

# CHESHIRE EAST COUNCIL

## SOUTHERN PLANNING COMMITTEE REPORT

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<b>Date:</b>	10 <sup>th</sup> January 2018
<b>Report of:</b>	Gareth Taylerson – Principal Planning Officer
<b>Title:</b>	Update following the resolution of minded to refuse application 17/0339N but with heads of terms if the appeal is allowed
<b>Site:</b>	Land to the north of Little Heath Barns, Audlem Road, Audlem

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### 1.0 Purpose of Report

- 1.1 Planning application 17/0339N was determined by Southern Planning Committee on 9<sup>th</sup> August 2017. This report is to consider the amendment to the Heads of Terms within the resolution for this application.
- 1.2 The minutes from the meeting are as follows:

*for the reasons set out in the report and the written update, the Committee be MINDED TO REFUSE the application for the following reason:*

*Whilst the application has been supported by a viability report, the findings conflict significantly with the independent report carried out on the Councils behalf which concludes that the scheme could provide a higher contribution towards affordable housing than that being proposed. As a result it has not been justified as part of the application process why the proposal is unable to provide the required contribution towards affordable housing. The proposal is therefore Contrary to Policies SC5, SD1 & SD2.*

*(b) That, should the application be the subject of an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms:*

- 1. Commuted sum of £556,699 towards affordable housing in the local area*

*2. Provision of a management company for the future maintenance of on site openspace/green gym*

**2.0 Decision Required**

- 2.1 Further negotiations have now taken place with the South Cheshire Clinical Commissioning Group (acting on behalf of NHS England) regarding the sum for the health provision.

**3.0 Background**

- 3.1 The application site is former agricultural land, situated on the northern edge of the village of Audlem. It forms part of a wider site to the north and west which has gained planning permission for the erection of 120 dwellings and construction works have now commenced. A row of four recently constructed terraced properties at Little Heath Barns, are orientated side on to the site boundary. A combination of garden fences and mature vegetation form the boundary at the south of the site. The wider site to the north and west is now under construction.

**4 Proposed Development**

- 4.1 This is a full application for the erection of retirement living housing (category II type accommodation), communal facilities, landscaping and car parking. The proposal includes a cluster of buildings in an L shaped design with car parking to the west and a landscaped garden to the east.
- 4.2 Vehicular access would be taken from an existing access point Audlem Road with a pedestrian access also taken off Audlem Road to the south-eastern boundary. Existing hedging is being shown as retained on the eastern boundary.
- 4.3 The appellant has appealed against non determination so the proposal seeks to determine what the Council would have been minded to recommend.

**5 Officer Comment**

- 5.1 In this case the application was heard at the planning committee on 9<sup>th</sup> August 2017. During the discussions members asked whether or not the medical contribution from the CCG was backed up by a viable/deliverable scheme. However this information was not provided in the committee report as it was received too late to form part of the report or update report.
- 5.2 Having considered the contents of the response from the CCG, officers are satisfied that the requested contribution of £17,352 is CIL compliant. This is because the NHS plan is at an advanced stage and a scheme exists within the Infrastructure delivery plan of Cheshire East. The letter from the CCG also provides calculations of how the

requested contribution was derived. As a result the contribution is justified and should be added to the heads of terms should the appeal be allowed.

## **6 Conclusion**

- 6.1 On the basis of the above, it is considered that the amendment to the committee resolution is acceptable.

## **7 Recommendation**

- 7.1 The Heads of Terms are altered as follows:

*1. Commuted sum of £556,699 towards affordable housing in the local area*

*2. Provision of a management company for the future maintenance of on site openspace/green gym*

*3. Commuted sum of £17,352 towards an extension at Audlem Medical Practice*

- 7.2 The slip rule should also have been included in the original report and it is also recommended that this is attached to the resolution:

*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 Head of Planning/Regulation, in consultation with the Chair (or in his absence the Vice Chair) of Southern 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.*

## **8 Financial Implications**

- 8.1 There are no financial implications.

## **9 Legal Implications**

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

- 11.1 For the purpose of negotiating and completing a S106 Agreement for application 17/0339N and to issue the planning permission.

***For further information:***

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***Background Documents:***

- *Application 17/0339N*