

Application No: 11/2658M

Location: LAND TO THE WEST OF FORMER IRLAMS DEPOT, KNUTSFORD ROAD, CHELFORD

Proposal: Hybrid Planning Application: outline application for development of 10 affordable homes together with associated access works and private car parking. Full application for the reconfiguration of access to and retention of the overflow car parking area for Chelford Agricultural Market

Applicant: EDDIE STOBART GROUP LTD

Expiry Date: 10-Nov-2011

Date Report Prepared: 11th November 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 the reconfigured access arrangements are suitable
- Whether the overflow car parking area to Chelford Agricultural Market should be retained
- 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 10 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 land, the majority of which has previously been used as an overflow car parking area for Chelford Market. The application site covers an area

of 1.77 hectares. The site is accessed from Knutsford Road via a strip of land which is between Chelford Farm Supplies and Dixon Court. The car park area comprises some hardstanding and grassed areas. An 'L' shaped area of land falls to the south of the bowling green, which contains trees, hedgerows and scrub vegetation. Stobarts depot lies to the east of the site. This comprises industrial, warehouse and office buildings and is surrounded by hardstanding. Chelford Heath lies to the south of the site, which is a dense woodland. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This is a hybrid application. Outline planning consent is sort for the erection of 10 affordable homes together with associated access works and private car parking. All matters are to be reserved for this part of the application except for the means of access, which would be from Knutsford Road, and this incorporates improvements to the access to the existing market car park.. An indicative layout has been submitted which shows a mix of properties which would include 4 x 2 bedroom terraced properties, 5 x 3 bedroom properties (3 detached and one pair of semi-detached properties) and 1 x 4 bedroom detached property. No details have been provided with regard to who would manage the affordable dwellings. The applicants agent proposes that this is a matter for further discussion but could comprise a combination of products aimed at satisfying the requirements of households with varying income profiles, some of whom may be better suited toward assisted forms of home ownership than others.

Full planning permission is sort for the reconfiguration of the access to and retention of the overflow car parking area for Chelford Agricultural Market.

RELEVANT HISTORY

10/3239M - Re-development of depot for residential development (maximum 50 dwellings) – Application was considered by the Strategic Planning Board on 08.12.10 and approved subject to conditions and a S106 Agreement with the following Heads of Terms: -

- The Employment element as proposed under application 10/3267M shall be substantially complete within 3 years of the commencement of the residential scheme unless another scheme is approved in writing with the Local Planning Authority
- 30% affordable housing split between 50% for social rent and 50% for intermediate ownership but with flexibility to vary the proportions of tenure in line with guidance from the Homes & Communities Agency and the Council's Strategic Housing Manager current when layout details are submitted for reserved approval.
- Provision of a Puffin Crossing on Knutsford Road (A537)
- Provision of public footpath, linking the existing bridle path to Knutsford Road
- Education contribution of £68,750 towards extending Chelford CE Primary School, to accommodate additional school children generated by the development
- Commuted sum of £187,000 in lieu of Public Open Space /off site play & amenity facilities/recreation and outdoor sport
- Financial contribution towards community facilities £30,000

10/3267M - B1 Employment development (maximum 603 sq m) – Awaiting determination.

03/1642P - Use of car park by private vehicles unconnected with the market (certificate of lawfulness for a proposed use or development) - Land to rear of former Dixon Arms, Knutsford Road, Chelford– Positive Certificate Issued – 30.03.04

Although not related to this application site, the following application details for Chelford Agricultural Market should be noted: -

10/3448M - Outline planning application for the erection of a mixed use development comprising residential, community and employment uses set in high quality landscaping and attractive new public realm at Chelford Agricultural Centre, Dixon Drive, Chelford –

Application was considered by the Strategic Planning Board on 08.12.10 and approved subject to conditions and a S106 Agreement with the following Heads of Terms: -

