

Application No: 11/3828M

Location: HEAD OF HOLLY GROVE, TABLEY, CHESHIRE, WA16 0HR

Proposal: Development of 8 Dwellings

Applicant: PEAKS & PLAINS HOUSING TRUST

Expiry Date: 13-Dec-2011

Date Report Prepared: 20 December 2011

SUMMARY RECOMMENDATION:

Approve subject to conditions and 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

The application has been called in to the Northern Planning Committee by the local Ward Member, Councillor Steve Wilkinson. Councillor Wilkinson cites the “concerns expressed by residents over highway safety issues, including insufficient visitor parking within the development given that a parking problem already exists within the existing Holly Grove, access to sewerage septic tank by United Utilities wagon adjacent to the proposed development.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an open area of land at the head of Holly Grove. The site comprises three domestic garage structures and three caravans appeared to be stored there. United Utilities require access through the site to their sewerage disposal facility at the northern end of the site. The application site covers an area of approximately 0.2 hectares

and is currently accessed from Holly Grove. Residential properties are located to the south east of the site, agricultural land to the west and the M6 motorway to the north. 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 8 affordable dwellings, 3 x 3 bedroom two-storey dwellings, 4 x 2 bedroom two-storey dwellings, and 1 x 2 bedroom bungalow. 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 currently proposed to be constructed in brickwork with feature areas of white render, UPVC windows and grey concrete roof tiles.

RELEVANT HISTORY

There is no planning history relevant to the current application.

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 – Comments not received at time of report preparation

Manchester Airport – No safeguarding objections

Ministry of Defence - Comments not received at time of report preparation

National Air Traffic Services - Comments not received at time of report preparation

Environment Agency – No objections subject to condition requiring the developer to contact them in the event that any unforeseen contamination is identified during development.

Highways Agency – No objections

Strategic Highways Manager – Initially raised objections due to the fact that the site is not located in a sustainable location it is important that sufficient car parking is provided to reduce any on-street parking problems. Therefore, the number of car parking spaces need to be increased to 16 from 13 in line with our minimum standards, or the number of units reduced on the site. Following receipt of a revised plan showing 16 parking spaces, no objections are now raised.

Environmental Health – No objections subject to conditions relating to noise attenuation measures, hours of construction, hours of piling (if necessary), and a phase 2 contaminated land report.

Leisure Services – Comments not received at time of report preparation.

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

Tabley Parish Council – In principle Tabley Parish Council do not have any objections to the building of 8 dwellings, however there are serious concerns regarding the certain areas which will arise if this applications is granted, namely:-

- Concerns about the septic tank, it is not considered that the current system will cope with the additional residents using this system. Problems have been experienced over recent times which indicate that the current system cannot cope with the number of existing residents. An improved system should be considered.
- Concerns about the additional parking. There are already serious problems with vehicles parking in Holly Grove, with the additional residents this could exacerbate the problem. Are 11 parking spaces enough for the number of houses?
- A lorry visits the sewage plant once a month - the turning circle for this lorry on the new plans is not considered big enough.
- There are concerns about noise pollution from the M6.
- If this permission is granted, great consideration **must** be given to the residents of Holly Grove with respect to the parking of builders vehicles/lorries during the planned building period. The residents must not be inconvenienced during this time.

The Parish Council would also expect to see the following clauses included in the conditions:-

- A S106 agreement must be included for appropriate monies for community projects.
- A legal agreement must be included ensuring that any planning permission which may be granted includes a provision that the dwellings must remain as affordable housing.
- The affordable housing **MUST** remain “LOCAL”

OTHER REPRESENTATIONS

To date five letters of representation from local residents have been received objecting to the proposal on the following grounds:

- Proposal is not consistent with Government objectives on housing.
- Overlooking to number 32
- Practicality and safety of new footpath
- Loss of value for existing properties
- Additional homes will increase the chances of power cuts and problems with water pressure
- Impact upon residents during construction
- Limited availability of public transport

