

Application No: 11/2091M

Location: LAND OFF MARTHALL LANE, MARTHALL LANE, OLLERTON, WA16 8RP

Proposal: Full Application for 14 Affordable Dwellings to Serve Local Housing Need

Applicant: Cheshire Peaks and Plains Housing Trust

Expiry Date: 08-Sep-2011

Date Report Prepared: 20 October 2011

SUMMARY RECOMMENDATION

Approve subject to conditions & the prior completion of a S106 legal agreement

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

REASON FOR REPORT

This is an application for 14 affordable dwellings in the Green Belt, and as such meets the criteria outlined in the Council's constitution for it to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of woodland / vegetation immediately adjacent to Marthall Lane, which once formed part of the adjacent nursery. The application site covers an area of 0.3 hectares and is currently accessed via a track off Marthall Lane that leads to the land at the rear of Oaklands Road. Residential properties are located to the north east, south west and south east of the site, with a nursery to the north west. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of 14 affordable dwellings, 10 x 2 bedroom, and 4 x 3 bedroom semi detached two-storey dwellings. The dwellings are to be built and managed by Cheshire Peaks and Plains Housing Trust, a local housing association and would all be for affordable rent. The dwellings are proposed to be constructed in brickwork with imitation slate roofs. Vehicular access to each dwelling is to be taken directly from Marthall Lane, with each dwelling provided with two parking spaces at the front or side of the property.

RELEVANT HISTORY

10/2203M - 14 AFFORDABLE DWELLINGS – Withdrawn 06.09.2010

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

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS4 Planning for Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
SPG Planning Obligations (Macclesfield Borough Council)
Interim Statement on Affordable Housing (Cheshire East Council)
Ministerial Statement – Planning for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)

CONSULTATIONS (External to Planning)

United Utilities – No objections subject to conditions

Strategic Highways Manager - No objections since each dwelling has 200% parking provision within the site and meets the parking standard requirement, the traffic associated with development will not cause congestion issues as the level of generation is low and can be easily catered for on the local highway network, and adequate visibility is available at the access points that accords with the speed survey undertaken.

Environmental Health (Contaminated Land) - No objection subject to condition

Leisure Services – In the absence of on site provision the proposed development would be required to make a commuted sum payment for offsite provision of public open space.

Housing Strategy and Needs Manager – No objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

VIEWS OF THE PARISH / TOWN COUNCIL

Ollerton with Marthall Parish Council – comments not received at time of report preparation

OTHER REPRESENTATIONS

A significant number of representations have been received in relation to the application. Copies of the representations can be viewed on the application file.

In total 54 letters of representation have been received objecting to the proposal. A number of these representations state that there is no objection to the principle of affordable housing

but that objections are raised to the particulars of this proposal. The main points of objection are summarised below.

- No proven need for 14 affordable dwellings in the village
- Question validity of the housing needs survey and register of interest
- Permission granted for affordable housing in Over Peover
- Two other potential sites in Chelford
- Detrimental to the character of this rural area
- Loss of woodland / hedgerow
- Loss of ecological habitat
- Unsustainable location / lack of amenities / lack of public transport
- Risk to highway safety
- Use of a greenfield site in the Green Belt
- Disruption and danger during construction
- Already a balanced mix of housing in the area
- Lack of infrastructure
- Contrary to localism agenda given weight of local opposition
- Overlooking to property opposite
- Overbearing to properties opposite
- Loss of value to existing properties
- May need to fill houses with non local residents due to absence of local need
- No proof of financial calculations used to justify shortfall in open space / leisure contribution of £12,000
- Effect on groundwater levels and surface water drainage

In addition, a statement has been submitted by the 'Save Ollerton Action Group' objecting further on the grounds outlined above.

Also, on behalf of the save Ollerton Action Group a Transport Assessment has been submitted which highlights highway safety concerns due to the national speed limit on the road. This assessment also states that the site cannot be considered to be located where there is a realistic choice of transport mode and therefore it is considered that the private car will be the essential choice of transport mode from the site and as such the site is therefore contrary to national transport policy as set in PPG13 - Transport.

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application including a Utilities Statement, Tree Survey, PPS3 Checklist, Planning and Affordable Housing Statement, Transport Statement, Design & Access Statement, and a Protected Species Survey. Full copies of these documents are available to view on the application file.