- 30% Affordable Housing units be 50% social rent, 50% intermediate tenure.
- commuted sum required for provision of Outdoor Space is £322 000; the figure required for Recreation / Outdoor Sport is £82 000 Both the above commuted sums would be used to make improvements, additions and enhancements to the following facilities (subject to consultation with the public) at: - the Mere Court open space and play area, Amenity Open Space on Dixon Drive, Chelford Village Hall (open space and children's play area), provision of a footpath link from Chelford Village Hall to Chelford Village.
- Contribution towards a community facility-£48 160 (subject to RPI). This would be used (subject to consultation with the public) at: -Astle Court Community Room, the Scout Hut, Chelford School (community uses only), and within the major housing areas.
- £16,300 towards the following: - an investigation for the removal of traffic regulation orders, footpath improvements along Dixon Drive, the removal of the no through road for vehicles along Dixon Drive and junction improvements at the Knutsford Road junction with Station Road and Dixon Drive.
- A developer contribution will be required towards additional school places at Chelford CE Primary School at a cost of £118 250.

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)

PUBLICITY

This application has been advertised by means of a Press Advertisement, Site Notice and neighbour notification letters, with the last date for comments on 10th November 2011.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no objections to the application. This access was to be upgraded as part of the residential permission granted for the residential development on the Chelford Depot site. Given that this proposal only includes consideration of a further 10 units, the Strategic Highways Engineer would not insist that the upgrades to the access are made as part of this application. However, the problem of pedestrians crossing Chelford

Road is still an issue due to the high volume of traffic and the lack of gaps in the flow. Additionally, all of the local amenities are on the opposite side of the road such as shops, schools etc.. In these circumstances, there is a need for the pedestrian crossing that was agreed for the adjacent Stobart site to come forward as part of this development.

United Utilities raise no objections, subject to conditions.

The **Environment Agency** raise no objections, subject to conditions and informatives relating to the requirement for a surface water drainage scheme following the Flood Risk Assessment which was submitted to accompany the application. .The scheme shall also include: -

- details of exceedence event up to a 1 in 100 year including climate change allowance
- and, details of how the scheme shall be maintained and managed after completion

The **Environmental Health Officer** has assessed the application in relation to noise, air quality and contaminated land.

Application 10/3239M was considered with respect to noise and air quality concerns. Whilst this application is for an additional 10 housing units, it has been considered appropriate, to consider the proposed developments on a combined basis with respects to environmental noise and local air quality concerns. It is therefore recommended that the conditions with respect to application 10/3239M are attached to any approval associated with this application.

This site has a history of industrial use and therefore the land 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 report submitted in support of the application recommends that there is contamination present which may require remedial measures and further investigations are required. A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

The **Green Space Parks Officer** comments that 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.

The **Housing Strategy and Needs Manager** raises no objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

VIEWS OF THE PARISH COUNCIL

Chelford Parish Council does not support the proposed development of 10 affordable homes on this site of Green Belt land. The applicant has consulted with Chelford Parish Council but there has been no public consultation with Chelford residents. The Parish Council feels that such a consultation should be done as they have unexpectedly received, strongly felt objections to increased numbers of affordable houses in the village over the forty affordable houses already with outline planning permission as part of mixed developments on the Stobart's and Marshall's sites.

Both the Parish Council and residents recognise the need for 'affordable housing' but also for the requirement for 'market sale' homes that are within the reach of young local families. Indeed, of those Chelford residents who answered the question in the Rural Housing Needs

Survey 2008 (RHNS), 64% were in favour of a *small* development affordable housing. It is highly unlikely that 50 affordable houses would be considered by residents as a 'small development'.

The Parish Council has already supported proposals for 40 affordable houses as 30% of two mixed housing developments on the brown field site of the former Irlams Cold Storage site and the current Agricultural Market site to the north of Knutsford Road (A537).

The Parish Council accepts the figures quoted from the RHNS 2008, of 35 current households wishing to set up homes within the village and a further 21 households "wishing to return". However, when asked in the RHNS what type of housing was required by these households more than half wanted to "buy on the open market" whilst the other half needed rental or subsidised ownership (split 50:50). Hence, using these data from the RHNS, the Parish Council calculate the requirement for 'affordable housing' in Chelford is about 33, which is more than covered by the 40 already approved for development.

The Parish Council recognises that these 40 houses are unlikely to come to fruition in the next couple of years and that therefore, it is persuasive to consider this proposal positively to supply affordable housing more quickly. The Parish Council also understand that current policy only allows development of Green Belt under exceptional circumstances, e.g. to fill an essential local need for affordable housing.

