

Application No: 14/2147M

Location: Garages and open land , TENBY ROAD, MACCLESFIELD

Proposal: Demolition of existing garages and erection of new three storey block of apartments and two storey houses

Applicant: Peaks and Plains

Expiry Date: 13-Aug-2014

**Date Report Prepared:** 17 November 2014

#### **SUMMARY RECOMMENDATION**

Approval is recommended subject to conditions and completion of a S.106 Agreement.

#### **MAIN ISSUES**

- Principle of the Development (*Windfall Housing Sites*);;
- Principle of the Development (*Need for Affordable Housing*);
- Impact on open space;
- Design, Layout and Visual impact;
- Landscape/Trees;
- Highways;
- Residential Amenity;
- Nature Conservation;
- Environmental Health; and
- Other Material consideration or matters raised by third parties.

#### **REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the Council's constitution such applications are required to be considered by Committee. Subject to the recommended conditions and Legal agreement, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site consists of 2 no. blocks of garages and a car park area to the rear of properties on Wentworth Avenue, Tenby Road and Chilham Place. In addition, the proposals include areas of open space and a block of garages on Wilton Crescent. The site is located within a post war Local Authority built housing estate.

The site area is 0.424 hectares.

The garages are owned by Peaks and Plains Housing Trust. Approximately 19 out of the 44 no. of garages are currently occupied.

The site falls within a Predominantly Residential Area as outlined in the Macclesfield Borough Local Plan 2004.

The area around where the new residential block would be sited is bound to the north by mature trees Beach hedge and to the east and south by closed board timber fences

Access to the site is taken from Wilton Crescent. Current access to the site is from Tenby Road. The area comprises of rows of two storey terraced properties which are relatively uniform in character.

The rear gardens of properties fronting Tenby Road, Wentworth Avenue and Chilham Place and Beeston Terrace adjoin the application site.

## **DETAILS OF PROPOSAL**

Full Planning Approval is sought for the construction of a residential housing development comprising a total of 10 units in one apartment block. The application is made by Peaks and Plains Housing Trust for development comprising 100% affordable housing for rent.

The proposal includes 4 no 1 bed and 6 no 2 bed apartments within a 2 storey block. A new access road would also be provided from Wilton Crescent giving pedestrian and vehicular access to the dwellings.

All properties would be provided with off street parking spaces (21 no. in the vicinity of the new apartment block) and the apartments would be surrounded by a shared amenity space. In addition, parking would be provided (7 no.) for other residents of the estate on Wilton Crescent.

It should be noted that originally, the proposal was to develop 2 houses and 11 flats dwellings on the site. The 2 dwellings would have fallen on an open space area. Following consultation with neighbours and discussions with Officers the scheme now consists of 10 flats.

Funding for the scheme will be secured via the Home and Communities Agency with full support from Cheshire East Housing Strategy Department. The mix of housing is in accordance with housing needs. All dwellings will be let for affordable rent.

## **RELEVANT HISTORY**

There is no site history relevant to the determination of this application.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Local Plan Policy:**

The site is located within a predominantly residential area on the Macclesfield Borough Local Plan.

Therefore, the relevant Macclesfield Local Plan Saved Policies are considered to be: -

- NE11 Nature Conservation;
- BE1 Design Guidance;
- RT1 Open Space;
- H2 Environmental Quality in Housing Developments;
- H5 Windfall Housing Sites;
- T2 Provision of public transport;
- DC1 New Build;
- DC3 Amenity;
- DC6 Circulation and Access;
- DC8 Landscaping;
- DC9 Tree Protection;
- DC35 Materials and Finishes; DC36 Road layouts and Circulation;
- DC37 Landscaping; and
- DC38 Space, Light and Privacy.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Replacing MBLP policies NE11, BE1, H4, and H13 (CELP) policies SE3, SE1, SD2, SE1, EG3 and CO1, which are summarised below: -

- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE1: sets out requirements for design;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity;
- Policy SD2: sets out sustainable development principles; and
- Policy CO1: deals with sustainable travel and transport including public transport.