- Limited access to local jobs and services
- United Utilities lorry visits the site once a month and turns within the site.
- Additional pressure on existing drains / septic tank – would United Utilities visits need to increase as a result?
- Proximity to sewage works and motorway
- Will houses be sold off in five years?
- Tenants of crown estate properties to be sold off, as surplus homes, is anyone in the position to confirm this concern?
- Concern over lighting and other general services in the Grove, it seems that the proposed new development will be fully catered for, however the existing residents will have to endure darkness.
- United Utilities lorries will not be able to turn creating a safety issue.
- By building more houses on the Grove existing parking problems will be exacerbated. Holly Grove is widely used by non residents
- Already sufficient social housing stock in the area (Pickmere, Mobberley, Knutsford and recently approved in Ollerton).
- Design not in keeping with existing properties

In addition, 2 letters of support have been submitted via the applicant noting that the proposed scheme will allow people with links to Tabley to remain there.

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application including a Design & Access Statement, Preliminary Risk Assessment (Phase 1 Desk Study), Geo-Environmental Investigation and Risk Assessment, Services Report, Tree Survey, Drainage Survey, Pre-application Community Consultation details, Pre-application Consultation with Cheshire East details, Ecology Survey and Report, and a Noise Assessment Survey. Full copies of these documents are available to view on the application file.

The key points from these documents include:

- New turning space acceptable to United Utilities
- United Utilities take 36 cubic metres of sewage from the works every other month
- Choice of materials follows local consultation (originally proposed to be part timber clad)
- All mature trees on the site will be retained
- Proposed house types informed by 15 respondents in Register of Interest

The applicant has also submitted a response to the comments from the Parish Council. This response makes the following points:

- United Utilities have confirmed that the existing sewage plant is adequate to cope with 8 additional dwellings. As a reputable social landlord a detailed drainage solution will be prepared for the site.
- 3 additional parking bays have now been provided.
- Improvements will be made to the existing turning head and there will be the provision of a footpath to serve the new dwellings.

- An acoustic survey has been carried out to inform the design requirements for the homes having regard to the traffic noise. This will include appropriate glazing and an acoustic fence / wall along the rear boundary.
- During construction, the contractors will conduct themselves in accordance with the *Considerate Contractors Scheme*.
- A s106 agreement will ensure the housing will remain affordable in perpetuity and will first be offered to local people that qualify.

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 Interim 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, and with regard to the accessibility criteria specified within the North West Sustainability Checklist. With the exception of a pub, a church, restaurant, hotel and petrol station the nearest facilities are located in Knutsford Town Centre. Public transport options are relatively limited with a bus stop within walking distance at The Windmill (on Pickmere Lane), on the Northwich to Altrincham route (via Knutsford). This service runs five times a day, Monday to Saturday between approximately 7.30am and 7.30pm. 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 to the community / parish of Tabley 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). The application site is previously developed land as it is occupied by permanent structures, thereby meeting one of the key objectives of PPS3.

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 Tabley as it would provide additional affordable housing for those with a connection with the Parish enabling them to remain within or return to the area, 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.

Assessment of Need

As the application is put forward as a rural exception 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 earlier in 2011 for the Pickmere and Tabley parishes, with the results published in June 2011. 231 questionnaires were sent out to residents of the Tabley Inferior / Superior Parish and 65 were returned giving a response rate of 28%.

The survey established that there are 3 hidden households, these are households that contain at least one adult who wishes to form a new household within Cheshire East in the

next 5 years. Of these 3 hidden households, 1 of them had 2 members who wished to form a new household, so there are 4 hidden households in the Tabley Inferior / Superior Parish. There are also 4 households where at least one adult has left within the last five years due to a lack of affordable housing and would wish to return if affordable housing was available, 1 of these households had 2 adults who had left so there are actually 5 adults who had left the Parish due to lack of affordable housing. Therefore, the total number of hidden and returning households is 9.

