

Application No: 13/4091M

Location: Boarsleigh Restaurant, LEEK ROAD, BOSLEY, SK11 0PN

Proposal: Demolition of existing two-storey restaurant and outbuildings.
Development of 16 new houses and bungalows with associated infrastructure, highways works and amenity space

Applicant: Kathy Poole, THE REGENDA GROUP

Expiry Date: 15-Jan-2014

Date Report Prepared 9th January 2014

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

MAIN ISSUES

- The principle of the development in this location;
- Whether the proposed development is sustainable;
- Whether the need for affordable housing has been proven;
- The design and appearance of the proposal and its impact upon the character and appearance of the countryside.;
- Impact upon the residential amenity of nearby residents;
- Whether access and parking arrangements are suitable;
- Impact upon existing trees and Landscaping;
- Impact of the proposal upon Nature Conservation;
- Public Open Space

REASON FOR REPORT

This is an application for 16 affordable dwellings in Countryside beyond 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 a two storey detached building which in the past has been used as a public house restaurant building and car park, which does not appear to have been in use for a number of years. The site covers an area of approx 0.34 hectares and is sited adjacent to the A523 a busy arterial road that links the Market towns of Leek and Macclesfield.

Access to the site is via Fold Lane a small narrow lane, which also segregates the plot. This particular site sits on the edge of the Bosley village. There is a small caravan park immediately to the north east and rear of the site and open fields to the north west.

The site is located within countryside beyond the Green Belt and Peak Park Fringe Local Landscape Designation Area (formerly an Area of Special County Value) as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Planning permission is sought for the demolition of the existing building and the erection of 16 affordable dwellings,

3 X (2 bedroom, 3 person) Bungalows
6 X (2 bedroom, 4 person) Houses
4 X (3 bedroom, 4 person) House
3 X (2 bedroom, 3 person) House

The dwellings are to be built and managed by The Regenda Group a Housing Association and would all be for affordable rent and shared ownership. The dwellings have been designed in a modern style and are proposed to be constructed in materials such as brick, render and slate. Vehicular access to each of the dwelling will be off Fold Lane. Each dwelling will provided with two parking spaces.

Although the applicants undertook the full pre application service prior to submitting a planning application at this site, during the course of this application, numerous plan revision have been received to make alterations to the layout of the development and the design of the dwellings.

RELEVANT HISTORY- None relevant

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 form the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Local Plan Policy

BE1 & DC1 – Design principles for new developments
GC5 – Countryside beyond the Green Belt
DC3 - Protection of the amenities of nearby residential properties
DC5 - Natural surveillance
DC6 - Circulation and access
DC8 - Landscaping

DC9 - Tree protection
DC15 - Infrastructure
DC18 - Water resources
DC35 - Materials and finish
DC36 - Road layout and circulation
DC37 - Landscaping
DC38 – Space, light and privacy
DC40 - Provision of children's play and amenity space
H1 - Phasing policy
H2 - Environmental quality
H5 - Windfall housing sites
H8 - Provision of Affordable Housing
H9 - Affordable Housing
H13 -Protecting Residential areas
IMP2 - Transport measures
NE11 - Nature Conservation
RT5- Provision of Open Space
T2 - Integrated Transport Policy
T3 - Access for pedestrians
T5 - Cycling
T6 - Highway improvement schemes

Other Material Considerations

Members will be aware that The National Planning Policy Framework (NPPF) 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.

The following are also of relevance;

SPG Planning Obligations (Macclesfield Borough Council)
Interim Statement on Affordable Housing (Cheshire East Council)

CONSULTATIONS (External to Planning)

Archaeologist- No objections as the potential for significant archaeological deposits to be present is extremely low

Environment Agency- No objections subject to a condition.

United Utilities – No objections subject to advice note.

