 years)
9. Development carried out in accordance with method statement for the protection of the SBI
10. Details of wheel washing facilities to be submitted and approved
11. Construction Management plan to be submitted and approved prior to commencement of construction on site.
12. Submission and approval of scheme to minimise dust emissions prior to commencement
13. Prior to first occupation submission and approval of residents travel plan
14. Development to be carried out in accordance with Arboricultural Impact Assessment
15. Materials to be submitted
16. Noise Impact Assessment with any remediation required to be submitted
17. bin storage
18. Environment Agency requested condition related to Flood Risk and contaminated land



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