However, the Parish Council guards robustly the surrounding Green Belt and does not believe that this development qualifies for exceptional circumstances as the village's need for affordable housing is already fulfilled. Indeed, it sets a dangerous precedent for using the other Green Belt parts of the site for building more affordable housing way beyond the village's needs.

The Parish Council in commissioning their own Housing Development Strategy and in response to the other planning applications has consistently advocated mixed developments of market sale housing 'pepper potted' with affordable housing. The Parish Council would propose that the whole site is viewed holistically to fulfil all the needs of the village. The Parish Council intend to work with Cheshire East Council to produce a Village Plan to deliver our community's future development appropriate to residents needs and in a reasonable time frame.

The Chelford Parish Plan clearly demonstrates a strong and long held local concern that a pedestrian crossing is needed in the centre of the village across the busy Knutsford Road. This concern has been recognised by the provision of such a crossing as part of the Section 106 agreement for the development on the Cold Storage site. The Parish Council would argue that the proposal for 10 family homes would necessitate the crossing being installed for this development for the safety of young children crossing the road to local village shops, pre-school and the primary school.

The Parish Council also understand from discussions with Marshalls that much of the land for this proposed development is part of the market overflow car park leased to Chelford Agricultural Market. The loss of this car parking on busy market days would increase the congestion on residential roads in the village. Furthermore, there are already problems with market traffic and parking on residential roads (Elmstead Road, Dixon Drive and Robin Lane)

and to put more houses where they are likely to suffer similar disturbance seems unreasonable.

The Parish Council has no objection to the reconfiguration of access to and retention of the overflow car parking for Chelford Agriculture Market. This support is given provided that such a proposal does not change the designation of the land as Green Belt land and still allows its original use as an overspill car park for the market.

OTHER REPRESENTATIONS

A total of 5 letters of representation have been received at the time of report preparation, objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of objection are summarised below: -

- The proposal will result in an increase in traffic and parking especially on market days.
- The access is poor and the development will cause traffic chaos.
- Crossing the road outside the site is dangerous. It will be worse if these plans are approved.
- There is a lack of infrastructure in Chelford for the development.
- The proposal will result in an increase in noise
- There will be an adverse impact on wildlife, including birds and badgers
- There is already outline planning permission for 40 affordable houses in the village on brown field land. No more are required.
- This is a Green Belt area and must not be used for commercial gain.
- If all the applications are granted in Chelford, it will become overcrowded.

In addition, a letter has been received from Frank Marshalls, who run Chelford Agricultural Centre. The writer states that Frank Marshalls are the lessees of the area shown on the submitted plans. Five of the proposed dwellings and the gardens are within the area which they are lessees. The land edged in red is occupied as an overflow vehicle park for Chelford Market. Macclesfield Borough Council granted consent for this use in 1976, specifically to serve the Cattle Market. This was a departure from policy as the majority of the area lies within the Green Belt. Permission was granted to alleviate parking problems for residents. It was not intended for use by other than those attending the market. Frank Marshalls do not see the reason for applying for retention of the overflow car parking area, other than to widen its user. If approved, a condition should be imposed restricting its use to its existing use i.e. vehicles of those attending Chelford Market.

If the application for outline planning permission is approved, this would mean that renewal of the part of the land which is leased by Frank Marshalls (the subject of 5 houses and gardens) would be unlikely. This would reduce the area available for overflow vehicle parking on busy market days, and potentially return disruption and inconvenience to residences in the vicinity of the market.

It is likely that the residents of the 10 new dwellings will be disturbed by vehicles and pedestrian traffic on market days.

The Rural Exception Policy for Affordable Housing in the Green Belt is intended for circumstances where there is no alternative brown field land available. This does not apply in

this case as the resolutions for grant of planning permission on the former Irlam (now Stobart) Depot and on the Chelford Market site include provision of affordable housing what is required in Chelford, so Frank Marshalls question of need.

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application including a Planning Statement,

Arboricultural Assessment, Affordable Housing Statement, Design & Access Statement, Ecological Assessment, Air Quality Assessment, Noise Assessment, Site Investigation Report, Landscape and Visual Assessment, and Flood Risk Assessment. Full copies of these documents are available to view on the application file.

