

# CHESHIRE EAST COUNCIL

## SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 24<sup>th</sup> July 2013

**Report of:** Planning and Place Shaping Manager

**Title:** Report for a new Unilateral Undertaking to amend the Heads of Terms to exclude low cost market housing from Outline planning approval 10/2653C and Reserved matters approval 13/0757C – *‘erection of 17 dwellings, associated works and vehicular access for Land off Canal Road, Congleton’.*

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### 1.0 Purpose of Report

1.1 To seek a resolution agreeing to modify the Heads of Terms of the Unilateral Undertaking relating to outline approval 10/2653C and reserved matters approval 13/0757C.

### 2.0 Decision Required

2.1 Members need to confirm that the exclusion of low cost market housing from the Heads of terms of the Unilateral Undertaking relating to outline approval 10/2653C is acceptable, and that this can be secured through the execution of a new Unilateral Undertaking.

### 3.0 Background and Report

3.1 In 2010, the Southern Planning Committee resolved to grant outline planning permission for the erection of 17 dwellings, associated works and vehicular access at land off Canal Road, Congleton (planning ref: 10/2653C). The resolution required the signing of a S106 Legal Agreement to secure affordable housing, low cost market housing and financial contributions towards Public Open Space.

3.2 However, prior to the signing of the legal agreement, the Developer lodged an appeal against non-determination and the Planning Inspectorate subsequently allowed the appeal and granted outline approval for the development (Planning Inspectorate ref; APP/R0660/A/11/2149930).

3.3 As part of the planning appeal process, Wainhomes submitted an acceptable Unilateral Undertaking. The provisions made within the Unilateral Undertaking consisted of:

- four two bedroomed dwellings of Social Rented Housing;
- four two bedroomed dwellings of Low Cost Housing; and
- the contribution of £31,424 towards Public Open Space, Children and Young Persons Provision and ongoing maintenance of the facilities

3.4 Since the outline scheme was allowed at appeal in 2011, it has been accepted that there is no longer a requirement for low cost market housing to be secured by way of a legal agreement. National guidance does not require it.

3.5 Instead, residential developments should be designed in such a way as to incorporate smaller open market units within them, which by their nature are low cost. This principle has been followed in the reserved matters scheme, which was approved by the Southern Planning Committee at the meeting 10<sup>th</sup> April 2013 (planning ref: 13/0757C).

3.6 These terms were also accepted when the Council granted full planning permission for a similar development at the site as part of planning reference 11/0861C.

- Consequently, the requirement for the provision of four two bedroomed dwellings of low cost housing should be removed from the heads of terms of through a revised Unilateral Undertaking. The necessary amount of affordable housing will be secured.

#### **4.0 Conclusions**

4.1 The Heads of Terms agreed as acceptable by the Council and the Planning Inspectorate in the original Unilateral Undertaking need to be amended to exclude low cost market housing.

4.2 The provision of such is not necessary, is not required by national guidance and has already been accepted through a previous approval at the site. As such, the revised heads of terms should be amended to consist of the provision of:

- four two bedroomed dwellings of Social Rented Housing; and
- the contribution of £31, 424 towards Public Open Space, Children and Young Persons Provision and ongoing maintenance of the facilities.

## **5.0 Recommendation**

**To approve the changes to the Unilateral Undertaking to remove the reference to four low cost market housing, but retaining Affordable Housing and Public Open Space provisions.**