

Application No: 16/1402N

Location: Land North Of, PARKERS ROAD, CREWE

Proposal: Outline planning application for the erection of 17 residential dwellings

Applicant: Adrian Fabczak, Bloor Homes North West Ltd.

Expiry Date: 20-Jun-2016

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Crewe.

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside, which is considered to carry limited weight, and the limited landscape impact of the development.

The benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and the imposition of planning conditions

PROPOSAL

This is an outline planning application for the erection of 17 dwellings with all matters reserved.

The application was originally for a development of 14 units but the description of development was changed by the applicant and this has been the subject of consultation.

The application seeks approval of the principle of the development only and the indicative plan shows that access would be gained from the approved development to the north of the site.

SITE DESCRIPTION

The site comprises 0.49ha of land located on the northern edge of Crewe. The site is adjacent to the approved Parkers Road development which lies directly to the north and east of the application site. There are two large Oak trees located along the eastern boundary of the site.

To the west is the former nursing home known as The Gables which has a recent planning permission for an extension and conversion to key worker accommodation as part of application 15/2910N.

To the south of the site is Parkers Road with residential development beyond.

To the south-west of the site is a mature hedgerow with tree planting within a wide grass verge at the junction of Parkers Road and Bradfield Road.

The site application site itself is undeveloped and relatively flat.

RELEVANT HISTORY

The adjacent site

15/5683N - Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Application undetermined – Resolution to approve

15/2756N - Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Application undetermined – Resolution to approve

14/4950N - Reserved matters approval for Phase 2B - residential development of 223 dwellings, following outline element of application 11/1879N – Approved 6th October 2015

14/3389N - Application to vary condition 4 to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Approved 11th December 2014

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date – Approved 1st May 2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

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)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging 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

Supplementary Planning Documents:

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

CONSULTATIONS

Head of Strategic Infrastructure: No objection

CEC PROW: The development does not appear to affect a PROW.

Ramblers Association: No comments received

Mid-Cheshire Footpaths Society: No comments received

United Utilities: No comments received

CEC Environmental Health: Conditions suggested in relation to environment management plan, external lighting, noise mitigation, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection.

CEC Flood Risk Manager: No objection subject to the imposition of a planning condition.

CEC Education: A contribution of £32,539 is required towards primary school education provision.

VIEWS OF THE PARISH COUNCIL

Minshull Vernon Parish Council: No objection

REPRESENTATIONS

Letters of objection have been received from 3 local households raising the following points:

- The large scale housing development along Parkers Road are already causing traffic problems
- Increase in traffic
- The traffic increase causes amenity problems
- Bloor Homes are already building a large number of dwellings within the vicinity of the site
- The Bloor Homes development is providing limited green space
- Loss of trees
- Three and four bedroom homes are not affordable
- Increased noise
- Increased dust
- Loss of wildlife habitat
- The local schools are already at capacity
- Depending on the height of the housing there could be the potential for overlooking issues
- The consultation is just a tick box exercise

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

Emerging Cheshire East Local Plan

In this case the site is not allocated as part of the Cheshire East Local Plan but the site is completely surrounded by the large approved development at Parkers Road which is now under construction, the Crewe Settlement Boundary and existing built development. As a result it is not considered that there would be any significant impact upon the open countryside.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

SOCIAL SUSTAINABILITY

Affordable Housing

This is a proposed development of 17 dwellings and is the next phase of the Saxon Gate application 11/1879N. Therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Crewe in the next 5 years is for 50 x one bedroom, 149 x three bedroom, 37 x four bedroom plus 12 x one bedroom and 20 x two bedroom dwellings for Older Persons per year.

The majority of the demand on Cheshire Homechoice is for 573 x one bedroom, 707 x two bedroom, 399 x three bedroom, 54 x four bedroom and 2 x five bedroom dwellings. Therefore the

provision of 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. In this case 3 units should be provided as Affordable rent and 2 units as Intermediate tenure.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

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 a development of 17 dwellings falls under the threshold for POS provision.

In this case the proposed development would be less than 20 dwellings and as such POS provision is not required on this site.

Education

An application of 17 dwellings is expected to generate 3 primary aged children and 3 secondary aged children.

The Education Service has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to a basic need of primary places demographically and from additional housing in the locality. The two largest expansions being Monks Coppenhall Primary School and Hungerford Primary Academy (both by an additional 210 places), as well as Mablings Lane Primary (an additional 105 places). The expansions are being jointly funded by basic need funds and S106.

The Education Service is expanding the schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards.

On this basis The Service are seeking a full primary claim and will receive the payments for the works paid for by the Council up front to mitigate the 3 primary children as a direct cause of the Land North of Parkers Rd development.

As there are capacity issues at these local schools the education department has requested a contribution of £32,539.

The education department have confirmed that there are no capacity issues at the local secondary schools in this area.

Location of the site

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

In this case the site is on the edge of the settlement of Crewe which is a Principal Town as defined by the Cheshire East Local Plan. Furthermore the site is surrounded by an existing approved development. As a result the site is considered to be a sustainable location with access to a range of shops, health and leisure facilities and employment opportunities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The application is in outline form and the indicate plans show that adequate separation distances could be achieved to the approved residential development to the north and east of the site.

To the west of the site is the former nursing home known as The Gables which has a recent planning permission for an extension and conversion to key worker accommodation as part of application 15/2910N. The closest part of the approved development has three first floor windows (two secondary windows serving a bedroom and one staircase window) and one second floor window (serving a staircase) facing the site. The closest proposed dwelling has a separation distance of 12.3 metres as shown on the submitted indicative plan. On this basis it is considered that a satisfactory separation distance could be achieved at the Reserved Matter stage.

