

## **NORTHERN PLANNING COMMITTEE 7<sup>th</sup> October 2015**

**UPDATE TO AGENDA, PREPARED 5<sup>th</sup> October 2015**

**APPLICATION NO:** 15/2819M

**LOCATION:** Former Massie Dyeworks, Loney Street, Macclesfield, Cheshire, Sk11 8ER

**PROPOSAL:** Outline application for demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 12/1394M approved on 19 July 2012).

### **ADDITIONAL CONSULTATION RESPONSE**

None received

## **Section 106 contributions Levy (CIL) Regulations**

### **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.

As advised within the Committee report 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 and sport pitch facilities such as a trim trail / jogging track around South Park. 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 an agreement based on the above mentioned Head of Terms.

**RECOMMENDATION**

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

- Prior completion of a Section 106 Agreement for a commuted sum for Public Open Space and Outdoor Sports and Recreation
- Recommended conditions