

Application No: 12/1463C

Location: Land south of Middlewich Road and east of Abbey Road, Sandbach

Proposal: Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of New Access to Serve Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works

Applicant: Fox Strategic Land and Property

ADDITIONAL SUPPORTING INFORMATION

Since the publication of the original committee report a letter has been received from the applicant's agent raising the following points:

- The applicant proposes 30% affordable housing as part of this development which is in accordance with the Cheshire East Council policy and its evidence base
- The officer report and S106 Heads of Terms includes the provision of 35% affordable housing and this was originally included within the S106 Heads of Terms – but this was submitted almost 2 years ago and circumstances have clearly changed
- CEC's emerging Local Plan Policy SC5 requires 30% affordable housing for this type of development and its evidence base (CEC's Interim Planning Statement ON Affordable Housing which was adopted for development management purposes in February 2011)
- The officer report notes that the relevant CEC affordable housing policy requirement for this development proposal is 30%
- The 30% level of affordable housing is consistent with other recent decisions in Cheshire East e.g. Land north of Congleton Road, Sandbach approved at appeal with 30% affordable housing, and Land off Hawthorne Drive, Sandbach approved by the Strategic Planning Board with 30% affordable housing.
- The proposed affordable housing provision of 30% remains a significant benefit that should weigh heavily in favour of the application in the planning balance given the shortage of affordable housing in Cheshire East. Finally it is noted that there have been other housing developments on Greenfield sites which have been supported with substantially less than 30% provision.
- In this context the opportunity to deliver 30% affordable housing on this site should be given significant weight.

OFFICER COMMENTS

As part of his decision on application 10/3471C the Inspector found that the affordable housing would:

‘fulfil an important social role, by providing affordable and market housing to help meet needs. He agrees with the Inspector that there is no reason to doubt that the housing would be anything other than high quality’

He then goes on to state that the affordable housing (98 dwellings) offered within a Unilateral Undertaking is a material consideration to which *‘substantial weight should be given’*.

In terms of the supporting policies for affordable housing the following applies:

The NPPF states that local planning authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site.

Policy H13 of the Congleton Borough Local Plan First Review 2005 states that the Council will negotiate the provision of an appropriate element of affordable housing on allocated sites and on unidentified housing sites of 1 hectare or more or comprising 25 or more dwelling units. The scale and nature of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities and other planning objectives.

Congleton Borough Supplementary Planning Document No.6 ‘Affordable Housing and Mixed Communities’, states that the Planning Authority will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 0.5 hectare or 15 dwellings or more. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%.

The Council’s Interim Planning Statement on Affordable Housing states that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

Policy SC5 within the emerging local plan also requires that at least 30% of all units are to be affordable.

In this case it is unfortunate that the applicant has decided to reduce the level of affordable housing following the recent Secretary of State decision. However the 30% affordable housing provision is still consistent with all of the above policies and other decisions for similar applications in this area. As a result there is no policy support to require 35% affordable housing on this site and the reduced provision is acceptable.

RECOMMENDATION

The recommendation is altered as follows:

APPROVE subject to completion of Unilateral Undertaking/Section 106 Legal Agreement to secure the following:-

1. Affordable Housing Scheme

- The numbers, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 30% of the residential units (65% to be provided as social rent/affordable rent with 35% intermediate tenure)
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to a Social Landlord
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. The provision of Community Park and Children's play provision and scheme of management to be agreed

3. Education contribution of £513,773.11

4. Wheelock Rail Trail contribution of £10,000

5. Highways contribution of £60,000 towards upgrade works at Junction 17 of the M6

6. Travel Plan monitoring contribution of £5,000

7. Tree Contribution of £2,400

And the following conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4. The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.

5. No development shall take place until a programme of phasing for the implementation of the whole development, including public open space and the provision of 35% affordable housing on each phase, has been submitted to and agreed in writing by the local planning authority. The phasing of the development shall be in accordance with the approved programme.

6. No development shall take place until a scheme of archaeological investigation, including a programme for its implementation, has been submitted to and approved in writing by the local planning authority. The investigation shall be implemented in accordance with the approved scheme.

7. No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be based on an assessment of the potential for disposing of

surface water by means of a sustainable drainage system. Surface water drainage of the site shall be in accordance with the approved scheme.

8. No development shall take place until an ecological management plan has been submitted to and approved in writing by the local planning authority. The management plan shall be implemented as approved.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

11. Construction hours, and associated deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

12. No development shall take place until a Travel Plan, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as approved from the date of the first occupation of the first dwelling.

13. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units (65% to be provided as social rent/affordable rent with 35% intermediate tenure);
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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 Place Shaping Manager has delegated authority to do so in

consultation with the Chairman of the Strategic Planning Board, 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 be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board 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.