The Planning and Affordable Housing Statements concludes that:

- The proposal is in accordance with national, regional and local plan policies and other material considerations such as the IPSAH (Interim Planning Statement: Affordable Housing) and RHNSA (Rural Housing Needs Study Assessment).
- There is a considerable volume of evidence from a variety of sources which identifies a need for between 50 and 60 affordable dwellings in Chelford.
- The Rural Housing Needs Study Assessment identifies 35 households who are likely to require affordable housing in Chelford Parish over the next 5 years, in addition to 21 households who had to move away from Chelford in the last years due to the absence of affordable housing and who wish to return.
- The application site would address a significant proportion of the existing and future identified housing need within Chelford that would still need to be addressed if both the Depot and Cattle Market sites were redeveloped for housing in the short term.
- 10 affordable dwellings would be provided. 3 no. would be provided for social rent and 7 would be provided for immediate rent or sale.
- The occupancy would be restricted to persons with a local connection who either currently reside in the area, but had to move away because of lack of suitable affordable housing, or are employed in or have an offer of employment in the area.
- Through the involvement of a Registered Social Landlord a range of sub-market or new build homebuy (shared ownership) dwellings could be provided as well as shared equity or 'discounted housing for sale' dwellings whereby a purchaser acquires a fixed percentage interest in a dwelling.
- The development is "appropriate" development within the Green Belt as defined in PPG2.
- The site is in close proximity to local shops, services and public transport facilities, its development for affordable housing is appropriate and should be "prioritised" as advised by the Council's Interim Affordable Housing Policy Statement.
- The engineering works associated with the reconfiguration of the access to the market car park/circulation aisle, which will be retained following implementation of the housing scheme, will have no material impact on the openness of the Green Belt or purposes of including land within the Green Belt.
- The limited loss of existing trees/hedgerows would be mitigated by replacement landscape planting within the application site and would not adversely affect the inherent character of the surrounding landscape.

- A number of technical / environmental assessments have been undertaken relating to matters of noise, flood risk, ecology, arboriculture and ground conditions, which demonstrate that there is no significant constraint to the implementation of the development proposed.

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, 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. The application site is considered to be in a sustainable brownfield location, with good access provided by bus, and the train station which is on the Manchester to Crewe railway line. Chelford has a small range of services such as a grocers shop, butchers, post office, a pub, a primary school, and a garage. The site is therefore considered to be in a sustainable location.

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 Chelford 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.

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 Chelford.

A rural housing needs survey was carried out in 2008 which covered Plumley and nearby parishes, this included Chelford. The survey was conducted by sending out a questionnaire to all the households in the survey area and there was a return rate of 41% in the Chelford parish. The rural housing needs survey for Chelford identified that there were 35 hidden households (households which have at least 1 adult in the household who wished to form a separate household). The preferred tenure of these hidden households was mixed with, 8 wanting rented, 12 wanting subsidised ownership, 3 wanting residential care and 20 wanting open market housing. 25 of the 35 hidden households disclosed their incomes in the survey and only 6 of these 25 had an income in excess of £25,000 so those households would be unlikely to be able to buy on the open market.

The survey also established that there are 21 people who 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. This rural housing needs survey has identified there are a total of 56 persons with a direct local connection who could possibly be occupiers of affordable housing in Chelford.

In addition to the Rural Housing Needs survey the SHMA 2010 identifies an affordable housing need for the Knutsford Rural area which Chelford comes under for the purposes of the SHMA 2010. There is an annual need for 31 new affordable units each year between 2009/10 and 2013/14. This is made up of a requirement for 12 x 1 beds, 4 x 2 beds, 3 x 3 beds, 6 x 4/5 beds and 5 x 1 or 2 bed older persons accommodation 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: -

- 10/3448M – Chelford Agricultural Centre, Chelford – 26 units (this is 30% of the total units at the site) – approved subject to the signing of a legal agreement
- 10/3239M – Chelford Cold Storage, Chelford – 18 units (this is 30% of the total units at the site) – approved subject to the signing of a legal agreement
- 10/0436M – Woodside Farm, Over Peover, 15 units
- 11/2091M – Marthall Lane, Ollerton – 14 units

If the other two Chelford sites and this application progressed there would be a total of 44 affordable units provided in Chelford, this would still leave a shortfall requirement of 12 affordable units for Chelford.