The Canal & River Trust - No comments to make

The Strategic Highways Manager – No objections subject to conditions

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

Environmental Protection – No objections subject to conditions

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

The Housing Strategy and Needs Manager –support this application subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

VIEWS OF THE PARISH / TOWN COUNCIL

Bosley Parish Council have been consulted on this application and advise that there are no objection's to the proposal and make the following comments;

- The increase of affordable housing in Bosley would have a positive & significant impact on numbers attending the local primary school, which will help to ensure the sustainability of this village school. We would also hope that the development would help with the sustainability of the local shop, recently opened, which now serves the community.
- The proposed design layout is very in keeping with a rural landscape; with small groups of buildings and a variety of sizes to accommodate new starter homes, young families and also bungalows for the retired or disabled. (Policy NE1 & NE2)
- A Section 106 agreement must be in place and adequately worded to ensure the priority for local residents, or those working in the village, to have access to this affordable housing project. The Parish Council would like there to be a cascading effect for surrounding villages to be included (1st Bosley, 2nd Wincle, 3rd North Rode, then others; Wildboarclough, Sutton, Rushton?) This aspect should involve further consultation of the s.106 wording with Bosley Parish Council.
- Local landowners and the caravan park residents have both raised concerns about the current inadequate drainage system used by the restaurant & caravan park. Currently this is a shared septic tank which should be better maintained as it overflows fairly often under the main road and out into an open brook and runs past the farmhouse at Pye Ash Farm. The new houses **MUST** be on a separate system with a proper maintenance routine undertaken by the housing association.
- The raised "speed table" would be a positive addition as it will have 2 uses; firstly it will help to slow traffic entering the lane which soon narrows to single track beyond the development, and secondly will help the 2 sides of the development become joined.
- Public transport routes run directly from the main A523 and in other directions within 600m at the A54 junction. Therefore allowing use easily by the residents.

Bosley Parish Council have been pleased to work with both the Housing Association and the Architects on this proposal and were keen to have been able to host the Public Consultation event last year.

The Parish Council wish to support the application as it provides a sustainable development for village growth and will improve the visual aspect of the vacant brownfield site. We shall require input in the drafting of the s.106 agreement.

OTHER REPRESENTATIONS

12 letters have been received during the course of this application. Copies of the representations can be viewed on the online application file.

Prior to final revised plans being submitted; 7 letters of support have been received and 2 letter of objection .A following three letter were received two in objection and one in support after consultation was undertaken on the revised plans

The main points of the comments are summarised below:

Supporting comments:

- A very well thought out scheme, following much involvement of the local community;.
- fully support this application in its entirety which , we believe, will enhance the village and provide much needed affordable housing;
- This development is needed in the village, based on the plans; submitted, not developments of hundreds of homes which alter the nature of an area. This should provide a small number of starter homes for young people who would not be able to stay in this area otherwise. This would not alter the rural nature of Bosley;
- I support the application based on the plans of the development; demonstrated at the public meeting at Basley Primary School last year.
- The building of 16 new homes on this site would have a significant impact on school numbers. This in turn would help to ensure the sustainability of our village school;
- It would also have a positive impact on local businesses and the village church;
- This is an absolutely brilliant plan which will bring life to the village and help to support Bosley St. Mary's Primary School;
- The amenity /play space is ideally sited to help give some segregation between the new houses and the existing caravans;
- The layout has been well thought out on the whole;
- Will there be more street lights on the lane? This is a rural site, but street lights can deter burglars;
- Pleased to see that 2 parking spaces have been allocated to every property;
- Inclusion of several bungalows will be beneficial to not just the older generation, but also for the disabled;
- Very well thought out scheme which will enhance the village

Objections:

- Will residents be compensated if the development reduces the value of our properties?
- Will the new houses share the septic tank?
- Where will future residents put heir wheelie bins?
- Will my property be overlooked and result in a loss of sunlight;
- We will loose privacy, peace and quite if the development goes ahead
- Development will cause noise and disturbance;

- I did not want to live in the middle of a housing estate;
- concerns regarding the access to the proposed site. fold lane is almost a single track lane and as such could cause difficulty for the current residents of the park;
- There are limited parking places in the area;
- The proposal will increase traffic noise;
- Concerns over drainage , currently excess water form the site and caravan park go into the a stream;
- Flooding is an issue at the site very dangerous in the winter;
- Fold Lane is very narrow and there are concerns that driving a tractor along here with increased traffic and pedestrians could be dangerous;
- Will future residents want a tractor driving so close to their properties?