The Planning and Affordable Housing Statement concludes that:

- The proposal is in accordance with development plan policies and other material considerations

- Strong evidence from a variety of sources of a localised need in Ollerton with Marthall parish.
- Housing must 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.
- As a gap in an otherwise built up frontage, the site lends itself to development.
- The site is more sustainably located than many rural areas, but in any case the development is primarily intended for those who are already present in Ollerton.
- The initial application was withdrawn due to the lack of trapping opportunities for Great Crested Newts.

OFFICER APPRAISAL

Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the five purposes listed within the paragraph. This includes “limited affordable housing for local community needs under development plan policies according to PPG3”. 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 PPS3 and the issue is also now covered by the Council’s Interim Planning Statement on Affordable Housing. Paragraph 30 of PPS3 states

“In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

From this it is evident that national policy offers general support for the principle of limited rural affordable housing on small sites provided that it is to meet a local community need in perpetuity.

In addition, the section 7 of the Interim Statement on Affordable Housing states that:

“Generally planning policies do not allow for new housing development in the open countryside outside of villages with settlement boundary lines. However 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”*

However, national and local policy in the form of PPS1, PPS3, PPS4, PPS7 and policies H5 and T2 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 Affordable Housing Statement, 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.

This site has been assessed against these policies with the use of the PPS3 Housing Self Assessment Checklist, and with regard to the accessibility criteria specified within the North West Sustainability Checklist. With the exception of a pub, play area, village hall and a church the nearest facilities are located in Knutsford Town Centre. Public transport options are relatively limited with a bus stop within walking distance at Ollerton crossroads, on the Manchester to Knutsford route. This service runs Monday to Saturday between approximately 7am and 6pm. It is evident therefore that essential facilities are not readily accessible from the site, and it is therefore considered to be in an unsustainable location. However, given that this is a scheme for rural housing for people with a connection with the parish of Ollerton with Marthall 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 Ollerton / Marthall 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 Ollerton 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, which included Ollerton. The survey was conducted by sending out a questionnaire to all the households in the survey area and produced a return rate of 27% in the Ollerton parish. The rural housing needs survey for Ollerton identified that there were 8 hidden households (households which have at least 1 adult in the household who wished to form a separate household). 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. Therefore, the rural housing needs survey has identified a total of 14 persons with a direct local connection who could be potential occupiers of affordable housing in Ollerton.

Cheshire Peaks and Plains held a consultation event on 20 May 2010 to establish a register of interest for the proposed affordable housing. 22 people registered an interest at this event. The Cheshire East Housing Options team have reviewed the details of the 22 people and confirm that 18 of them would qualify under the Cheshire homechoice community connection criteria for Marthall and Ollerton. Cheshire homechoice is a partnership between the local authority and social housing providers in the Cheshire East area.

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 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)

If these 3 sites progressed and the units were developed there would be a total of 59 affordable units provided, this would still leave a shortfall requirement of 96 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14.

Due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objections to the application. They note that unless there are exceptional circumstances Affordable Rent (as proposed in this scheme) is now the only type of rented tenure that can be delivered on affordable housing schemes when they are being funded with a grant from the Homes & Communities Agency (HCA). The maximum the rent can be set at is 80% of open market rents for that type of property in the area they are. As Cheshire Peaks and Plains have submitted a bid to the HCA for grant funding for this site and this has been supported by the Housing Strategy and Needs Manager, in this case Affordable Rent is an acceptable tenure for this site.

Occupancy will generally be restricted to a person resident or working in the relevant locality, or who has other strong links with the locality. The locality to which the occupancy criteria are to be applied will need to be agreed with the Council prior to determination of the relevant

planning application. Generally this is taken as the Parish or adjoining Parishes. Finally to ensure an adequate supply of occupiers in the future, the Council will expect there to be a "cascade" approach to the locality issue appropriate to the type of tenure. Thus, first priority is to be given to those satisfying the occupancy criteria in relation to the geographical area immediately surrounding the application site, widening in agreed geographical stages.