The Environmental Health Officer has requested conditions in relation to hours of construction, external lighting, and an environment management plan.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of development in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

In order to mitigate the impact of this development Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government

expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new modern properties.

Contaminated Land

The application area has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

In this case a Contaminated Land Assessment has been submitted in support of the application. This has identified a low potential for contamination, however it advises that any material brought on to site should be free from contamination. This will be controlled through the imposition of a planning condition.

Public Rights of Way

There are no PROW located on the application site.

Highways

This is an outline application for 17 residential units. The indicative plan shows that access is a priority junction that is taken from the internal road layout of the adjacent strategic development site which in-turn will access onto the recently constructed access point onto Parkers Road

Although the access point is not being considered as part of this application the access position/design and the provision of visibility at the proposed location is acceptable.

In terms of the car parking provision a condition will be attached to state that at the reserved matters stage the development will provide car parking spaces in accordance with Appendix C (Parking Standards) of the Cheshire East Local Plan Strategy.

The Councils Head of Strategic Infrastructure has raised no objection to this development.

Trees/Hedgerows

There are two large Oak trees to the eastern boundary of the site (both Grade A – High Quality and Value). The revised testing layout shows that the Category A mature Oak located within the south east corner of the site would have an improved relationship to adjacent plots. The positioning the tree outside the residential curtilage provides a more satisfactory solution to the trees long term retention.

The second mature Oak (Tree 2 on the Tree Solutions Survey) has a large spreading canopy which extends significantly into the application site and there were concerns over the previous layout regards the over dominance of an adjacent plot

The revised indicative layout shows an improved relationship to the second mature Oak with the proposed plot having a separation distance of approximately 17 metres to the trunk of this tree with a separation distance of 9m to the canopy of this tree.

The proposed trees are now proposed to be located outside the residential curtilage of the dwelling and within an area of open space which would be maintained by a management company.

It is now considered that the relationship to the Grade A Oak trees is acceptable and a satisfactory design could be secured at Reserved Matters stage. No other trees worthy of retention would be affected by the development.

The prominent hedgerow to the Parkers Road/Bradfield Road junction to the front of the site would be retained and a scheme of management and retention can be secured at the reserved matters stage.

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 proposal would have a density of 35 dwellings per hectare this is consistent with the surrounding approved residential development.

In this case an indicative layout has been provided in support of this application and 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.

Landscape

The impact of the development upon the landscape would be limited given that the development is surrounded by existing built development and an approved development which is now under construction. Furthermore the boundary hedgerow and mature trees would be retained which would help to screen the development further.

The revised indicative layout provides some opportunities for landscape works although details would be required at reserved matters stage.

Ecology

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the submitted illustrative layout plan it appears likely that the site access would result in the loss of a section of hedgerow. It appears feasible for the southern boundary hedgerow to be retained. In the event that outline consent is granted the Councils ecologist advises that it must be ensured that

suitable replacement planting is provided to compensate for any losses of hedgerow at the detailed design stage of the development.

Trees with bat roost potential

Two trees have been identified on site with potential to support roosting bats. Based on the submitted illustrative layout plan these trees would be retained. As a result the Council's Ecologist advises that roosting bats are unlikely to be affected by the proposed development.

Breeding Birds

A standard condition could be imposed to secure breeding bird mitigation measures as part of this development.

Flood Risk/Drainage

The site is located in flood zone 1. However there is also a minimal amount of surface water risk around and inside the site boundary (topographic low spots) indicated by the Environmental Agency's (EA) mapping system. Given the scale of the development and its location there is no requirement for the submission of a Flood Risk Assessment as part of this application.

The Council's Flood Risk Manager has been consulted as part of this application and has raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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 application is relatively small and will be enclosed on all sides by existing and committed development. The loss of this small parcel of agricultural land is considered to be acceptable.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 school places in the area and there is very limited spare capacity. In order to increase capacity of the primary schools which would support the proposed development, a contribution towards primary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the policies NE.2 and RES.5 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Crewe.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any flood risk/drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.

- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- The development would provide a safe and suitable access and would not result in a severe highways impact

The adverse impacts of the development would be:

- Limited harm in terms of the loss of open countryside
- Limited harm to the changes to the visual character of the landscape that would result from the proposed development

The benefits of this development would significantly and demonstrably outweigh the limited adverse impacts of the development. As such the application is recommended for refusal.

RECOMMENDATION:

APPROVE subject to a S106 Agreement to secure the following 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. Primary Education Contribution of £32,539

And the following conditions:

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Electric Vehicle Infrastructure to be submitted and approved**
- 6. Construction Management Plan to be submitted and approved**
- 7. Piling Details to be submitted and approved**
- 8. Noise mitigation measures to be submitted and approved**
- 9. Submission / Approval of Information regarding Contaminated Land**
- 10. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.**
- 11. Reserved Matters application to include details of the existing and proposed land levels**
- 12. Tree Protection Details to be submitted and approved**

- 13.No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing**
- 14.Nesting bird mitigation measures to be submitted and approved**
- 15.The reserved matters for the landscaping of the site shall include the replacement of any hedgerow which would be lost as part of the proposed development**
- 16.The reserved matters shall provide 1 car parking space for dwellings with 1 bedroom and 2 car parking spaces for dwellings of 2 bedrooms or more**

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 Planning (Regulation), in consultation with the Chair (or in her 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 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. Primary Education Contribution of £32,539**

