

Application No: 14/1915N

Location: Kents Green Farm, KENTS GREEN LANE, HASLINGTON, CW1 5TP

Proposal: Resubmission of 13/4240N - Outline planning application for a housing development dwellings with associated car parking, roads and landscaped open space

Applicant: Renew Land Developments Ltd

Expiry Date: 14-Jul-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Impact of the development on:-

Principle of the Development

Housing Land Supply

Open Countryside Policy

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Public Open Space

Agricultural Land

Education

Flood Risk and Drainage

Health

Other issues

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 2.67 ha and is located to the northern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is a tree lined watercourse known as Fowle Brook with residential development fronting Newtons Crescent and Fishermans Close beyond. To the west of the site is Kents Green Lane with the existing farmhouse and barns located onto this boundary. To the south west corner of the site are a number of trees which are protected by a Tree Preservation Order.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels drop to the northern boundary of the site.

2. DETAILS OF PROPOSAL

This is an outline planning application for the erection of 68 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the southern boundary of the site.

3. RELEVANT HISTORY

13/4240N - Outline planning application for the development of up to 60 dwellings with associated car parking, roads and landscaped open space – Refused 17th March 2014 for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
Pre-submission Core Strategy

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

United Utilities: No objection subject to the following condition:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For

the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. Surface water must drain to the watercourse. The development shall be completed, maintained and managed in accordance with the approved details.

Strategic Highways Manager: No comments received as part of this application. As part of the last application they stated that:

'Subject to the recommended conditions and s.38, s.278 and s.106 agreement requests indicated throughout this note, I would recommend that the application be approved.'

The proposed location of a highway access from Crewe Road is preferable to an access on Kents Green Lane, due to the narrow width and the lack of footway provision on Kents Green Lane.

The Proposed Site Access Drawing SCP/13219/GA01, prepared by SCP indicates a simple priority junction with a 5.5m wide vehicular access; a 6m radius; and 2m footways. This is consistent with the typical geometries of a residential development of this scale, and is acceptable in principle. A junction capacity assessment undertaken in the 2018 future year suggests that the proposed layout would operate well within capacity.

A speed survey has been undertaken which suggests 85th percentile dry weather speeds of 39mph in the northbound direction and 36mph in the southbound direction. The Site Access Drawing SCP/13219/GA01 indicates that appropriate visibility is achievable in both directions from the access for these speeds.

The speed limit on Crewe Road adjacent to the site is 30mph. The speed surveys undertaken as part of the TS indicate average speeds of 34mph and 32mph, and maximum speeds of 45mph and 43mph, in the northbound and the southbound directions respectively. Therefore, there is evidence of vehicles operating above the speed limit adjacent to the site.

It is also noted that there are local concerns regarding vehicle speeds on Crewe Road. In light of this, it is recommended that Vehicle Activated Signs (VA signs) should be provided in the vicinity of the development access. These display the spot speed of a passing vehicle to the driver, and have been applied elsewhere in the borough as an effective way of encouraging drivers to consider and reduce their speeds in built-up areas.

Crewe Road forms part of National Cycle Network Route 451 from Wheelock to Crewe town centre and onwards to Nantwich. The section of Crewe Road which bounds the site to the south has on-street mandatory cycle lanes, which are legally-enforceable for use by cyclists only. The site is therefore considered to be suitably accessible by cycle.

Existing bus stops are located on the northern side and southern side of Crewe Road, approximately 150m to the south-west of the site, which is within the recommended walking distance. These stops are served by three bus services which provide hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. At present, only the northern bus stop is marked by a flag, while the southern bus stop is unmarked. There is no footway in place on the southern side of the carriageway and the southern bus stop exists within an unmarked lay-by.

It is recommended that, as part of any planning permission, pedestrian kerbing should be provided on the southern side of the carriageway, with bus stop lining and a pedestrian refuge island located in the vicinity of the stops, providing a crossing point to the new southern kerbing. These works should be subject to the technical approval of the SHM as part of a s.278 agreement.

It is also recommended that the cost of upgrading both bus stops to Quality Bus Corridor (QBC)–level sheltered facilities should be secured by s.106 agreement.

The trip rates derived from the TRICS database are broadly in line with what would be expected of a similar residential development, and indicate 29 trips leaving the site and 11 arriving during the AM peak hour, and 15 trips leaving the site and 28 arriving during the PM peak hour.

