

Application No: 12/1532M

Location: LAND OFF TROUTHALL LANE, PLUMLEY, WA16 0UG

Proposal: ERECTION OF 8 NO. AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING. CONSTRUCTION OF VEHICULAR ACCESS.

Applicant: MCI DEVELOPMENTS LTD & PEAKS & PLAINS HOUSING TRUST

Expiry Date: 13-Jun-2012

Date Report Prepared: 31 July 2012

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether the principle of affordable housing in this location is acceptable
- Whether the need for affordable housing has been proven
- Whether the proposal constitutes inappropriate development in the Green Belt and if so, whether there are any very special circumstances
- The design and appearance of the proposal and its impact on the character, appearance and openness of the area
- The impact of the proposal on the amenity of nearby residents
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on protected species
- The impact upon the setting of the Listed Building

REASON FOR REPORT

The application has been called to Committee by the local ward Member, Councillor Walton for the following reasons:

- Development within the Green Belt
- Actual community need for these houses not proven and the houses are not exclusively for the community
- Development out of character with immediate local streetscene
- Over development of site

- Only one parking space per dwelling which will lead to parking on narrow Trouthall Lane adjacent to site entrance
- Application is not community led in line with NPPF and Localism Act and pre-empts the possible neighbourhood plan
- The provision of public open space in Plumley is inadequate at present. The proposed development creates an even greater demand for such space and does not provide any practicable solution
- Significant impact upon openness of Green Belt
- Road safety concerns: access / egress is on the inside bend of a narrow lane with limited sight lines in both directions and near another junction. The risk would be further exacerbated by likely additional parking and traffic congestion on Trouthall Lane
- Inadequate sustainability and reliability of local water supply including size of local pumping station
- The application is contentious and of considerable public interest

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of open land between two residential properties. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect 8 affordable dwellings.

RELEVANT HISTORY

There is no planning history on the site of relevance to the current proposal.

POLICIES

Regional Spatial Strategy

- DP1 Spatial principles applicable to development management
- DP2 Criteria to promote sustainable communities
- DP4 Sequential approach to making the best use of existing resources
- DP5 Objective to reduce need to Travel and increase accessibility
- DP7 Criteria to promote environmental quality
- DP8 Mainstreaming Rural Issues
- DP9 Objective to reduce emissions and adapt to climate change
- RDF1 Hierarchy of spatial priorities
- RDF2 Spatial priority for development in rural areas
- RDF4 Maintaining the general extent of the Region's Green Belt
- L2 Understanding Housing Markets
- L4 Criteria on targets for regional housing provision
- L5 Affordable housing provision
- RT2 Strategies for managing travel demand and regional parking standards
- RT9 Provision of high quality pedestrian and cycle facilities
- EM1 Objectives for protecting the Region's environmental assets

Local Plan Policy

NE11 Protection and enhancement of nature conservation interests
 BE1 Design principles for new developments
 GC1 Control over new buildings in the Green Belt
 H1 Housing phasing policy
 H2 High quality living environment in housing developments
 H5 Criteria for the development of windfall housing sites
 H8 Provision of affordable housing
 H9 Affordable Housing
 H13 Protecting Residential Areas
 T2 Integrated Transport Policy
 DC1 High quality design for new build
 DC3 Protection of the amenities of nearby residential properties
 DC6 Safe and convenient access for vehicles, special needs groups and pedestrians
 DC8 Requirements to provide and maintain landscape schemes for new development
 DC9 Tree protection
 DC35 Materials and Finishes
 DC37 Landscaping
 DC38 Guidelines for space, light and privacy for housing developments
 DC40 Children's Play Provision and Amenity Space

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Highways - The development should provide 200% parking as a minimum and I would request that at least two more car spaces are provided within the site or the number of units is reduced.