For the Knutsford Rural area overall if all these sites were developed there would be provision of 73 new affordable units in the Knutsford Rural area between 2009/10 and 2013/14, as the SHMA has identified a need for 155 units between 2009/10 and 2013/14 this would still leave a shortfall requirement of 82 new affordable units in the Knutsford Rural area.

Due to the identified housing need outlined above the Housing Strategy and Needs Manager raises no objection to the application. This is provided that the scheme meets the requirements of the Affordable Housing Interim Planning Statement for a Rural Exception site and that due to it being in a Designated Protected Area any shared ownership units should have the purchase of additional equity in the units restricted to a maximum of 80% ownership.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

Planning Policy also states that “on housing sites where an element of affordable housing is to be provided and the applicant is a registered social landlord planning permission will normally be granted subject to a condition restricting the occupation of the houses to persons who meet the objectives of the registered social landlord”. It also states that “where the applicant is not a registered social landlord planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure

arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers.

It is therefore, the Housing Strategy and Needs Manager preferred option that any rented affordable properties are transferred to an RSL to own and manage.

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 10 affordable dwellings in Chelford 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 area of the site proposed for housing currently comprises an area which consists of grass and vegetation and trees and hedgerows therefore the provision of 10 new dwellings would reduce the openness of the Green Belt. It also has to be acknowledged that the houses will have a visual impact. However, the development would lie to the rear of an existing residential building (Dixon Court) and would be screened to the south and east by the existing Stobarts depot (future housing site if 10/3239M is built out) and by woodland to the north and west, the overall impact upon openness and visual amenity is considered to be adequately limited. However, the scale parameters put forward suggest a potential maximum height of 10.5 metres. This is considered unnecessarily high and will impact unduly on openness of the Green Belt. It is therefore recommended that the height of the dwellings be conditioned to scale parameters between 7.5 and 9 metres in height.

Character and Design

The plans submitted with the application are indicative only. Matters such as the appearance, landscaping, layout and scale of the site have all been reserved for subsequent approval. In addition to the principle of the development, the access arrangements should be considered as part of this application.

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.

As stated above the existing development adjacent to the site is mixed in nature, comprising a mixture of residential (at Dixons Court) and commercial at the Stobarts depot and Chelford Farm Supplies). It is considered in this context that it should be possible to design a scheme which satisfies the policy requirements highlighted above. The indicative layout would confirm this and helps to illustrate that a decent landscaped setting can also be provided.

The scale parameters for the development have been set out in the Design and Access Statement as follows: -

Min / max height	Min / Max length	Min / Max width
8.5 / 10.5 (metres)	5 / 11 (metres)	5 / 10 (metres)

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.

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.

As layout is not to be considered at this stage, it is not necessary to consider the relationships in any great detail. The bowling green and car park which serves Dixon Court provides an acceptable space distance between the existing development and proposed site, and it is noted that the submitted indicative layout confirms broadly that satisfactory amenity can be provided within the site itself, whilst allowing for parking provision and garden areas.

Highways

The Strategic Highways Manager has commented on the proposal and notes that the access to the development would be from the existing access which currently serves the bowling green and the overspill parking from Chelford Market.

This access was to be upgraded as part of the residential permission granted for the residential development on the Chelford Depot site. Given that this proposal is for only a further 10 units, the Highways Engineer does not consider that the upgrades to the access are made as part of this application.

However, the problem of pedestrians crossing Chelford Road is still an issue due to the high volume of traffic and the lack of gaps in the flow. Additionally, all of the local amenities which would serve the dwellings i.e shops, the school, etc. are on the opposite side of the road. In

these circumstances, the Strategic Highways Engineer would see a need for the pedestrian crossing that was agreed for the adjacent Eddie Stobart site to come forward as part of this development.

The applicant has confirmed that they are agreeable to delivering the pedestrian crossing across Knutsford Road.

It should be noted the indicative plan illustrate that it should be possible to achieve 200% parking provision within the site, which would meet 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 pedestrian crossing will deliver a substantial benefit for residents to aid them crossing the busy Knustford Road.