There are existing concerns on the local highway network, and at the Crewe Green roundabout in particular, the SHA has identified mitigation measures in the area. While this development will add some cumulative impact on the local highway network, this will only be in the order of approximately 1 vehicle per minute during the peak hours. It is therefore considered that the local footway, bus stop and VA signs identified are more appropriate highways and transport mitigation measures to be secured as part of this development'

Natural England: The proposed development is unlikely to affect any statutory sites.

For advice on protected species refer to the Natural England standing advice.

Environment Agency: No comments received. As part of the last application they stated that:

'The Environment Agency has no objection in principle to the proposed development however we would like to make the following comments.

The flood maps indicate that the northern boundary of the site is located in Flood Zone 3 and Flood Zone 2. Any lowering of existing ground levels on the proposed developable area of the site could increase the risk of river flooding to the proposed development. Any alteration of ground levels within Flood Zone 3 also has the potential to increase flood risk elsewhere through the loss of floodplain storage and conveyance.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken in the first instance to determine whether this would be a feasible method for the disposal of surface water post development. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff (Qbar) from the existing undeveloped greenfield site. This has been calculated as 5.14 litres/sec/hectare within the submitted Flood Risk Assessment (FRA) prepared by Enzygo (dated September 2013, ref: SHF.1087.001.R.001.A). For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate. Therefore the following conditions are suggested:

- *The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that all built development is located in Flood Zone 1.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to ensure no alteration of existing ground levels across the site.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.*
- *The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.*
- *No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook has been submitted to and agreed in writing by the local planning authority. The Buffer zone should be as wide as possible but must be a minimum of 5 meters wide measured from bank top.*
- *Contaminated land'*

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures, travel plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

Public Open Space: There are no facilities for young persons in Winterley. The Greenspace Manager advise that the open space should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

Public Rights of Way: The application documents show a pedestrian link from the site to the existing estate road Newtons Crescent over Fowle Brook. The legal status, maintenance and specification of the proposed path and bridge would need the agreement of the Council as Highway Authority.

The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

Education: The development of 68 dwellings will generate 12 primary school pupils and 9 secondary school pupils.

The Education Department is forecasting that both primary and secondary schools will be oversubscribed.

Therefore the following contributions will be required:

Primary = £130,155

Secondary = £147,084

6. VIEWS OF THE PARISH COUNCIL

Haslington Parish Council: Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- Re-use and adaptation of existing buildings have an important role to play in meeting the demand for workspace in preference to the construction of new buildings on green field sites. This appears not to have been considered by the applicant, who proposes demolition of the existing farm house and buildings.
- The submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.
- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Kent's Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- Scale of development in relation to the existing community. Winterley scores very poorly for sustainability, adding 70 house to the existing 600 in Winterley is a major increase that could be further exacerbated by the potential for a further initial 45 at Pool Lane. The proposal is out of scale and character with the existing developed environment in Winterley.
- The site is in a very prominent location at the southern edge of Winterley, within the open countryside separating the village from Haslington. Development would be highly visible and undermine Winterley's mature village character and its identity as a separate settlement from Haslington.
- The length of Kent's Green Lane adjacent to the site is a quiet, narrow rural lane without footways and defined by hedges, trees and some low key, old farm buildings. The development would irretrievably alter this character, with proposed houses located very close to the lane. In addition to the landscape and visual impacts of the new houses, there is a high risk of losing the existing hedges surrounding the site.
- The proposed development should be restricted to single and two storey properties, there is an inconsistent reference to some three storey properties within the outline proposals.
- Trees covered by the TPO that are retained within public open space will need to be supported by an ongoing management scheme funded by the developer.
- Safe sewage disposal has not been fully considered. The sewers serving Winterley are known to have capacity and blockage issues resulting in contamination of farmland and watercourses including Fowle Brook. The contaminated watercourse passes through various high risk areas including the gardens of properties in Haslington, alongside The Dingle primary school and other public open space within the parish of Haslington. Any further development in Winterley

will require a major upgrade to the existing sewage infrastructure which appears not to be included within this application.