Environmental Health – No objection subject to conditions relating to hours of construction and contaminated land

United Utilities – No objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Plumley with Toft & Bexton Parish Council - The Parish Council objects to the application for the following reasons:

- The development is within Green Belt and has a significant impact on the openness of the Green Belt.
- Peaks and Plains (P&P) did not follow the correct process of consultation with the residents for this development.
- Actual community need for these houses has not been proven, and the houses are not exclusively for the community.
- Development out of character with immediate local streetscene
- Overdevelopment of site
- Only one car parking space per dwelling is inadequate, which will lead to parking on narrow Trouthall Lane adjacent to site entrance

- Application is not community led, does not accord with National Planning Policy Framework (NPPF) and the Localism Act, and pre-empts the possible Neighbourhood Plan.
- The provision of public open space in Plumley is inadequate at present. This proposed development creates an even greater demand for such space and does not provide any practicable solution or alleviation as the land specified in the application is not available to be used as open space.
- Road safety concerns: access/egress is on the inside of a bend on a narrow road with limited sight lines in each direction and near another junction. This risk would be further exacerbated by likely additional parking and traffic congestion on Trouthall Lane.
- The historic and protected hedgerow on Trouthall Lane forming the roadside boundary to the site would be need to be totally removed for the development to take place (as stated by P&P at their drop-in session on 12th April, 2012 at Plumley Village Hall).
- The development will affect the setting of Malt Kiln Farm which is a grade II listed building adjacent to the proposed development land. (As the land was originally part of Malt Kiln Farm the development would be within the original curtilage of the listed building).

Following receipt of additional information the Parish Council notes:

The proposal is still not acceptable in principle, although some detail changes have been made. The applicants have still not provided any proof that there is a community need for the proposed houses; the Parish Council requested information such as the names and addresses of the proposed tenants, and why they need to live in Plumley on the 31st May, but Cheshire Peaks and Plains have not provided this information as yet. The site is Green Belt, Green Field, next to a Listed Building, and far too small for eight properties. No attempt has been made to consider other sites. The design and density of the development is not in keeping with the village, or the street scene and there is no provision for additional public space of which Plumley is already lacking. We do not see any reason to revise or remove our objections to the proposal.

OTHER REPRESENTATIONS

47 letters of representation have been received, which can be viewed on the application file. These letters object to the proposal on the following grounds:

- Adverse impact upon setting of Listed building
- No modern development on this side of Trouthall Lane
- Applicant's tool for assessment of impact upon listed building is subjective and wrong
- The people of Plumley have already rejected proposals for affordable dwellings
- Not a rural exception site in the Green Belt
- Not in accordance with Interim Planning Statement on Affordable Housing
- Houses will not only be for the people of Plumley
- No shortage of low cost housing in the area
- Plumley is the wrong place for affordable housing
- Impact upon drainage and sewers
- Detrimental to highway safety
- Disruption during construction
- Loss of important hedgerow

- Inadequate parking
- Out of character
- Little consultation with village residents
- Green Belt land should not be used
- No evidence of local need
- Lack of services in Plumley
- Density of development is too great
- Proposal prejudices local neighbourhood plan
- Does register of interest meet NPPF rural exception site criteria?
- Loss of outlook onto neighbouring land
- Light pollution
- Noise and disturbance
- Overlooking
- Plumley Local Plan identifies the protection of the Green Belt as its priority
- Lack of open space in the village – the space referred to in supporting documents is not public open space
- Inadequate waste removal access
- Site forms an intrinsic part of adjacent listed building
- Site not chosen for its suitability or to meet a need, but for commercial profit
- No evidence to show that brownfield sites have been explored
- Inaccuracies in application form
- Insufficient information submitted to consider all matters of public interest
- This is not “limited” affordable housing
- Detrimental to openness of Green Belt
- Loss of sunlight and daylight to existing properties

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following documents in support of the application:

- Tree survey
- Design and access statement
- Copy of the consultation letter sent to local residents
- Climate change statement
- Copy of the register of interest form used at the consultation event
- Affordable housing statement
- Utilities statement
- Planning statement
- Ecological assessment
- Heritage impact assessment
- Hedgerow assessment

The full documents can be viewed on the application file. The planning statement concludes that:

- The proposal is in accordance with the development plan.
- Location adjacent to the developed area of Plumley and identified need for affordable housing makes it an ideal rural exception site.