Following re consultation on the final set of revised plans three letters from local residents were received; one in support and one in objection. Comments made are as follows:

Objections;

- Fold Lane is narrow. There will be no space for any overflow parking for new properties;
- a quiet site in the countryside and this will all be destroyed by this development;
- Concern with regards the impact the build will have upon a neighbouring property in terms of dust coating the property and reduce its life's expectancy, will cost to re-texture the exterior, roof overhaul & base inspection when this complex is completed.

Support;-

- The small housing development will retain the character of an area, aid neighbourliness and provide a very real need for housing. This is particularly so if some of this comprises affordable housing.
- Pleased that the design of the plot adjacent to our property (No. 13 and the other properties on the residential park site - No. 10 and No. 12) has been revised to omit the equipped formal play area. As retirees, we bought our property for peace and quiet. We are pleased that the newly revised plan dated 13 December 2013 incorporates visitors' parking for this area instead.

APPLICANT'S SUPPORTING INFORMATION

The key documents submitted in support of this application area as follows: Design and Access Statement, Ecological Survey, Statement of Community Involvement, Rural Housing Needs survey and report.

OFFICER APPRAISAL

The principle of development

The Framework sets out a presumption in favour of sustainable development..

Paragraph 49 advises that;

“Housing application should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”

Following recent appeal outcomes Members will be aware that the Council does not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

“Approve development proposal that accord with the development plan without delay, and

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted”

This site is designated within the Local Plan as Countryside beyond the Green Belt.

Policy GC5 of the Local Plan states that;

“Development within the open countryside will not normally be permitted unless it is essential for agriculture, forestry, outdoor, recreation or for other uses appropriate to a rural area.”

The principle of affordable housing is however set out within the Council’s Interim Planning Statement on Affordable Housing (IPSAH). Paragraph 7.1 of the IPSAH states that when considering proposals within rural areas:

“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”

It is paragraph 54 of the NPPF, which makes reference to affordable housing in rural areas it, states that:

“Local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”

Sustainability

Paragraph 55 states that, “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Local Plan policies H5 and T2 also 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 IPSAH, 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.

It is acknowledged, that Bosley is limited in terms of public services and facilities that are available. With the exception of a pub, village hall, church and primary school the nearest facilities are located in either Macclesfield or Congleton Town Centres. Public transport options are limited to a bus service, which runs between the neighbouring Market Towns of Leek, Macclesfield, Congleton and Buxton.

Essential facilities are not readily accessible and therefore, the site is clearly less sustainable than a town centre location. The site of the existing restaurant and car park are, in most parts, brownfield land. Due to the parish of Bosley sporadic nature there is no clearly defined Settlement boundary identified within the Local Plan, the site is however located at the end of a ribbon of development.

Provided there is a need for affordable housing, it is considered that affordable housing within this location would sustain the existing rural community of Bosley, by providing additional affordable housing for those with a connection with the village (and surrounding hinterland parishes). This would enable people with a connection with Bosley to remain within or return to the village, which is considered a weighty material planning consideration, when viewed against the sites sustainability in terms of location and accessibility.

The proposal seeks the demolition of an existing restaurant. Paragraph 28 of the NPPF promotes the retention of local services and community facilities in Villages. I am aware that the Boarsleigh site has been vacant for a number of years and that there are currently two operating public houses within Bosley Parish. Although, the redevelopment of the Boarsleigh will remove a community facility, this is not however considered to be a primary function of the village. The need for affordable housing within the Borough and economic and social benefits will very likely, outweigh the loss of this particular function.

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 Interim Planning Statement: Affordable Housing (IPSAH) states that: -

- With regards to Rural Exceptions Sites proposals must be for small schemes appropriate to the locality and consist in their entirety of subsidised housing that will be retained in perpetuity for rent, shared ownership or in partnership with a RSL.
- In all such cases they must be supported by an up-to-date survey identifying the need for such provision within the local community. Unless the survey indicates a need for such provision, planning permission will not be granted.

- In addition the provision needs to meet the strategic priorities of the Council in relation to the development of affordable housing in rural areas.