The Strategic Highways Manager is satisfied that the access arrangements are acceptable. No significant highway safety issues are therefore raised.

Market Car Park Area

The application for full planning permission relates to the reconfiguration of the access to and retention of the market car park. These works comprise the construction of a priority junction off the access road which shall serve the proposed housing development and the realignment of the vehicular access track in the north west corner of the car park. These works are considered to constitute an engineering operation and hence inclusion within this planning application. It is considered that these works will have a minimal impact on the area, as it only involves a revision to the alignment of the entrance to the car park and slight alteration to the layout of the vehicular circulation aisles.

Application 6792P (which was approved in 1976) provided a car park in association with the nearby livestock market, however there is no condition on the planning permission to restrict the use of the car park to use in connection with the market. There is also no condition to limit the days or hours of use, to restrict the number of cars that can be parked on the site, or to otherwise limit the users of the car park. In 2003, James Irlam and Sons Limited (who occupied the adjacent haulage depot) wished to use a section of the land adjacent to their site for car parking by their employees.

As the site has an implemented planning permission for use as a car park, which is unrestricted by condition, it was resolved that the site could lawfully be used for the parking of cars belonging to employees of James Irlam, unless a change of use from a car park in connection with a cattle market to a use by private vehicles unconnected with the market use constitutes a material change of use requiring planning permission. It was formalised that the use of the car park for car parking in connection with the market does not materially differ from use of the car park for car parking unconnected with the market, and therefore it was concluded that no material change of use had occurred and the proposal did not constitute development.

It is similarly concluded with regard to this application that no change of use of the car park area is sort and permission should solely be granted for the engineering operation connected with the works to the access tracks and reconfigured access.

Trees / Landscaping

An Arboricultural Statement has been submitted with the application. The Council's Arboricultural Officer notes that the development proposals will necessitate the loss of a small number of low value trees and hedges which will only have a modest impact on the amenity of the area as a whole.

The principal relating to the removal of the identified trees and hedges was agreed as part of the development proposals associated with the adjacent Stobarts depot site (considered under application 10/3239M). The higher value trees and hedge can be retained and protected. A specimen landscape scheme should be seen as a net gain and mitigation for the tree and hedge loss. A condition should be attached to any permission granted which requires all arboricultural works to be carried out in accordance with the submitted Arboricultural Statement and Tree Protection Drawing.

The Landscape Officer raises no objections to the proposal. Full hard and soft landscape details would be required at the reserved matters stage.

Ecology

The Nature Conservation Officer has commented on the application. It is noted that an ecological assessment was submitted to accompany the application which was prepared by a suitably qualified ecological consultant. The Nature Conservation Officer does not anticipate there being any significant ecological or protected species issues associated with the proposed development. However, it is recommended that conditions are attached, should planning permission be granted to protect breeding birds and provide features into the scheme suitable for use by breeding birds.

In addition, The Nature Conservation Officer recommends that a condition is attached for any proposed lighting scheme to be submitted and agreed with the LPA. This is to ensure there is no disturbance of wildlife as a result of excessive lighting.

The indicative layout plan indicates the provision of a native species hedge. It is recommended that a suitable condition is attached to ensure that this proposal is carried over to any future reserved matters application.

Whilst there will be some loss of some trees and hedgerow, 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. 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 Mere Court.

The Green Space Parks Officer requests a commuted sum payment of £30 000 to be used to make additions, enhancement and improvements to the facilities at Mere Court. The proposed development clearly triggers the requirement for POS as identified in the SPG on s106 (planning) Agreements and as such, in lieu of on site POS, a commuted sum payment will be required to provide off site facilities. The development site does not propose, nor would it be suitable for the provision of opens space facilities and therefore, the Green Space Parks Officer agrees that a commuted sum payment is appropriate.

The commuted sum payment for public open space would be £30 000. The sum for recreation and outdoor sport would be £10 000, but in the case of 100% affordable developments, this requirement would be waived.

Redevelopment Benefits

The scheme would provide a number of benefits to Chelford. 10 new affordable houses would be provided for key workers. The redevelopment would result in the decontamination of the land, would provide Public Open Space improvements and would provide landscaping within the proposals.