The SHMA 2010 identifies that the annual affordable housing need for the Knutsford Rural sub-area, which this site comes under, is 31 units per year between 2009/10 – 2013/14. Also Cheshire Homechoice which is the choice based lettings system for allocating social housing across Cheshire East currently has 10 applicants who have Tabley and Pickmere as their first choice, these applicants require 8 x 2 beds and 2 x 3 beds.

Cheshire Peaks and Plains have liaised and consulted with the local Parish Council regarding this proposal to build affordable homes and this has led to the formation of a project team which included members of the Parish Council and representatives of Holly Grove residents. Cheshire Peaks and Plains carried out a consultation event in June this year, and invited all residents of the Parish to attend. If anyone attending was interested in one of the proposed affordable homes they were asked to complete a register of interest, this was completed by 15 people and the details passed onto the Cheshire East Homechoice Manager who has concluded that 14 of these would qualify as having a local connection under the Homechoice community connection criteria.

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. All 8 dwellings on this site are to be affordable and for the reasons outlined above relating to housing need, the Housing Strategy and Needs Manager supports this application.

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 is not 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 8 affordable dwellings in Tabley and it is not considered that a residential development of that number would be out of scale with the area. 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 three domestic scale garages, and three caravans. The provision of 8 new dwellings with associated car parking would reduce the openness of the Green Belt. It also has to be acknowledged that extending the ribbon of housing along Holly Grove will have some visual impact. However, the development would simply extend the existing group of properties towards the motorway, on a brownfield site, 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 and the harm to the objectives and purposes of the Green Belt is limited.

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 Holly Grove generally comprises 1 or 2 storey, brick faced dwellings ranging in age and architectural style facing directly onto the road. It is considered that the proposed siting of dwellings represents logical extension to the existing group. The staggered positioning of the dwellings helps to reinforce the head of the cul-de-sac.

The density and scale of the proposed housing is considered to appropriately reflect the character of the locality.

Discussions have taken place with the applicant's agent over the design and external treatment of the dwellings. The applicants initially opted for a contemporary approach to contrast with the existing dwellings along Holly Grove. However, it is considered that a more traditional approach would be more appropriate to the setting.

Discussions on the design are ongoing, and members will be advised further on this in an update. However, a revised site plan has been received to provide the required 16 parking spaces. In light of the way discussions are going on the revised plans, it is expected that an acceptable design will be achieved in accordance with policies BE1, H2, H13, DC1 and DC35 of the Local Plan.

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 adjacent to numbers 31 and 32 Holly Grove. The nearest of the proposed dwellings (plot 8) to number 31 is single-storey and set forward of number 31. However, due to the distance between these properties, the positioning of windows, and anticipated boundary treatment (to be conditioned) there is not considered to be any significant impact upon the living conditions of this neighbour.

Turning to number 32, the front elevation of plot 1 sits behind the rear elevation of number 32, and the proposed side elevation runs along the side boundary shared with the rear garden of this existing property, 1.5 metres from the centre of the existing hedgerow, which is between 2.5 and 3 metres high. The positioning of the new dwelling is such that any views from its front windows to the rear elevation of the neighbour would be at an acute angle, and windows on the side elevation would be obscurely glazed. As a result, any overlooking to number 32 would not be sufficiently harmful to justify a refusal of planning permission.

Plot 1 will be sited to the north of number 32, and as such it will not result in any overshadowing or a significant loss of sunlight / daylight. In addition, whilst the 8.5 metre high side elevation of plot 1 will be visible from the house and garden of number 32, the existing hedgerow and the distance from the house of over 16 metres, the new house is not considered to be significantly intrusive or overbearing to the occupants of number 32. In fact a similar staggered relationship already exists with number 30 and 28 Holly Grove, and this is therefore not uncharacteristic of the area. No significant amenity issues are therefore raised.

The closest relationship between the new dwellings would be between plot 4 and 6, which will be separated by a distance of 18.5 metres front to front, however, the windows to plot 6 immediately facing plot 4 will be obscurely glazed, which is considered to be sufficient to result in an acceptable relationship between these dwellings. All other properties meet the guidelines of space, light and privacy outlined in policy DC38 of the Local Plan.