- The housing will remain affordable in perpetuity and occupancy will be restricted to favour those who are either current residents of the area or have family or employment connections.
- The development will integrate into the existing settlement fabric and is located in a sustainable location within close proximity of the village's community facilities, services and infrastructure.

OFFICER APPRAISAL

Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate unless it is for one of the six identified exceptions. This includes "limited affordable housing for local community needs under policies set out in the Local Plan". Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes including "limited affordable housing for local community needs in accordance with policies H8 – H10". Policy H10 specifically referred to affordable housing in rural areas and included a list of 4 criteria to be met before permission would be granted for affordable housing in rural areas. However, policy H10 is not a saved policy and cannot therefore be referred to in the determination of applications for rural affordable housing. The reason why the policy was not saved is because it was considered that it was similar to paragraph 30 of the now superseded PPS3 and the issue is also now covered by the Council's Interim Planning Statement on Affordable Housing (IPSAH). Paragraph 7.1 of the IPSAH states:

"In certain circumstances planning permission may be granted for small schemes of affordable housing where;

- *The site adjoins the settlement boundary of a village or is within a village with no settlement boundary*
- *There is an identified need for affordable housing in that village or locality*
- *All the proposed housing is affordable, for people with a local connection and will remain affordable in perpetuity*
- *The development is in accordance with other local plan policies"*

It is paragraph 54 of the NPPF, which makes reference to affordable housing in rural areas. This states that:

"Local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate."

Paragraph 14 of the NPPF states that at its heart there is a "presumption in favour of sustainable development", and paragraph 55 states that, "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Local Plan policies H5 and T2 also seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This is also acknowledged within the IPSAH, where it identifies that priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport.

It is acknowledged that Plumley is limited in terms of the services / facilities that are available. With the exception of a pub, village hall, shop / post office and a church the nearest facilities are located in Knutsford Town Centre. Public transport options are limited to the train service from Plumley. The railway station is approximately 500 metres from the site, and Plumley is situated on the mid Cheshire line from Manchester Piccadilly to Chester via Stockport, Altrincham, Knutsford and Northwich.

It is evident therefore that essential facilities are not readily accessible from the site, and it is the site is clearly less sustainable than a brownfield town centre location. However, given that this is a scheme for rural housing for people with a connection with the parish of Plumley with Toft & Bexton to meet an identified need, it is considered that the sustainability of the site in terms of location and access to services should be given less weight as this is dictated by the identified need for affordable housing in this location (this need is examined later in the report).

It is considered that the provision of affordable housing on the scale proposed by this application would help to sustain the existing rural community of Plumley as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be. In this case, this is considered to outweigh the disadvantages of the site in terms of location and access to service/facilities.

The application site is a greenfield site, however, whilst national and local policy seeks to ensure that the majority of new development is located on brownfield land, there is no formal requirement for a sequential approach to this to be taken by developers. Therefore the fact that the site is technically greenfield is not considered to be a sufficient reason to reject the application site as a site for rural affordable housing. Notwithstanding this, there are no known suitable alternative brownfield sites in Plumley that could accommodate this development.

Assessment of Need

As the application is put forward as a rural exceptions site there is a necessity for there to be proven housing need for the proposed development.

The Housing Strategy and Needs Manager has commented on the application. They note that a rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes. The survey was conducted by sending out a questionnaire to all the households in the survey area and produced a return rate of 35% in the Plumley parish. The rural housing needs survey for Plumley identified that there were 10 hidden households (households which have at least 1 adult in the household who wished to form a separate household) who would consider either a rented tenure or shared ownership. The survey also established that there are 6 people who have moved out of the borough in the last five years because they could not afford to rent or buy in the parish who would like to return, and again would consider a rented property or shared ownership. Therefore, the rural housing needs survey has identified a total of 16 persons with a direct local connection who could be potential occupiers of affordable housing in Plumley.

Cheshire Peaks and Plains held a consultation event on 12 April 2012 to establish a register of interest for the proposed affordable housing. 10 people registered an interest at this event.

The Cheshire East Housing Options team have reviewed the details of the 10 people and confirm that all of them would qualify under the Cheshire homechoice community connection criteria for Plumley with Toft & Bexton. Cheshire homechoice is a partnership between the local authority and social housing providers in the Cheshire East area. All those registering an interest would also qualify under the local connection criteria set out in the s106 agreements utilised on developments of this type.