OTHER MATERIAL CONSIDERATIONS

The Council's Environmental Health Officer has assessed the application in relation to noise, air quality and contaminated land and considers that the mitigation measures are feasible. It is therefore recommended that the conditions with respect to application 10/3239M are attached to any approval associated with this application.

The contaminated land report submitted in support of the application recommends that there is contamination present, which may require remedial measures and further investigations to be required. Should permission be granted, a condition should be attached which requires the submission of a Phase II investigation and any remediation works carried out as necessary.

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

The Environment Agency raise no objections to the proposals, subject to conditions and informatives relating to the requirement for a surface water drainage scheme.

The comments provided by neighbours, Frank Marshall's and the Chelford Parish Council in relation to land use, impact on amenity and traffic are noted. It is considered that the majority of issues are covered in the report above. In addition, the following should be noted: -

The proposal should not result in a loss of available parking to the market. The land which is proposed for the residential development would be situated on land not currently used for car parking. It is currently overgrown. The additional vehicular activity resulting from the additional houses would be insignificant and the Strategic Highways Engineer raises no objections. The applicants have agreed to provide a pedestrian crossing on Knutsford Road, which will provide substantial highway safety benefits.

The proposal for the housing will have an impact on the character of the area, replacing a previously undeveloped area of scrub land with 10 houses. However, as highlighted in the report above, the site is central to the village and benefits from good screening. It is therefore, concluded that the development will not adversely affect the character of the area.

It should be noted that, as the scheme is in outline form with all matters apart from access reserved for future consideration, there will be an opportunity to consider the layout, scale, appearance and landscape issues at the time of the reserved matters application.

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 Chelford and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough
- commuted sum of £30 000 to be paid to the Council to make additions, alterations and improvements to the existing facility at Mere Court.
- provision of a Puffin Crossing on Knutsford Road (A537)

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 Chelford 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, additions, alterations and improvements to the existing facility at Mere Court, which is in need of substantial works will ensure it provides opportunities for all parts of the community including the new residents.

The Pedestrian Crossing is necessary, fair and reasonable to link the development with Chelford Village, and provide inclusive design, in accordance with National Planning Policy.

On this basis the provision of the commuted sum and affordable housing is necessary, directly related 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 comments received from residents and the Parish Council are duly noted, and it is understood that many of the objections relate more to the specific site, loss of parking available for Chelford Market, rather than the principle of affordable dwellings in Chelford, and concerns about the total number of dwellings (and especially the rationale behind the number of affordable dwellings) which would be provided should all three sites (Chelford Market, Stobarts depot and this proposal) be delivered. 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 10 dwellings in Chelford on this green belt 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, even in the event that the other two sites at Chelford Market (application 10/3448M) and Stobarts depot (10/3239M) come forward.

It is considered that the proposal falls within one of the acceptable categories for development within the Green Belt, and that the harm to openness and visual amenity is kept to an acceptable limit.

The scheme is in outline form with all matters apart from access reserved for future consideration. The parameters advanced are considered to be acceptable, subject to a reduction in maximum height to 9 metres, and the indicative plan illustrates that the proposal would not result in any significant adverse impact on the amenity of nearby residents at Dixon Court. There would be minimal impact on protected species and an acceptable interface with the highway. The proposed reconfiguration of the access and the works to the car park area are considered acceptable and it is considered that no permission is necessary to retain the car park for area for Chelford Agricultural Market.

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 Outline Planning

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

1. Commencement of development
2. Submission of reserved matters
3. Compliance with parameter details

4. Details to be submitted -layout
5. Full details approved as part of outline consent - Access
6. Ground levels to be submitted
7. Landscaping (implementation)
8. Removal of permitted development rights
9. Construction of access
10. Submission of construction method statement
11. Refuse storage facilities to be approved
12. Protection of breeding birds
13. Provision of bird boxes
14. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
15. Details of lighting to be approved
16. Submission of further acoustic assessment showing acoustic mitigation as part of Reserved Matters application
17. Submission of acoustic report including a revised assessment of noise levels at the North East corner
18. Submission of specifications of acoustic glazing ventilation systems
19. Hours of construction/noise generative works
20. Submission of a surface water drainage scheme based on sustainable drainage principles and the FRA
21. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
22. Maximum scale of dwellings
23. Contaminated land



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