The Housing Strategy and Needs Manager has commented on the application are in full support of the proposal. It is noted that following pre application advice a Housing Need Survey was carried out in Bosley Parish in Spring 2013 with the final report being written in June 2013. At the same time as the Bosley survey a rural housing survey was carried out in the neighbouring parishes of Wincle and North Rod. Both surveys showed a need for affordable housing. In the case of Wincle, development is difficult due to it being situated in the Peak District National Park, as such, the Wincle need could therefore also be met at this development. The finding from both surveys indicated that there was a sufficient need for 16 affordable homes in Bosley Parish.

For the purposes of the Strategic Housing Market Assessment 2010 Bosley comes under the Macclesfield Rural sub-area. The SHMA 2010 has recently been updated and identifies that the annual affordable housing need for this sub-area is 59 new homes each year between 2013/14 – 2017/18. This is made up of an annual need for 9 x 1 bed, 6 x 2 beds, 23 x 3 beds, 11 x 4/5 beds and 2 x 1 bed older persons & 8 x 2 bed older persons properties. Overall this equates to a requirement for 295 new affordable homes in the Macclesfield Rural sub-area between 2013/14 – 17/18.

Cheshire Homechoice which is the choice based lettings system for allocating social housing across Cheshire East, currently has 12 applicants who have selected Bosley as their first choice, these applicants require 1 x 1 bed, 8 x 2 bed and 1 x 3 bed and 2 applicants did not specify the number of bedrooms. The low number of applicants is potentially due to Bosley having limited affordable housing.

In addition to the above, in December 2012, the applicant carried out a consultation event and interested residents were invited to express interest in the properties; 27 people have registered an interest in the properties.

The Rural Housing Needs Survey identified a clear need for at least 16 affordable homes taking account of the incomes and local house prices, and the proposal is for 16 affordable dwellings. The Head of Strategic housing supports the mixture of rent and shared ownership tenures as well as the mix of 13 houses and 3 bungalows. Members should be made aware that The Regenda Group (the applicant) has secured funding from the Homes and Communities Agency to develop this scheme subject to the development being completed by March 2015.

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. The pre requisites of the above can be secured through a section 106 agreement.

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.

Bosley is not a conventional village with a formal centre, as the village is segregated by the A523 and development has sporadically formed in pockets along it. Sited on the edge of Bosley this site is predominantly rural in character with views of open fields enjoyed from most aspects of the plot. This particular area is generally characterised by low-density properties, which sit on plots of land surrounded by reasonable sized gardens and spaces between properties. There is a wide range of mostly traditional architectural styles of one and two storey dwellings, which are humble in character. Common building materials for this area appear to be red brick, render and tile hanging.

The applicant proposes 16 dwellings on the site a mix of two storey-detached semi detached properties and bungalows. The layout of the site has been designed as such to take account of the constraints of the A523, Fold Lane (which runs through the centre of the site) and the residential amenity for the occupants of the caravan park to the north east of the site.

Properties have been orientated to front the A523 and are set back over 6.5 m from the highway. This proposed linear strip of development along the road will provide a strong defining feature as a gateway into Bosley and it is therefore essential that boundary treatment along the frontage is appropriate to the area.

It is considered that a more preferable layout would have included larger plot sizes for each dwelling and greater separation distance between properties, in order to more in keeping with rural surroundings, rather than giving the appearance of an urban estate. However, the consequences of achieving this would require a reduction in the amount of affordable homes proposed.

Members should be aware that there has been strong Local Support for this application particularly from the Parish Council as it will provide much needed affordable housing to the area. During the course of this application, several revisions have been made to the proposal to achieve an acceptable layout. The density and scale of the proposed housing is considered to provide an adequate compromise between the need to make efficient use of land, meeting the demand for affordable housing and respecting the character of the locality.

In order to ensure adequate spacing between properties is maintained in perpetuity it is advised that permitted development rights be removed.

The design of the properties is another element altered during the determination of the application. The applicant has chosen to move from a more traditional style to a more modern design with large glazed windows and porches details that reflect more of a 1930's feel. As Members will appreciate, matters of design are subjective. Due to the spread of development along the A523 and variety of properties, there is no distinct architectural style to properties

within this area. The scale bulk and massing of the properties is considered to be acceptable and sympathetic to the character of the surrounding area.