- The TRICS data used is not applicable for this location. The data used is for sites on the edge of town locations. This location is rural and would generate more trip movements due to being more remote from public transport, employment areas and other sustainability related issues such as lack of close local schools, medical facilities and shops. Rural locations have a higher dependency on car usage.
- Transport Strategy 5.5 is a broad statement and is incorrect. The Transport Statement does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once any approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road (Hazel Bank), Haslington be approved. The Statement should have considered an assessment of the effects of this proposal and other known proposals on the most sensitive nodes on the surrounding network. It is the Council's responsibility to consider these wider ranging issues and not solely the merits of this application in isolation.
- Point 6.4 - The distribution of flows from and to the site is flawed, as it is based on existing tidal flow created by local residents in Haslington. This is not representative of the local trips generated by this development, and which are influenced by the local school runs and local employment areas. It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe and via M6 Junction 16; all of which will influence turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout over that suggested in the Transport Statement
- Appendix 3 – this is meaningless as it does not give any indication of the times that the speed readings were carried out
- Overall the transport Strategy makes no reference whatsoever to the road network capabilities of either the 2 villages, or the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway. A robust transport strategy should address all of these wider, and integrated issues, and all of which are already significantly challenged by the existing weight of traffic let alone the inclusion of further developments
- There is no information of numbers and classification of vehicles to support the peak traffic flows
- There is no information to support the existing and generated trips on Kent's Green Lane. This lane is currently lightly trafficked. However it can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, lack of footpaths and street lighting, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane which is a narrow country lane approximately 5.5m wide with no footways. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of current parents and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also be considered that the additional right turning out of the site and then into Kent's Green Lane could increase the likelihood of collisions.
- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, there have been numerous collisions; consideration should be

given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.

- Impermeable soils and rocks such as clay or shale do not allow water to infiltrate, this forces water to run off reducing river lag times and increasing flood risk. The area is known as heavy clay base (given the naming of the road 'Clay Lane') and the adjacent properties have a heavy clay base within a matter of 2 feet under the surface. This brook has already seen a significant rise in levels, in particular during 2012 when the brook was full to capacity along the strip adjacent to Fishermans Close. The applicant's assessment of the ground conditions in September 2013, following one of the driest and hottest summers on record is an unacceptable point in time to base the assessment of flood risk.
- Flood risk also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brook
- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future. These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for the Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the new occupants would easily fill any vacant local future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application could accommodate employment either in offices or workshops based around the existing Kent's Green farm buildings, utilising the existing access on Kents Green Lane. This would enhance one of the dimensions of sustainability of the proposed development. Any new residential housing is likely to require employment opportunities for the new occupiers.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 66 local households raising the following points:

Principal of development

- The application should be refused on the same grounds as the last application
- The site is within the open countryside

- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site
- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is contrary to Pre-submission Core Strategy as it does not retain the gaps between the settlements
- There are no jobs in the village
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Lack of pre-app consultation
- Brownfield sites should be developed first
- Kents Green Farm should be listed
- Members of the Strategic Planning Board should visit the site
- Outside the settlement boundary for Winterley
- The applicant did not obtain pre-application advice from the LPA

Highways

- Increased traffic
- Pedestrian safety
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- The proposed access in at a dangerous location on a bend in the road
- The traffic survey was undertaken on 12th December 2012 and is not representative time of the year
- TRICS data is not applicable for this rural location
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The distribution flows from the development are flawed
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate

- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Water pollution will affect the Fowle Brook
- Increased water pollution
- Impact upon TPO trees
- Lack of detail about the maintenance of the open space

Infrastructure

- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village
- Insufficient medical services

Amenity Issues

- Visual impact
- Loss of outlook
- Noise and disruption from construction of the dwellings
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area

Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to Kents Green Lane
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans show housing side onto Crewe Road which is not an acceptable design solution
- The development would be harmful to the character of Winterley
- Little details on the outline application
- The layout of the open space is poor and not safe for children

Other issues

- Loss of agricultural land
- Impact upon property value

The full content of the objections is available to view on the Councils Website.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Flood Risk Assessment (Produced by Enzygo)
- Design and Access Statement (Produced by Barrie Newcombe Associates)
- Planning Statement (Produced by Richard Lee)
- Phase 1 Geo-environmental Assessment (Produced by REC)
- Transport Statement (Produced by SCP)
- Ecological Scoping and Protected Species Survey (Produced by Solum Environmental Ltd)
- Arboricultural Impact Assessment (Produced by Enzygo)
- Outline Bat Mitigation Strategy (Produced by Solum Environmental Ltd)
- Landscape and Urban Design Appraisal (Produced by PGLA and BPUD)
- Supporting letter from Stewart Milne Homes

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

Principle of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications 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.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“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 the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively

assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Landscape

Housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

With regard to the indicative layout there are the following issues:

- The wooded stream, mature trees, hedgerows and the existing farmstead provide scope to create an attractive housing development but the indicative layout is cramped and doesn’t make the most of these assets/opportunities.
- The farmhouse and some barns/outbuilding are now to be retained but the layout should ideally provide them with a better setting/curtilage with appropriate boundary features and again this issue will be dealt with at the reserved matters stage.
- It is important to retain the rural character of Kent’s Lane by retaining the existing walls, trees and hedges (where feasible) and by planting new hedges. Close board fencing along the lane should be avoided.