#### **Other Material Considerations:**

##### **National Policy:**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development. Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

##### **Supplementary Planning Documents:**

The following Supplementary Planning Documents (SPD) has been adopted and is a material consideration in planning decisions (within the identified former Local Authority areas):-

- SPG on Section 106 Agreements (Macclesfield Borough Council)
- Interim Planning Statement: Affordable Housing (Feb 2011)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
- North West Sustainability Checklist

#### **CONSULTATIONS (External to Planning)**

##### **HIGHWAYS:**

The Strategic Highways Engineer raises no objections to the design of the new access, detailed internal layout of the site and the parking provided accords with the standards. Given

than a number of garages are not used for parking of vehicles, the loss of the garages is unlikely to cause a material on-street parking problem. No objections are raised subject to satisfactory arrangements being made for refuse collection.

**ENVIRONMENTAL HEALTH:**

No objection subject to conditions relating to hours of operation, dust control, floor floating, pile driving and contaminated land.

**UNITED UTILITIES:**

No objection subject to a condition relating to site drainage.

**HOUSING:**

Supports the Scheme as there is an urgent demand for Affordable Housing in Macclesfield.

**OPEN SPACE:**

Raises no objections. The application for 10 apartments also generates the requirement for additional POS provision of 40sqm per family dwelling. In the absence of this additional POS to cater for the new demand being provided on site, a com sum of £24,000 would be required for offsite provision.

**REPRESENTATIONS**

The planning application was originally advertised by the Council through neighbour notification letters that were sent to all adjoining land owners and by the erection of a site notice.

A petition with approximately 60 signatures from local residents was received from local residents. The petition notes that whilst the signatories of the petition are not objecting to the application from Peaks and Plains Housing in principle, the writer would like members of the planning committee to take into account the following objections when considering the application, and reduce the number of new properties and especially the height of the buildings to a maximum of two stories. The objections are made on the grounds of: -

- 1) Loss of privacy
- 2) Over-development
- 3) Loss of parking/inadequate parking
- 4) Loss of amenity
- 5) Unsympathetic to the local area.

In addition, 6 letters of representation were received from residents with the following comments: -

By getting rid of this garage area and several others in the surrounding area the housing trust are showing a complete lack of sympathy and consideration with local residents feelings.

The development will be totally out of character as there are no three storey buildings in the area.

Too many units on such a small site.

The existing houses will be overlooked and this will be an invasion of privacy.

Getting rid of the garages will force more cars to be parked on the already over crowded roads as there is a lack of parking spaces already.

This development is going to have a detrimental effect to the local area with the large amount of traffic and parking that it will create.

Access to one of the residents back garden.

The area is in need of regeneration, members of the planning committee should consider reducing the height and number of the proposed development, also to be sympathetic and consider the planting of new trees which may help with privacy and overlooking, and finally and above all request a solution to the parking problem and not add to it!!

**Macclesfield Civic Society** commented that the proposal seeks to make more intensive use of previously developed land within an established residential area in accordance with both national and local policies.

The design appears consistent with the character of the locality. The space between buildings (particularly with the 3 storey blocks) needs careful evaluation to ensure that existing and proposed residents achieve a reasonable standard of amenity and overlooking is avoided.

The above comments were received prior to the receipt of revised plans, which reduces the apartment scheme to two storeys in height. The two semi-detached dwellings have been removed from the scheme and 23 parking spaces have not been provided.

Further neighbour notification letters have been sent to neighbours and the last date for comments expires on 14<sup>th</sup> November 2014. No further comments had been received at the time of report preparation.

## **APPLICANT'S SUPPORTING INFORMATION**

The following detailed reports were submitted with the application:-

- Design & Access Statement;
- Arboricultural Report
- Ecology Survey and Report;
- PPS3 Housing Self Assessment Checklist.

## **OFFICER APPRAISAL**

### **Principle of the Development (Windfall Housing Sites):**

The site lies within the settlement boundary of Macclesfield and within a Predominantly

Residential Area where policies within the Local Plan indicate that there is a presumption in favour of development.

Para 14 of The Framework indicates that there is a presumption in favour of development except where policies indicate that development ought to be restricted.

Policy H5 within the Local Plan seeks to direct residential development to sustainable locations – this policy accords with guidance within the NPPF and therefore carries full weight. The site constitutes a sustainable location as it is located within the settlement boundary of Macclesfield and by virtue of its proximity to shops and services within Macclesfield.

It is considered that this development on this site would make effective use of the land with a higher density scheme and make a contribution to the Council's 5 year land supply.

Therefore, permission should only be withheld where any adverse impacts would significantly and demonstrably outweigh the benefits as noted above.