The properties are to be constructed in a mix of brick and brick with render with Marley blue black slate for the roof. It is advised that a material condition is attached to ensure material are in keeping with those within the surrounding area.

Access to the properties will be via Fold Lane. The applicant have made reasonable attempts to ensure that parking provision is positioned (in most cases) to the side of the properties in order to accommodate soft landscaping in front of properties. Towards the centre of the site, directly adjacent to Plots 5 and 4 a small grassed area is proposed. This provides a good opportunity to incorporate soft landscaping, which will soften the appearance of frontages facing Fold Lane. In order to ensure the proposed development is in keeping with the character of the area it is advised that a full hard and soft landscaping scheme are submitted for subsequent approval.

The applicant proposes an approx 2m high timber fence which will be softened in part by hedging. The entrance of the site is to be framed by a stone wall, which will reduce in height from posts. It is advised that details of boundary treatment are also secured to ensure the proposal is in keeping with its surroundings.

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.

During the course of the application, revisions have been made to achieve a more appropriate relationship between the proposed dwelling and the Caravan park which is located directly to the east and north east of the site. The Caravans can be occupied during 12 months of the year. The distance between each of the caravans is tight knit.

Due to the constraints of the site there are, however, a few pinch points within this development, which provide a sub standard spacing between properties. Policy DC38 of the Local Plan advises that habitable room facing non habitable room should be 14m.

Plot 1 (proposed bungalow House type A1) will be positioned 8.6m from the side elevation of an existing static caravan which is sited on the opposite side of Fold Lane. Running parallel to the side elevation of the caravan and Fold Lane there is a mature hedge which provides an element of screening to the side windows the caravan. There are no windows are proposed on the front elevation of Plot 1 and the proposed property will be a bungalow with a low ridge height. The proposal is therefore unlikely to have a significantly harmful impact upon the residential amenities of the adjacent caravan in terms of loss of privacy or loss of light.

Plot 16 is to be sited approx 3.6m from the side elevation of a static caravan, which is sited adjacent to the south-eastern boundary of the site. The proposed bungalow is sited approx 4.6m forward of the caravan. It is noted that there are primary windows in the side elevation of

the caravan. Provided appropriate boundary treatment can be obtained between the two properties, on plan the relationship between the Plot 16 and the static caravan would appear to be acceptable. A section drawing showing the relationship between the proposed bungalow and caravan has however been requested to ensure the proposal will not have an overbearing impact. This will be available to member in an update.

Aside from the above, the other proposed dwelling are considered to be an acceptable distance from existing neighbouring properties so as not to have a significant impact upon living conditions.

It is noted that the spacing between properties in some places is of a minimal standard. The dwellings have been carefully designed so there will be no direct or substantial overlooking into primary windows between properties. No corners with regards to impact upon privacy levels, overbearing impact or loss of light are therefore raised.

Environmental Protection advice that site is located within very close proximity of the A523, which is considered to be reasonably busy. In order to avoid the impact of traffic noise upon the future residents conditions to ensure details of Acoustic Fence/ Boundary Treatment, Acoustic Double Glazing and Acoustic trickle vents / wall ventilators are built into the scheme.

Conditions obtaining details of a construction phasing, details of any pile operations and construction hours of operation in order to protect the residential amenity of neighbouring properties is also advised.

Highways

The Councils Strategic Highways Manager has been consulted on this application and raises no objection. The proposal proposes a mix of 2 and 3 bedroom bungalows/houses, which each has 2 parking spaces provided plus 4 visitors parking spaces. This complies with the Councils Draft Cheshire East Parking Standards, which require 200% parking provision.

Access to the properties would be via Fold Lane. The applicant proposes a speed table at the access points to the site. Limited details of material have been provided within the application. The Highways Manager advises that the speed table will need to be delineated by a change in materials. Full details of design, materials and construction and works to provide a footpath to the northwestern part of the site and southern end of Fold Lane should be subject to further agreement through a Section S278 Agreement.