The above issues could be considered at the reserved matters stage.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – would be provided on site
- Bus Stop (500m) – 250m
- Public House (1000m) – 805m
- Public Right of Way (500m) – 300m
- Child Care Facility (nursery or crèche) (1000m) - 640m
- Community Centre/Meeting Place (1000m) – 640m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Outdoor Sports Facility (500m) – 960m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4300m
- Convenience Store (500m) – 1280m
- Primary School (1000m) – 1450m
- Pharmacy (1000m) – 1900m
- Post office (1000m) – 1900m
- Secondary School (1000m) – 5400m
- Medical Centre (1000m) - 1900m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a locationally sustainable site.

However, locational accessibility is one element in terms of sustainable development. Inspectors, have considered the 3 strands of sustainable development – economic, social and environmental in terms of the planning balance in recent appeal decisions.

Affordable Housing

The site is located in Winterley which is within the Haslington and Englesea sub-area for the SHMA Update 2013. In this SHMA area there is an identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings (total of 220 dwellings over 5 years).

In addition to this information taken from the SHMA Update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 77 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 37 x 1 beds, 22 x 2 beds, 11 x 3 beds and 7 x 4/5 beds.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social rent, 35% intermediate tenure. This equates to a requirement of up to 21 affordable units in total on this site, split as 14 for social (or affordable rent) and 7 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper-potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The IPS also states that the affordable housing should be provided no later than occupation of 50% of the open market dwellings unless there is a high degree of pepper-potting in which case it would be 80%.

Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The proposal in this application is for 14 rented units and 7 intermediate units which is line with the IPS and as such acceptable.

As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved the affordable housing details would be secured in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and confirming that the scheme meets the affordable housing requirements detailed above and in the IPS.

Highways Implications

Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5m wide access and 2m wide footways. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. The surveys undertaken in support of this application indicate average speeds of 34mph and 32mph with maximum speeds of 45mph in the northbound direction and 43mph in the southbound direction. In this case the submitted plans indicate that visibility splays of at least 2.4m x 56m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets. Due to the issue of speeding vehicles it is considered to secure Vehicle Activated Signs within the vicinity of the site in an attempt to reduce vehicle speeds. This will be secured through the use of a planning condition.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

Traffic impact

The proposed development would generate 40 two-way trips during the AM peak hour and 43 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that whilst the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. In this case it is considered appropriate to secure improvements to the bus stops from this development as well as accessibility improvements to the bus stop on the opposite side of Crewe Road. These improvements will be secured through the use of a planning condition.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and

improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'

Amenity

In terms of the surrounding residential properties, these are mainly to the north of the site. Between the nearby residential properties to the north are a linear area of public open space, Fowle brook and a belt of trees. Due to these intervening features and the separation distances involved there would be minimal impact upon residential amenity.

Due to the separation distances involved to the properties to the south there would not be a significant impact to the south.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is not close to any air quality management areas (AQMAs) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control and to secure electric vehicle charging points.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Impact Assessment (AIS). The AIS incorporates a tree survey covering 19 individual trees and 20 groups of trees. The survey grades 7 individual trees and 14 groups of trees as grade A (high quality and value), 5 individual tree and 5 groups Grade B (moderate quality and value) and 7 individual trees and 1 group Grade C (low quality and value). The AIS indicates that the indicative layout would result in the removal of 7 individual trees and one group of trees afforded low grade and recommends that retained trees are afforded protection in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction - Recommendations.

As the application is outline with only the vehicular access from Crewe Road included, the full implications of development of the site would only be realised at Reserved Matters stage. The elements of the indicative proposals showing the prominent TPO trees retained in POS to the south west of the site and the green corridor adjoining Fowle Brook are welcomed. In this case there were concerns raised over whether the application site can accommodate the proposed

development without impacting upon the trees on the site but this has now been addressed through the submission of the amended plan.