Green Belt

As stated above, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, as outlined above, it is considered that a need has been demonstrated for the proposed 14 affordable dwellings in Ollerton / Marthall and it is not considered that a residential development of that number would be out of scale with the village. The principle of the proposal is therefore considered acceptable in the Green Belt and 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 occupied only by vegetation / woodland, therefore the provision of 14 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that extending the ribbon of housing will have a visual impact, as raised in the letters of objection. However, the development would infill an existing gap along Marthall Lane, and by doing this the overall impact upon openness and visual amenity is considered to be adequately limited. As such the proposal is not considered to be inappropriate in the Green Belt.

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.

The existing development around Marthall Lane generally comprises 1 or 2 storey, brick faced dwellings ranging in age and architectural style either facing directly onto the lane or accessed via small cul-de-sacs. It is considered that the proposed siting of dwellings represents logical infill within the parameters of the existing village utilising the existing infrastructure following a traditional ribbon form along an established highway. The set back of the properties is greater than the dwellings on the corner of Chelford Road and less than that of the housing to the east and mindful of the variety in the existing building line and the need to provide soft landscaping along the front boundary (see below) this set back is considered an acceptable design choice.

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.

Revised plans have been submitted that seek to address some minor issues. These include:

- The removal of railings on the front elevation.
- The retention/replacement of hedgerow on the front and south western elevations.

- Annotation of existing marshland to be retained on north eastern boundary.
- Indicative brick colour amended
- Reconfigured house types, showing minor amendments to fenestration and doors.

As approximately 50% of the site frontage would remain open as driveways, the visual appearance of hard surfaced areas within curtilages would also have an impact on overall character and it is therefore necessary to require the submission of full details of hard surfacing for subsequent approval. 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.

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 The Old Chapel and number 41 Marthall Lane. Having regard to the proposed relationship with these properties, there is not considered to be any significant impact upon the living conditions of these neighbours. Any potential overlooking from side facing windows can be overcome with obscure glazing conditions.

With regard to the properties on the opposite side of Marthall Lane; 1 Beech Close, 1 and 11 Chapel Road and 9 Ashdown Road, the application properties will face towards their front / side elevations and side garden areas. The closest relationship with the new dwellings would be with 11 Chapel Road, where there would be a separation distance of 26 metres. This exceeds the guidelines outlined in policy DC38, which suggests a separation distance of 25 metres back to back between habitable room windows and 21 metres front to front. Whilst there would be some overlooking of parts of existing gardens, due to the distances involved, this would not be sufficient to justify a refusal of planning permission.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the proposed housing is located towards the south western end of Marthall Lane, which has a number of existing residential properties located in the vicinity of the site. Each dwelling has 200% parking provision within the site and meets the parking standard requirement. The traffic associated with development will not cause congestion issues as the level of generation is low and can be easily catered for on the local highway network.

The proposal will involve vehicles reversing onto the highway, and concerns have been raised by local residents in this regard. However, the applicants have carried out a speed survey that shows the average speeds outside the site are just above 30mph, despite the road being a national speed limit highway. There are also other properties along Marthall Lane that already have this access arrangement. Marthall Lane is a well used road, but it does not have a constant flow of traffic.

The applicants have stated in their submission that they will fund a traffic regulation order (to restrict speeds to 30mph on the section of Marthall Lane closest to the site) at a cost of

£5,000. However, there is no guarantee that the Council could implement a 30mph limit on this road. As noted above, the submitted speed survey indicates average speeds just over 30mph on this section of Marthall Lane, which makes an amended speed limit unnecessary. The Strategic Highways Manager is satisfied that the access and parking arrangements are acceptable. No significant highway safety issues are therefore raised.

Trees / Landscaping

An Arboricultural Statement has been submitted with the application. The Council's Arboricultural Officer notes that trees within the site are predominantly remnants of Nursery Stock densely planted in rows (Alders, Maples etc) and some natural regeneration (Goat Willows, Ash, Sycamore, Elder).

Collectively the group of trees appear to provide a visually pleasing woodland appearance, however much of the planting is densely planted, suppressed and has been unmanaged. Any future woodland management is unlikely to provide any long term benefits, without significant removals and replanting to provide the necessary diversity of species to create a well structured woodland.