Due to the narrow carriageway width proposed and lack of turning head facilities within the proposal the Highway Manager advises that the proposed cul de sacs would not be able to accommodate refuse vehicles to enter and exit the site in a satisfactory manner. The proposed new access roads off Fold Lane are therefore not considered to be of an adoptable standard. In view of the small number of dwellings served from each access; the small scale of the overall development; and the opportunity for alternative refuse access it is considered that private accesses are acceptable in this instance. Therefore, if the application is approved, the cul-de-sac off Fold Lane would not be adopted as part of the public highway. The developer would therefore need to make arrangements for these roads to be maintained privately.

A 2m footway connection to Leek Road is shown on the proposed layout. In addition, the drawing indicates some widening to Fold Lane in the northern part of the site to provide footway access to four dwellings, which would be accessed, directly from Fold Lane. It is considered that these will create acceptable connectivity to local services in Bosely to the east of the site, and to bus services on Leek Road to the site. Therefore, subject to the footway improvements, there are no concerns are raised in relation to the site's accessibility by sustainable modes.

Having regard to the above, it is not anticipated that the proposed development will raise any significant highway safety issues.

Trees / Landscaping

Located within Peak Park Fringe Local Landscape Designation Area (formerly ASCV) This is a transitional landscape between the Peak District national park and has many of the qualities associated with the National Park. The Council Landscape officer has been consulted on the application and advises that the proposed development subject to full landscaping conditions will not have a significant landscape or visual impact .

It is noted that there is a mature Cypress tree located at the front of the site, This however is noted as having a limited amenity value.

Ecology

The Nature Conservation Officer has commented on the application and has noted that the existing restaurant building has been identified as offering low potential for roosting bats. Bats, a European Protected Species, are not reasonable likely to be affected by the proposed development. There are no ecological constraints to this development.

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 for the offsite provision of POS including children's play and amenity provision in Bosley, via enhancements, additions and improvements to existing areas of POS or via the creation of new areas of POS and connecting green spaces within the village.

The commuted sum for public open space (POS) would be £48,000. The sum for recreation and outdoor sport (ROS) would be £16,000, but in the case of 100% affordable developments the requirement for ROS would be waived.

OTHER CONSIDERATIONS

Drainage and Flooding

The Contaminated Land Officer has advised that since the application is for new residential properties, which are a sensitive end use they could be affected by any contamination present. Therefore, a phase 1 contaminated land survey is required, which can be dealt with by condition.

Concerns with regard to flooding and drainage are acknowledged but both United Utilities and the Environment Agency have raised no objection subject to conditions which ensure a scheme to dispose of the foul drainage and surface water is submitted and agreed in writing by the Local Authority.

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 Bosley and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough.(To be agreed with Regenda and The Council)
- commuted sum of £48,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Bosley.

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

The commuted sum to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Bosley, which is in need of substantial works will ensure it provides opportunities for all parts of the community including the new residents.

On this basis the provision of the commuted sum and affordable housing is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is noted that this application has local support. Those comments objecting to the proposal have been acknowledged, however it is considered that principle of rural affordable housing in this location is acceptable and is supported by local and national policies.

The specific proposal for 16 dwellings in Bosley on a 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. The proposal will not have a harmful impact upon protected species.

For the reasons outlined within the report this proposal is considered to be acceptable subject to further details concerning the relationship of the proposal to neighbouring static caravan, conditions and the prior completion of a S106 legal agreement.

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 Northern Area 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 Northern Area 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. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A01GR - Removal of permitted development rights
8. A07HA - No gates - new access
9. A13HA - Construction of junction/highways
10. A26HA - Prevention of surface water flowing onto highways
11. A30HA - Protection of highway from mud and debris
12. A32HA - Submission of construction method statement

- 13.A08MC - Lighting details to be approved
- 14.A04NC - Details of drainage
- 15.A19MC - Refuse storage facilities to be approved
- 16.Detail of garden sheds to be submitted
- 17.Acoustic Fence/ Boundary Treatment
- 18.Acoustic Double Glazing
- 19.Acoustic trickle vents / wall ventilators
- 20.Acoustic trickle vents / wall ventilators
- 21.Acoustic trickle vents
- 22.Demolition and Construction phase of development
- 23.Demolition and construction phase of development
- 24.Pile Foundations
- 25.Construction Hours of operation
- 26.Contaminated land
- 27.Details of Road widening, footpath and road surfacing

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