

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

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| Date: | 20 th August 2014 |
| Report of: | Daniel Evans – Principal Planning Officer |
| Title: | Request to vary the Unilateral Undertaking dated 17 th September 2012 following the allowed appeal as part of application 11/4549N |
| Site: | Land on Rope Lane, Shavington |

1.0 Purpose of Report

- 1.1 Planning application 11/4549N was refused by the Strategic Planning Board on 21st March 2012. An appeal was lodged and outline planning permission was allowed on 28th November 2012. At the Inquiry the appellant submitted a signed Unilateral Undertaking (UU) to secure education and highways contributions, affordable housing and the provision and subsequent maintenance of the proposed amenity area.
- 1.2 A Reserved Matters application 13/1021N was subject to an appeal for non-determination and the appeal was allowed on 22nd January 2014.
- 1.3 As part of the approved plans the applicant has incorporated a smaller mix of properties within the Reserved Matters application which is approved. The applicant has an issue with the obligation to link sales values to the requirements of part four of the second schedule which states:

'The owners shall procure that 25% of the total number of dwellings shall be unsubsidised low cost market housing to be designed in an appropriate manner to be able to be affordable than most general market housing in the administrative area of the application site by virtue of size, accommodation and amenities to be constructed on the application site in accordance with the planning permission.

The owners shall market the Low Cost market housing at a price which is the lowest quartile of house prices for comparable houses in the Wybunbury and Shavington sub area averaged over a 12 month period ending no earlier than the date of three calendar months prior to any such sale.

The owners shall prior to implementation notify the Council which of the dwellings shall be Low Cost Market Housing (together with details of the property size and type)'

2.0 Decision Required

- 2.1 To remove the valuation mechanism of the UU.

3.0 Background

- 3.1 The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.
- 3.2 Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

4 Proposed Development

- 4.1 11/4549N is an outline application for 80 dwellings and a single point of access onto Rope Lane. Reserved Matters approval was granted at appeal under application 13/1021N.

5 Officer Comment

- 5.1 The requirement for 25% of the dwellings on the site to be low cost market housing does not meet the condition tests. The policy background for this condition is the IPS on Affordable Housing with no requirement in development plan policy. This requirement is not considered to meet the requirements of the NPPF and is excessively onerous.
- 5.2 The requirement for 25% of dwellings to be low cost is not attached to any other housing applications within Cheshire East.
- 5.3 The developer also states that the valuation criteria is a burden on sales particularly with mortgage restriction and the time involved for the Council and appellant in administering the matter.
- 5.4 In this case it should also be noted that the developer is willing to provide 30% affordable housing on this site and the developer is still committed to building and selling the smaller units which it has consent for.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the amendment to the UU is acceptable and the housing on the site will contribute to the Councils 5 year housing land supply.

7 Recommendation

- 7.1 The valuation mechanism within the UU is to be removed.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of delivering housing on this site to assist the Councils 5 year housing land supply.

For further information:

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Background Documents:

- *Application 13/1021N*
- *Application 11/4549N*