#### **Principle of the Development (Need for Affordable Housing):**

This application is for 10 Affordable Rented units made up of 4 no. 1 bed apartments and 6 no. 2 bed apartments. The applicant is Peaks and Plains Housing Trust who are a Registered Provider of Social Housing registered with the Homes and Communities Agency (HCA). They have also secured funding with the HCA to support delivery of this scheme.

The site falls within the Macclesfield Sub-Area for the purposes of the Strategic Housing Market Assessment (SHMA 2013). This identifies a net annual requirement of 180 units for the period 2013/14 to 2017/18. In addition to this, information taken from Cheshire Homechoice, shows there are currently 1,183 applicants who have selected one of the Macclesfield lettings areas as their first choice. These applicants require 693x 1bd, 372x 2bd, 100x 3bd and 18 x 4+ bd units.

The mix of types of dwelling proposed for the affordable homes would meet the identified need for the Macclesfield. It is considered appropriate that the affordable housing can be secured by an appropriately worded condition, due to the fact that the application has been submitted by a Registered Social Landlord and would provide 100% affordable dwellings.

#### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the

latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

If this application were to be approved, it would relieve pressure on other edge of settlement sites and the Green Belt as part of the provision of housing and strengthen the Councils 5 year land supply position.

### **Developer Contributions:**

The Weston Estate is an established area of dense housing of approximately 5,100 population to the west / south-west of Macclesfield. The Weston Estate has long been identified as having major deficiencies in the provision of POS, with little or no opportunity to expand provision with new POS and where opportunities to improve existing facilities are limited due to their size, capacity, location and proximity.

The Open Space assessment of 2012 identified that residents in this area of Macclesfield have a poor standard of accessibility to open spaces and are at a distance of more than 1km from a park, have no access to natural and semi natural open spaces, have more limited access to green corridors compared to residents in the east, required an increased provision of amenity green space and that there is a shortage of play facilities within this area and Macclesfield generally and issues of quality. It went on to recommend securing appropriate sites to address the shortage in play in the south-west area generally where there is often only one facility serving wide area and upgrades to poor quality sites

The two pieces of open space identified within the application are included within the councils Open Space Assessment and provide some relief in an area of otherwise dense housing. The Open Space Officer is pleased to see from the amended plans that the applicant has

responded to previous comments and concerns about the loss of any existing POS as a result of the development. Furthermore, that there is an opportunity to improve the retained POS as a result of the development.

The application site currently contains 2,325sqm of POS, using the applicants own figures. The application proposes the retention of 2,219sqm of POS. Therefore there is a small loss of POS.

The application for 10 apartments also generates the requirement for additional POS provision of 40sqm per family dwelling. In the absence of this additional POS to cater for the new demand being provided on site, a commuted sum of £24,000 would be required for offsite provision. Being 100% affordable the requirement for ROS provision is waived, as is the council practice.

A detailed design is required for the retained open spaces and will need to address the following points: -

1. The footpath shown leading directly into a car parking space is not acceptable and needs amending. Pedestrians should have clear and defined access points with good visibility and where conflict with cars is avoided. This is a particularly poor element of the scheme submitted
1. Car parking bays within the open spaces are a potential source of conflict and risk and where possible should always be avoided. Could the three shown on Tenby Road open space be moved to the opposite side into the verge on the access road?
2. Ensuring good views in and across the open spaces, especially around traffic areas is crucial
3. Retention of existing tree stock, tree works as required and additional tree and hedge planting
4. Quality enclosures around the two main open spaces with clear gateways and access points to ensure safety of users
5. Hard surfaced all weather footpaths, minimum, width of 1.8m
6. A small Local Area for Play on the Tenby open space, focused on social / interactive play

The above points have been forwarded on to the applicants agent to see if the changes can be worked in to the scheme. It is considered that if a plan is not provided prior to the committee meeting, then the above can be appropriately conditioned.

#### **Requiring good design and character and appearance of the area:**

The application proposes an apartment block which would be enclosed by residential properties on three sides and not prominent from public vantage points. The main public view would be from Wilton Crescent. The apartments would have a communal garden. The dwellings are two storey constructed predominantly in brick and tile. Render is proposed in two areas on the front elevation.