The submitted layout identifies the retention of a prominent mature 'A' category Oak towards the eastern boundary of the site within an area of defined open space. This tree has adequate provision for long term retention, in terms of its juxtaposition with the new development.

Whilst it is regrettable that a large volume of immature trees will be removed in order to facilitate this development, it has to be recognised that the management of these trees in terms of establishing a viable woodland entity would require extensive removals and replanting. In this regard it is not considered that the retention and/or management of these trees is a viable option in the long term.

The Landscape Officer raises no objections to the proposal, and the removal of the metal railings along the frontages overcomes initial concerns. There is, however, scope to mitigate for the partial loss of the roadside hedge by planting a mixed native hedge along the rear boundaries of the properties.

Ecology

The Nature Conservation Officer has commented on the application and has noted that a satisfactory survey for great crested newts has now been undertaken. No evidence of great crested newts was recorded therefore this species does not present a constraint upon the proposed development.

A Common toad was recorded on site during the great crested newt survey. Whilst, this species is not protected, it is a Biodiversity Action Plan Priority Species and hence a material consideration. The loss of scrub/woodland and hedgerow from this site will have an adverse impact upon this species at the local scale. It is therefore recommended that wide native species boundary hedgerows are provided as part of the development to go some way to compensating for the loss of terrestrial habitat for toads.

Hedgerows, unimproved grassland and woodland have been recorded on this site. These habitats are Biodiversity Action Plan habitats and a material consideration. The most important hedgerow is located along Marthall Road frontage which was initially proposed to

be removed as part of the scheme. The Nature Conservation Officer recommends that either as much of this hedgerow as possible is retained as part of the development or that a new species rich hedgerow is established on the northern boundary of the site to compensate for this loss. A second less valuable hedgerow is located on the western boundary of the site. As much of the existing hedgerows as possible will be retained, and replanted where required.

The 'woodland' present on site does not appear to be particularly important from an ecological perspective due to its relatively recent plantation origins.

An area of marshy grassland has been recorded on the eastern boundary of the site. From the species recorded this does not appear to be a particularly valuable habitat however it is recommended that it is retained as part of the proposed development, which the applicants have now confirmed is the case.

Whilst there will be some loss of hedgerow and woodland habitat, it is considered that suitable conditions can help to mitigate for this loss, as well as conditions to safeguard breeding birds and to ensure that additional provision is made for breeding birds and roosting bats. This will ensure an acceptable impact upon nature conservation interests and compliance with relevant local plan policies.

Leisure Provision

The proposed development triggers the requirements for the provision of POS and Recreation / Outdoor Sport as identified in the SPG on S106 Planning Agreements. In the absence of on site provision the developer would be required to make a commuted sum payment for offsite provision.

The provision of public open space, recreational and community facilities are as important to rural communities as those in urban areas. They provide essential opportunities for all ages. This commuted sum would be used to make additions, alterations and improvements to the existing facility at Oaklands Road. This facility is in need of substantial works to ensure it provides opportunities for all parts of the community including the new residents. The site offers a very good opportunity to act as a focus for the local community and would ensure the proposed new residents have access to formal and informal recreation at an appropriate level.

The commuted sum for public open space would be £42,000. The sum for recreation and outdoor sport would be £14,000, but in the case of 100% affordable developments, this requirement would be waived.

The applicant has stated that only £30,000 will be available for this purpose. Further discussions are needed on this matter, but it is known that other affordable housing schemes have been subject to the full requirement. Such contributions are also particularly important in Ollerton as the playing fields site is in need of considerable improvement work.

Other considerations

The Contaminated Land Officer has advised that 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 a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Ollerton with Marthall and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Cheshire Peaks and Plains Housing Trust and the Parish Council).
- commuted sum of £42,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Ollerton.

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 Ollerton / Marthall 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 make additions, enhancements and improvements to the Local Parish play facility in Ollerton, which is in need of substantial works will ensure it provides 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 14 dwellings in Marthall 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. 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 prior completion of a S106 legal agreement.

Application for Full Planning

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

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Obscure glazing requirement
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Removal of permitted development rights
9. Tree retention
10. Tree protection
11. Drainage details
12. Phase 1 contaminated land survey
13. Safeguarding breeding birds
14. Enhancement for breeding birds / bats



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