For the purposes of the Strategic Housing Market Assessment (SHMA) 2010 Ollerton is in the Knutsford Rural sub-area, where there is a need for about 155 new affordable homes between 2009/10 and 2013/14, this equates to 31 new affordable homes per year. There have been some recent planning approvals for sites in the Knutsford Rural sub-area which have an element of affordable housing on them;

- 10/0436M – Woodside Poultry Farm, Over Peover, 15 units,
- 10/3448M – Chelford Agricultural Centre, Chelford – 26 units (this is 30% of the total units at the site)
- 10/3239M – Chelford Cold Storage, Chelford – 18 units (this is 30% of the total units at the site)
- 11/2091M – Marthall Lane, Ollerton, 14 units
- 11/3828M – Holly Grove, Tabley, 8 units

If these 5 sites progressed (only Marthall Lane and Holly Grove are currently under construction) and the units were developed there would be a total of 81 affordable units provided, this would still leave a shortfall requirement of 74 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14.

There are currently 27 affordable homes in the Plumley Parish managed by Peaks and Plains, of which 4 are bungalows and 24 are 2 and 3 bed houses. However, due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objections to the application. They note that all the housing is to be provided as Affordable Rent and Shared Ownership, although the actual split of the tenure mix of the properties is to be agreed with the Local Planning Authority.

It should also be noted that the NPPF states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Members will be aware, that the Council cannot identify a five year supply of deliverable housing sites.

Green Belt policy within the framework restricts the type of development that can take place, but as noted above affordable housing can be an exception. A key question in understanding the weight to be given to the presumption in favour of the development is whether or not the proposal is inappropriate development in the Green Belt.

Green Belt

As previously stated, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, it is considered that a need has been demonstrated for the proposed 8 affordable dwellings in Plumley with Toft & Bexton and it is not considered that a residential development of that number would be out of scale with the village. The proposal is therefore not considered to be inappropriate in the Green Belt and is compliant with Local Plan policy GC1. However, it is still necessary to consider whether there is any other harm to the Green Belt arising from the proposal, including harm to openness.

The site is currently relatively open and occupied by a brood of chickens, therefore the provision of 8 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that extending the existing ribbon by infilling an existing gap will have some visual impact. However, although in the Green Belt, the built up area of Plumley is well defined, and the application site is within this built up area with buildings either side and opposite. The development would infill an existing gap on Trouthall Lane, and by doing this the overall impact upon openness and visual amenity is considered to be adequately limited, when compared to the alternative of locating it on the edge of the village, where it would encroach further into the countryside.

Character & Design

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. In addition policy BE16 relates to the protection of the setting of listed buildings.

There is no single distinctive style of property within the immediate area. There are 1930s style detached and semi-detached properties, 1960s detached houses, bungalows, terraced properties (some of which are under the control of Peaks & Plains), as well as more traditional cottages, including the adjacent listed building, and converted barns. The properties also have a variety of materials and a variety of relationships with the highway in terms of visual prominence and distance from it. The character of the area can only therefore be described as unequivocally varied.

It is considered that the proposed siting of dwellings represents a logical infill within the parameters of the existing village. The properties are set out in a courtyard style, which is to reflect the layout of the adjacent property at Malt Kiln Farm. The nearest property to Trouthall Lane is approximately 8 metres from the pavement. Malt Kiln Cottage, next door, is set 6 metres

back from the pavement, and the side elevation of the next property, Malt Kiln Cottage, actually abuts the pavement. The set back of the proposed dwellings is considered to be acceptable in this context, subject to the provision of soft landscaping to the front boundary

The density and scale of the proposed housing is considered to present an adequate compromise between the need to make efficient use of land whilst respecting the character of the locality. Indeed the dwellings are at a higher density than some dwellings, but at a lower density than others in this very varied residential part of the Green Belt.