Whilst a number of objections have been raised to the number of dwellings and height of the development, this was prior to the submission of revised plans, which have reduced the number of dwellings and height to two storeys. It is considered that the proposal would

improve the character of the area given the state of the current site. It should also be noted that the demolition of the unsightly garages on Wilton Crescent also forms part of the proposal and this will create 7 no. parking spaces for all residents to use, in addition to providing a greater area of public open space, thus providing both a visual and functional benefit to the local area.

### **Highways access, parking, servicing and highway safety:**

A new access to the development will be created onto Wilton Crescent.

With regard to the internal layout of the site there no highway design issues although details of bin storage and collection is required. The amount of parking provided for the proposed number of units accords with standards.

The issue regarding the loss of the garages needs to be considered and whether this loss would result in inappropriate on-street parking occurring on the local road infrastructure. The applicant has stated that the vast majority of the garages are not used for the parking of vehicles and more for storage purposes. In these circumstances, the loss of the garages is unlikely to cause a material on-street parking problem.

Over the two sites there is a total of 44 garages with 19 being occupied and 25 void. To accompany the consultation event (prior to submission of the planning application) all customers who rent garages at either Tenby Road, or Wilton Crescent were sent information about the proposed development and a survey relating to their use of the garages. Over the two sites the response rate was 48% (9 users). The main use of the garages (7 users) was car storage followed by item storage (2 customers). On average garage tenant's live approximately 0.3 miles from the garage that they rent. It is also noted that the width of the opening to a garage is 2115mm and the overall width internally is at greatest 2.44m. This would have been ample space when these garages were first built (probably around the late 1970's of early 1980's), however car widths have increased significantly since then. A typical new car is far wider than its 1980's/1990's counterpart, coming in at over 2m wide, which leaves less very little space each side to get into the garage and about 160mm to open the car door at each side once inside the garage.

Therefore, as there are no highway concerns regarding the design of the new access and that sufficient parking is being provided for the proposed new residential units, the Strategic Highways Manager raises no objections subject to satisfactory arrangements being made for refuse collection.

A Construction Management Plan condition is suggested to ensure that all construction traffic can be accommodated within the site.

### **Residential Amenity:**

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H13 seeks to retain existing high standards of amenity. Policy DC41 seeks to prevent the overlooking of

existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

The site is located within a well established residential area and can be classified as an infill development. The site is bounded on three sides by existing residential properties.

The front elevation of the apartment block would front the rear of properties on Tenby Road and the distance between the properties would be approximately 23m. The rear elevation would face the rear elevation of properties on Chilham Place and this distance would be 21m. The side elevation to the east would face the rear of properties on Wentworth Avenue and this distance would be approximately 34m. The side elevation facing west would face the rear of the properties on Beeston Terrace and this distance would be approximately 22m. These distances are in excess of the minimum separation standards in the Local Plan.

Overall it is considered that the application proposals would not have a detrimental impact on residential amenity to the surrounding properties through overlooking, loss of privacy or overbearing. A final levels and boundary treatment conditions are proposed to ensure continued protection of the amenity of surrounding residents.

#### **Other material planning considerations:**

##### **ARBORICULTURAL IMPLICATIONS:**

The application is supported by an Arboricultural Report and Arboricultural Impact Assessment. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The Arboricultural Officer is therefore of the view that the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees.

The trees and shrubs identified for removal are all considered to be low value specimen, which only contribute moderately to the amenity of the area and the wider landscape in terms of their collective presence.

In terms of those trees being retained the linear group identified as G35 stand directly to the rear of the existing garage block, and to the south of an existing residential block. Whilst the garages are schedule to be removed the impact on the adjacent dwellings in terms of social proximity and light is considered to be less than desirable, precluding their consideration for

formal protection. It is anticipated that selective removal or at least some targeted pruning will be required in the short to medium term.

In visual prominence terms the Copper Beech T21 is considered to be a high value trees within the street scene, but structurally the significant included fork union it presents suggests retention cannot be considered beyond the short to medium term.

The removal of garages and hardstanding to form a larger area of open space on the western site would provide reasonable mitigation for the loss of open space on the eastern site if the hard and soft landscape works are to a satisfactory standard.

Responsibility for the future management of the open spaces needs to be agreed to ensure they become attractive, well maintained areas and that the recreation and amenity benefits for the local residents are maximised.