Hedgerows

The consultation response from Cheshire Archives and Local Studies indicates 'both of the hedgerows appear to form part of a field system pre-dating the Enclosure Acts'. On the Tythe map it is clear boundaries where hedges affected by the development were present.

In this case the indicative plan shows that the historic hedgerows would be retained as part of this development.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

In this case the density of the development is considered to be acceptable at 25.4 dwellings per hectare and would be consistent with the surrounding area of Winterley.

As part of the negotiations with this application the applicant has agreed to retain two of the existing barns and the farmhouse on the site.

There is a Grade II Listed Building opposite the site on Crewe Road. Given the intervening road and separation distance it is not considered that the proposed development would have a detrimental impact upon the setting of this Listed Building.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Ecology

Bats

The bat surveys undertaken to inform the determination of the application were constrained by the unsafe nature of some of the buildings on site, the lateness in the season when the activity surveys were undertaken and cold weather during some of the survey visits. Despite these constraints bat roosts have been recorded within a number of buildings on site.

The available survey results suggest roosts of two relatively common bat species being present on site. On balance considering the constraints of the survey the Councils Ecologist advises that the

usage of the building by bats is likely to be limited to small-medium numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon protected species.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the tests would be met as follows:

- If the development was approved it would be because the LPA cannot demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small bat roost on this site (with no evidence of a maternity roost) and there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of bats.

Other Protected Species

An outlying sett has been recorded just outside proposed development site. The submitted ecological assessment recommends that a 30m undeveloped buffer be maintained around the sett. Based on the revised plan and the submitted method statement the Councils Ecologist is satisfied that the outlying set which is located off-site can be retained.

Fowle Brook

Fowle Brook is located to the north of the application site. The submitted illustrative layout plan shows a retained area of open space between the development and the brook. A condition will be attached to secure a buffer along this water course.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that the much of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows to form the site access. Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

Bluebells

Native bluebells have been recorded on site however it appears that they would be retained within the open space on the site. This would be secured through the use of a planning condition.

Breeding Birds

Conditions will be attached to safeguard breeding birds.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,380sq.m and the indicative plan shows that the developer would exceed the requirement for Policy RT.3 which is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the supporting planning statement identifies that this site is grade 3b.

Education

The proposed development would generate 12 primary school pupils and 9 secondary school pupils.

In terms of primary school education, the proposed development would generate 12 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £130,155. This would be secured via a S106 Agreement.

In terms of secondary school education, the proposed development would generate 9 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £147,084. This would be secured via a S106 Agreement.

Flood Risk and Drainage

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Fowle Brook is located within Flood Zones 2 & 3. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application. The submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

The submitted FRA identifies that a precautionary approach of raising floor levels of any building on the site by 150mm would mitigate any secondary flooding sources (in this case overland flow). The risk from all other types of flooding is considered to be negligible or low.

The proposed drainage system will be designed to accommodate the potential impact of this development and further details will be provided at the detailed design stage.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 3 medical practices within 2.5 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they

have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

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 development would result in increased demand for primary and secondary school places where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

On this basis the S106, recommendation is compliant with the CIL Regulations 2010.

10. CONCLUSIONS

The proposal involves the erection of a new residential development in the open countryside, which is contrary to established local plan policies. The Planning Acts state that development must be in accordance with the development plan unless material considerations indicate otherwise.

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development would not adversely affect the visual character of the landscape, or result in a significant erosion of the physical gaps between built up areas.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local schools and this could be mitigated through the suggested contributions which could be secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, the benefits of the scheme in terms of the addition to the affordable housing stock in the area, the economic and social benefits via the new homes bonus and spending in local shops by new residents and the jobs created during constructions; are considered to be insufficient to outweigh the harm that would be caused in terms of the loss of open countryside when there is no over-riding need to release the site for that purpose given the housing supply position of the Council. The proposal is considered to be contrary to policies of the local plan, the Submission Version of the Local Plan and the provisions of the NPPF in this regard.

11. RECOMMENDATIONS

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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 Southern 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.

S106 Heads of Terms:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - 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 an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - 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 a Open Space/Ecological Mitigation and a a LEAP with 6 pieces of equipment to be maintained by a private management company**
- 3. A commuted payment of £130,155 towards primary school education and £147,084 towards secondary school education**

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