The loss of the existing boundary hedgerow and opening up of the site frontage for the access drive would also have an impact on overall character. At the time of writing the materials for the driveway and courtyard were still being discussed, and therefore the final proposal for the hard surfacing will be reported to Members as an update. It is also recommended that permitted development rights are removed for walls and fences to ensure the soft landscaping to the front is retained in perpetuity. Consequently, no design objections are now raised subject to conditions.

Setting of Listed Building

Paragraph 128 of the NPPF states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected”*. The applicant as now submitted such a statement of significance. Paragraph 132 notes *that “significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*. Policy BE16 of the Local Plan states that development which would adversely affect the setting of the listed building will not normally be permitted.

The listed building is a late 17th century timber framed farmhouse. Original outbuildings / barns exist to the south of the principal building, which have now been converted to separate residential use. There is no specific mention of its setting with the Listing. Formal comments from the Conservation Officer on the impact of the proposal upon the setting of the listed building are awaited. These comments will also be reported in an update, however, it is noted from historical maps that the listed building has been altered over the years; therefore its historical significance will have been diluted by these changes. The northern section (closest to the application site) is the part of the house where the more recent intervention is evident. The building appears to be in relatively good condition for such an old building, and whilst it is clearly visible and appreciated from public vantage points it is not considered to be a main focus of the area. The site is clearly defined from the adjoining application site with additional landscaping proposed, and the proposed development is set back from the listed building, and is not considered to dominate it. Having regard to the distance to and relationship with the adjacent listed building, subject to the outstanding comments from the Conservation Officer, the proposed dwellings are unlikely to be considered to have a significantly harmful impact upon its setting.

The particular choice and quality of materials will be crucial to the success of the development. A condition is recommended requiring the submission of details, however suggested materials will include painted timber windows and doors, fenestration to be set behind a 100mm reveal, metal rainwater goods, and natural Blue Slate. This is to preserve the setting of the listed building and rural character of the area.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The application site lies between Oak House (formerly Chalon) and Malt Kiln Farm on Trouthall Lane. The rear elevations of five of the properties face towards the side elevation of Oak House, which is approximately 33 metres away. There is also intervening vegetation and the separation distance exceeds the guidelines set out in policy DC38. There will be some increase in activity arising from the dwellings and the associated parking of cars, however, again due to the separation distance with neighbouring dwellings, any increase in noise to rooms or sensitive outdoor amenity areas is not considered to be sufficiently harmful to justify a refusal of planning permission. A blank gable wall will face towards the listed property at Malt Kiln Cottage, with a nearest separation distance of approximately 15 metres. The properties that face towards the first floor gable window of Malt Kiln Farm are over 30 metres away. No significant amenity issues are therefore raised.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the proposed development consists of a 7no. 2 bed dwellings and 1No. 3 bed dwelling with 14 car parking spaces initially being proposed. The main highway issue is the availability of parking within the site, as it is likely that most trips to and from the site will be made by car. It is therefore important that adequate parking is provided within the site. Trouthall Lane is narrow and will not support any on-street parking and this reinforces the need to provide sufficient parking. The development should provide 200% parking as a minimum. Revised plans have therefore been submitted that provide two additional parking spaces within the site, taking the total to 16. No significant highway safety concerns are now raised.

Trees / Landscaping

An Arboricultural Statement has been submitted with the application. The most notable loss is that of the hedgerow along the front boundary of the site. This hedge is not formally protected, and whilst comments from the Council's Arboricultural Officer are awaited, it is understood that the hedge could not be protected under the hedgerow regulations, due to the properties either side being residential. The hedgerow regulations do not apply to dwellinghouses or their curtilages. Therefore, the hedgerow concerned is an isolated section, and as such its retention cannot be justified under the hedgerow regulations.

The hedgerow will be replaced by a mixed native hedge and additional planting will take place within the site to soften the impact of the development. The landscape officer raises no objections to the proposal.

Ecology

The Nature Conservation Officer has commented on the application and has noted that the only potential issue the submitted ecological assessment has raised is the potential need for a water vole survey of the stream which is located on the site boundary. The submitted ecological assessment does suggest that there is an 8m stand-off from the stream where no machinery is used. If this recommendation is implemented it would negate the need for a

water vole survey. A condition is therefore recommended to ensure the development is carried out in accordance with the recommendations set out within the ecological report.