The retained trees can be protected in accordance with current best practice BS5837:2012; and a method statement will be required to accompany the removal of any hard standing and the garages from within the identified RPA's. These issues can be dealt with by condition.

#### ECOLOGICAL IMPLICATIONS:

The Council's Ecologist has confirmed that there are unlikely to be any significant ecological issues associated with the proposed development. A condition is suggested to safeguard breeding birds during construction and to ensure some additional provision is made for breeding birds following completion of the development.

#### ENVIRONMENTAL HEALTH:

Whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. Therefore, a condition is suggested to control hours of demolition and construction works in the interest of residential amenity. A condition has also been suggested by the Council's Environmental Health Section in the event that piled foundations are used. A condition to control dust from the construction is suggested to reduce the impacts of dust disturbance from the site on the local environment. Details of waste and refuse provision would also be conditioned.

#### LAND CONTAMINATION:

This site is currently used for garages and vehicle parking and therefore there is the potential for contamination of the site and the wider environment to have occurred. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present on the site. The Site Investigation report submitted in support of the application recommended that a further investigation is required. As stated above, the Council's Contaminated Land officer has no objection to the application subject to the imposition of a condition to require an additional site investigation survey and any subsequent remediation required.

## DRAINAGE MATTERS:

The site is not at risk of flooding as it is within Flood Risk Zone 1. A water supply can be provided and a separate metered supply to each unit will be required. The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse. United Utilities have raised no objection to the application subject to an informative being attached to secure that foul and surface water details are covered (by virtue of the Building Regulations).

## Responses to issues raised by third parties:

The comments provided by consultees and neighbours in relation to infrastructure issues, highways issues, environmental issues, neighbouring amenity, housing need and affordable housing, design and built environment issues and loss of employment land are noted. These issues are addressed with this report and it is not considered that any of the above potential impacts would be significant or would demonstrably outweigh the benefits of the proposed development.

Revised plans have been received in response to the residents concerns by reducing the height of the building to two stories, decreasing the number of units proposed and the provision of more parking. Any further representations on the revised plans will be reported to committee in an update.

One of the residents queries whether they would be able to get access to their back garden if the development were to go ahead. This is not a material planning issue and if the writer has a private right of way over the application site, then this would be a civil matter.

## CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed scheme is a sustainable form of development for which there is a presumption in favour. The provision of 100% affordable housing is a significant benefit of the scheme and should be viewed in the context of wider social sustainability, as well as the development being located in a sustainable location.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The proposal is, on the whole, compliant with the relevant Development Plan policies set out in the report. Revisions to the original proposal have responded to concerns of local residents. It is considered that the benefits of the proposal are not outweighed by potential

adverse impacts and that planning permission should be granted, subject to conditions and the completion of a s111 agreement.

## **HEADS OF TERMS**

The application site is currently owned by Cheshire East Council. Consequently a S.106 agreement cannot be entered into at this time because as a matter of law, no Council can enter into an agreement as landowner and Local Planning Authority.

Instead the applicant will be required to enter into an agreement under S.111 of the Local Government Act 1972, in which the applicant will covenant to enter into a S.106 agreement as soon as the land is transferred from the Council to the applicant.

- Commuted sums of £24,000 for POS in lieu of onsite provision

### **Community Infrastructure 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 commuted sum in lieu for recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 10 dwellings, the occupiers of which will use local facilities, and there is a necessity to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development

---

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

*Should this application be the subject of an appeal, authority shall be delegated to the Planning and Enforcement Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.*

---

## Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP Commencement of development (3 years)
2. A03AP Development in accord with revised plans (unnumbered)
3. A02EX Submission of samples of building materials
4. A01LS Landscaping - submission of details
5. A05LS Landscaping – implementation
6. A12LS Landscaping to include details of boundary treatment
7. A02TR Tree protection
8. A06NC Protection for breeding birds
9. A23MC Details of ground levels to be submitted
10. A22GR Protection from noise during construction (hours of construction)
11. A23GR Pile Driving
12. A13HA Construction of junction/highways
13. A19MC Refuse storage facilities to be approved
14. A22GR\_1 Protection from noise during construction (hours of construction)
15. A23GR\_1 Pile Driving
16. A32HA Submission of construction method statement
17. Tree method statement for the removal of the existing garages and hard standing within the identified retained trees Root Protection Areas
18. Floor floating
19. A scheme to minimise dust emissions
20. Bin and cycle store

