

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 13th March 2013

Report of: Steve Irvine – Development Management and Building Control Manager

Title: Proposed alteration to the minutes for application 12/2584C

Site: Land off Warmingham Lane, Middlewich

1.0 Purpose of Report

- 1.1 This report has been presented to Strategic Planning Board because planning application 12/2584C was discussed by the Board on 12th September 2012. The minutes from this date are as follows:

‘That for the reasons set out in the report and in the update to the Board, The application be delegated to the Head of Development Management and Building Control in consultation with the Chairman of Strategic Planning Board and Councillor P Edwards, the Ward Councillor to APPROVE the application, subject to an agreement on the level of highways contribution for the traffic calming measures along Warmingham Lane and junction improvement works (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street) a contribution for which will be secured via a S106 contribution and the completion of Section 106 legal agreement to secure the following:-

- 1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.*
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company*
- 3. A commuted payment of £295,728 towards secondary school education*
- 4. A highways contribution towards junction improvements (Kinderton Street/Leadsmithy Street and Kinderton Street/King Street). The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.*
- 5. A highways contribution towards traffic calming along Warmingham Lane. The applicant shall pay the full contribution for these works which shall be split on a pro-rata basis between Gladman and Bellway prior to the occupation of the site.*
- 6. A commuted payment towards highway improvements £25,350 for bus use*

And the following conditions

- 1. Standard time limit 3 years*
- 2. Approved Plans*
- 3. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.*
- 4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays*
- 5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays*
- 6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority*
- 7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.*
- 8. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.*
- 9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.*
- 10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.*
- 11. 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.*
- 12. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.*
- 13. Provision of bat and bird boxes*
- 14. Works should commence outside the bird breeding season*
- 15. Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details*
- 16. Management plan for the GCN ponds to be in perpetuity**

17. *Details of concrete raft foundations to be submitted and approved*
18. *Materials to be submitted and approved*
19. *Landscaping to be submitted and approved*
20. *Landscaping scheme to be implemented*
21. *Remove Permitted Development Rights for certain plots*
22. *Boundary Treatment details*
23. *Tree and hedgerow retention*
24. *Tree Protection to be submitted and approved*
25. *The parking spaces to be provided on the approved plan should be provided*
26. *Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.*
27. *No construction of dwellings until the roundabout site access has been constructed to the complete satisfaction of the LPA.*
28. *The provision of a replacement bus stop*
29. *Details of parking for construction vehicles*
30. *The provision of wheel wash facilities*
31. *Details of bin storage to be submitted and approved*

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

2.0 Decision Required

- 2.1 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the condition 16.
- 2.2 The issue in question is the inclusion of the words 'in perpetuity'.

3.0 Background

- 3.1 The application site is located to the west of Warmingham Lane within the open countryside as defined by the Congleton Borough Local Plan. The site is relatively flat and square shaped. The site is undeveloped agricultural land which is bound by native hedgerows and trees. To the north and east of the site are residential properties of varying sizes and styles which front onto Warmingham Lane, Byron Close, Davenham Way and Ashton Close. To the south of the site is an access track which serves Pettywood Farm.
- 3.2 The site edged red also includes a separate parcel of land to the south-east of the housing site. This parcel of land is also within the

open countryside, relatively flat, in agricultural use and bound by hedgerows and trees.

4 Proposed Development

- 4.1** 12/2584C is a full planning application for 149 dwellings. The access point to serve the site would be taken off Warmingham Lane via a roundabout. The site would include the provision of 30% affordable housing, a LEAP and 0.41 hectares of public open space. The majority of the POS would be located centrally within the site. The development would consist of 2 to 4 bedroom units which would have a maximum height of 2storeys.
- 4.2** The second parcel of land would include the construction of two additional ponds. These ponds would serve the Great Crested Newt population on the application site and the GCN would be translocated from the housing site.
- 4.3** The site is adjacent to a larger L shaped site which is subject to planning application 12/2685C for 194 dwellings. This now has outline planning permission

5. Officer Comment

- 5.1** The original officer report stated that condition 16 should secure a '*ten year management plan for the GCN ponds*'. This was amended by the Strategic Planning Board as per the minutes above to ensure that the GCN mitigation area is maintained in perpetuity.
- 5.2** In this case the applicant considers that this unreasonable and they seek to vary the minutes for the following reasons:
- The applicant has invited tenders for the GCN translocation site and the three companies they have approached have declined to quote for this work due to the '*in perpetuity*' requirement.
 - The adjacent site which is subject to an appeal decision for non-determination does not have a requirement for the management and maintenance in perpetuity.
- 5.3** The Councils Ecologist has been consulted on the proposed amendment and he has stated that:

'10 years management has been the accepted norm for a long time – even runway two at Manchester airport which took out a section of ancient woodland and required the construction/enhancement of over 40 ponds was only subject to a legal agreement requiring 10 year management. However, having said that there have been instances recently when we have pushed for longer periods of management'

- 5.4 It should be noted that in this case that the population of Great Crested Newts is small (there was a peak count of 1 Great Crested Newt during the survey work).
- 5.5 Given the above it is considered that the wording of condition 16 is unreasonable and that a ten year management plan for the GCN ponds would be more appropriate. It should also be noted that management of the GCN ponds would also be secured as part of the Natural England licence and this is also likely to be for 10 years.

6 Conclusion

- 6.1 On the basis of the above, the minutes for condition 16 be altered to the following:

'ten year management plan for the GCN ponds'

7 Recommendation

- 7.1 That the Board resolve to amend the minutes for Condition 16 as follows:

'Ten year management plan for the GCN ponds'.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

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

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow the alteration to Condition 16 as recorded within the minutes, and to enable the development of this site to be brought forward to assist in delivering the 5 year housing land supply for the Borough.

For further information:

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Background Documents:

- *Application 12/2584C*