Due to the proximity of the M6 motorway, the impact of noise upon the new dwellings is a key issue in the consideration of this application. There are no regulatory instruments available to control the noise impact of road traffic noise on the proposed residential dwellings post development. Therefore, it is essential that amenity issues are appropriately assessed and addressed at the planning stage. Statutory noise nuisance does not apply to transportation noise. Clarification is being sought on the proposed noise attenuation measures including the proposed glazing and the position / effectiveness of the proposed acoustic fence to the rear. Again, it is expected that a satisfactory scheme of noise attenuation will be achieved and Members will be advised on this in an update, once this has been clarified with the applicant and Environmental Health. Further conditions on this issue are likely to be recommended at that time.

Highways

Access for the 8 new dwellings at the end of Holly Grove is taken off the existing turning head, which also acts as access to the sewerage disposal unit. The Strategic Highways Manager has stated that there is sufficient space created within the new development to allow the United Utilities vehicles to turn around and access in forward gear, and therefore no highways concerns are raised regarding turning facilities.

Given the site is not located in a sustainable location it is important that sufficient car parking is provided to reduce any on-street parking problems. Therefore, the number of car parking

spaces need to be increased to 16 from 13 in line with our minimum standards, or the number of units reduced on the site. A revised site plan has now been received, which provides the required 16 spaces, and the Strategic Highways Manager has confirmed that the proposal now accords with their parking requirements and no objections are raised. No significant highway safety issues are therefore raised.

The concerns of local residents in respect of construction traffic can adequately be addressed by condition requiring the submission of a construction method statement.

Trees / Landscaping

Comments from the Council's Arboricultural and Landscape Officers are awaited. However, it is noted that all mature trees within the site will be retained, and having regard to the existing appearance of the site, it is considered to be likely that a landscaping condition will be sufficient to ensure that the development sits comfortably within the local area. No significant tree or landscaping issues are therefore anticipated.

Ecology

The Nature Conservation Officer has commented on the application and has noted that he does not anticipate there being any significant ecological issues associated with the proposed development. However, due to the impact upon existing vegetation and the particular character of the site conditions relating to the safeguarding of breeding birds are recommended and to secure an enhancement for biodiversity in accordance with PPS9.

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.

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 and would be used to make additions, improvements and enhancements to the existing open space off Holly Grove. 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

Other considerations

The Contaminated Land Officer has advised that since the application site comprises garages and is adjacent to a sewage treatment works there is the potential for contamination of the site and the wider environment to have occurred. Also, the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, and the report submitted in support of the application recommends that an intrusive investigation is required. Therefore, a phase II contaminated land survey is required, which can be dealt with by condition.

The Environment Agency do not consider the site to pose an unacceptable risk to controlled waters at this time. However, given the close proximity of Tabley Brook, they request that they are contacted if any unsuspected contamination is identified during development. They request an appropriate condition, however, clarification on the necessity of this is being sought from the Contaminated Land Officer.

Comments from United Utilities relating to drainage matters are awaited and will be reported in an update.

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 Tabley 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 parishes within the Knutsford rural sub area identified in the SHMA 2010), then residents of Cheshire East 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 £24,000 to be paid to the Council to make additions, enhancements and improvements to the existing open space off Holly Grove in Tabley.

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 Tabley as it would provide additional affordable housing for those with a connection with the area enabling them to remain within or return to the parish, as the case may be.

The commuted sum to be paid to the Council to make additions, enhancements and improvements to the existing open space off Holly Grove in Tabley, which will help to 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 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 Tabley. However, 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 Tabley on an existing brownfield 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 the resolution of matters on the design and noise attenuation measures, 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. Drainage details
10. Phase II contaminated land survey
11. Safeguarding breeding birds
12. Enhancement for breeding birds
13. Construction method statement

Location Plan