The loss of hedgerow from the site frontage will be compensated for by the proposed hedgerow creation. Additional conditions are therefore recommended to safeguard breeding birds. This will ensure an acceptable impact upon nature conservation interests and compliance with relevant local plan policies.

Leisure Provision

The Proposed development triggers the requirement for the provision of open space and in lieu of on site provision, which is not considered to be appropriate in this case, a commuted sum for off site provision will be required.

Formal comments are awaited from Leisure Services, however, the commuted sum for open space provision based on 8 family dwellings would be £24,000. This commuted sum would be due prior to commencement of development, however clarification is required from Leisure Services on exactly what it would be used for. It is anticipated that in line with the SPG on S106 (planning) Agreements, the commuted sum for open space provision will be used to provide formal and informal play and amenity opportunities.

The commuted sum for Recreation and Outdoor Sports based on 8 family dwellings would be £8,000. However, as the development is providing 100% affordable housing this element will be waived. Therefore the total commuted sum required from this development will be £24,000

This sum is reflected within the unilateral undertaking submitted with the application.

Other considerations

The Contaminated Land Officer has advised that the application site is within 250 metres of a known area of ground that has the potential to create gas, and since the application is for new residential properties which are a sensitive end use they could be affected by any contamination present. Therefore, a phase 1 contaminated land survey is required, which can be dealt with by condition.

United Utilities raise no objections to the proposal, subject to conditions relating to the drainage details.

Heads of Terms

Should Members be minded to approve the application, then it will be subject to the unilateral undertaking which includes the following matters:

- All eight dwellings are to be made affordable, in perpetuity. The dwellings shall be made available through a Cascade Provision to residents who have a Local Connection, as set out below.

It is recommended that the following Cascade Provision is incorporated into the legal agreement:

1. Residents of Plumley
1. Residents of adjoining parishes within Cheshire East

2. Residents of parishes within Knutsford rural sub area as identified in the Council's SHMA 2010.
3. Residents of Knutsford
4. Residents of Cheshire East.

Local Connection shall be defined as:

A person who has:

- i. A minimum period of 5 years permanent residence in the relevant area of the Cascade Provision, or
- i. A strong local connection including a period of residence of 5 years or more within the last ten years in the relevant area of the Cascade provision, or
- ii. A minimum period of 2 years permanent residence in the relevant area of the Cascade Provision, or
- iii. An essential functional need to live close to his or her work in the relevant area of the Cascade Provision

And priority shall be given to prospective occupiers in the order as set out above, provided that this is in accordance with the priorities set out in the Cascade Provision to ensure a prospective Occupier from the Parish shall take precedence over a prospective Occupier from an Adjoining Parish, as so forth through the categories contained within the Cascade Provision.

- commuted sum of £24,000 to be paid to the Council in lieu of on site public open space

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 provision of affordable housing would help to sustain the existing rural community of Plumley as it would provide additional affordable housing for those with a connection with the village enabling them to remain within or return to the village, as the case may be.

The commuted sum to be paid to the Council to enhance open space facilities in the local area to provide opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum and affordable housing is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The many comments received in representation are acknowledged, and it is understood that many of the objections relate more to the specific site rather than the principle of affordable

dwellings in Ollerton and Marthall. However, the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

It is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 8 dwellings in Plumley on an existing Greenfield site is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least this number of dwellings. The siting, layout and design of the scheme is considered acceptable as are the access and parking arrangements and the impact upon the Listed Building. It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents or on protected species. There are no other material planning considerations that would warrant the refusal of the application which for the reasons outlined within the report, is considered acceptable subject to conditions and the submitted unilateral undertaking.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A23GR - Pile Driving
7. A17MC - Decontamination of land
8. A11LS - Implementation of landscaping scheme submitted with application
9. A04NC - Drainage details to be submitted
10. A17EX - Specification of window design / style (timber)
11. A12EX - Fenestration to be set behind reveals
12. A10EX - Rainwater goods
13. Lighting details to be approved
14. Development carried out in accordance with Ecology statement
15. Safeguarding breeding birds
16. Details of features for breeding birds to be submitted



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