

Application No: 21/5436C

Location: Land East and West of, CROXTON LANE, MIDDLEWICH, CHESHIRE

Proposal: The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way.

Applicant: Brenig Construction Ltd, Anwyl Land Ltd & Mrs D M Frances-Hayhurst Foundation

Expiry Date: 17-Mar-2023

## **SUMMARY**

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

The development complies with the Development Plan as a whole and is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to the completion of a S106 Agreement and subject to conditions.**

### **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee as it relates to a residential development of between 20-199 dwellings.

### **SITE DESCRIPTION**

The site of the proposed development extends to 2.26 ha and forms two parts of land on either side of Croxton Lane. The site forms part of MID1 of the SADPD. To the south is residential development fronting Croxton Lane, Nursery Close and Canalside Way. There is also an individual dwelling to the north of the site.

To the north and east of the site is the Trent and Mersey Canal which is located within a Conservation Area.

Public Footpath Middlewich FP13 crosses the eastern parcel of the site.

To the north-west of the site is the Middlewich Household Waste Recycling Centre.

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

### **PROPOSAL**

This is a full application for the erection of 52 dwellings. Each site would be accessed via a new access from Croxton Lane

The proposed development would have the following housing mix;

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings

- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height.

The development includes 30.8% affordable housing provision (16 units).

## **RELEVANT HISTORY**

The site has no planning history.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

### **Site Allocations and Development Policies Document**

PG9 – Settlement Boundaries

GEN1 – Design Principles

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV6 – Trees, Hedgerows and Woodland Implementation

ENV7 – Climate Change

ENV12 – Air Quality

ENV14 – Light Pollution

ENV16 – Surface water Management and Flood Risk

HER1 – Heritage Assets

HER3 – Conservation Areas  
HER8 - Archaeology  
RUR5 – Best and Most Versatile Agricultural Land  
HOU1 – Housing Mix  
HOU8 – Space, Accessibility and Wheelchair Housing Standards  
HOU12 – Amenity  
HOU13 – Residential Standards  
HOU14 – Housing Density  
HOU15 – Housing Density  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highways Safety and Access  
INF9 – Utilities  
INF10 – Canals and Mooring Facilities  
REC2 – Indoor Sport and Recreation Implementation  
REC3 – Open Space Implementation  
MID1 – East and West of Croxton Lane

### **Middlewich Neighbourhood Plan**

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Wide choice of quality homes

126-136. Requiring good design

189-208. Conserving and Enhancing the Historic Environment

### **CONSULTATIONS**

**CE Flood Risk Manager:** No objection in principle. However, further information is required to manage surface water on the site.

There appears to be some form of flow path or ordinary watercourse on the western boundary. It is important that any proposed properties are situated outside of this pluvial flood risk, with appropriate FFL's in this area to ensure properties are not at risk during extreme storm events. Changes in land levels should be agreed with the LLFA and potentially supported with an appropriate boundary treatment to ensure no transfer or displacement of surface water onto adjacent third-party land.

SuDs are actively promoted on sites where this is practicable. The applicant is directed to the technical standards provided by government relating to the design, construction, operation and maintenance of SuDS that have been published as guidance.

The Flood Risk Officer would expect the drainage strategy for this development to be able to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the

appropriate drainage modelling and calculations to support the chosen method of surface water drainage. Further information will also be required regarding the proposed pond attenuation basins, including design slope stability calculations as necessary to ensure they offer sufficient robustness as a water retaining structure and risk against collapse/failure. Additionally, further discussions will need to take place regarding the catchment the swale is serving to ensure it meets the requirements of the Water Industry Act, as well as the inlet/outlet arrangement for the attenuation pond, particularly if the development is intended to be offered for adoption to United Utilities. The LLFA advises these matters are discussed with United Utilities.

It is noted that the existing highway drain present to the south of the western parcel of site is intended to be diverted. The developer is advised and reminded that this will require formal consent from Cheshire East Highways for these works. If any ordinary watercourses are identified on site, the LLFA should be made aware as any alterations to these structures would require formal consent from ourselves under Land Drainage Act 1991.

Conditions are suggested.

**United Utilities:** The proposals are acceptable in principle to United Utilities subject to conditions relating to;

- Surface Water Drainage
- Foul and surface water drained on separate systems
- Surface water drainage management

A public sewer crosses the site and UU will not permit building over it. An access strip of 6m (3m either side) will be required. To establish if a sewer diversion is possible then this should be discussed with UU.

**Canal & River Trust:** Offer the following comments;

- Acknowledge the widening of the planting along the northern boundary buffer to the canal. The boundary hedge/vegetation should be managed/maintained for the lifetime of the development. Any planting shall be native species.
- The excavation of the attenuation pond and the foundations closest to the canal should be carefully managed to ensure that the structural integrity of the canal is safeguarded. Cross-sections should be provided in relation to this matter.
- The submitted layout shows that the properties closest to the canal corridor would have a lower density with side elevations facing the canal. Generally, the C&RT seek to resist such layouts, however given the mature retained vegetation the development would not be visible.
- The formation of the outfall to the canal would require some vegetation clearance along the northern boundary and this will need to be carefully managed to protect the canal and in terms of replacement planting.
- The outfall should be fitted with oil interceptors
- Surface water drainage condition suggested
- The towpath within the vicinity of the site needs to be upgraded in order to fulfil its roll identified in the Local Plan. The towpath provides an important leisure and recreational route. The C&RT request a financial contribution for increased maintenance costs or to upgrade the towpath surface.
- A Construction Environment Management Plan should be secured via the imposition of a planning condition.

- Welcome the retention and bolstering of the hedgerow. The LPA should satisfy itself with the submitted Hedgerow Assessment.
- Informatives suggested for the decision notice

**CEC Education:** The following contributions are required to mitigate the impact of the development;

- £130,741.52 (secondary education)
- £45,500 (SEN)

**Strategic Housing Manager:** Following the receipt of an Affordable Housing Statement no objection is raised to this development.

**Environment Agency:** No comments received.

**Cheshire Brine Subsidence Board:** The Brine Board is of the opinion that the site is within an area which has previously been affected by brine subsidence and future movements cannot be discounted. In addition, there are a number of past claims for damage due to subsidence from brine pumping for properties within the vicinity of the site. The Brine Board recommends that precautions are incorporated within the design of the proposed development.

Such precautions may includes;

- Foundations – reinforced concrete raft
- Services – use of flexible materials in service runs; maximise gradients of drains; avoid soakaways
- Superstructure – incorporation of flexibility (flexible couplings within portal frames and maximise use of movement joints.

The board would be willing to discuss alternative design options when a ground dissolution/ brine extraction related risk assessment is submitted, with proposed foundation designs that are designed to overcome the potential effects of brine pumping related subsidence.

As a further requirement the board hereby confirms their request for you to a copy of their consultation response to any document by which the decision on this application is communicated to the applicant. It is important to recognise that there is a second statutory obligation to consult the CBSCB at the Building Control approval stage and that failure to comply at this stage could seriously jeopardise rights of redress, property sales and insurance.

**NHS:** Request a contribution to mitigate the impact of the proposed development.

**Cadent Gas:** No comments received.

**Archaeology:** Standard condition suggested.

**PROW:** The development if approved will affect Footpaths No 13 and 14 in Middlewich.

The issues with the street furniture being placed along the legal line of the footpath is now resolved.

The only outstanding matter as stated in the previous response relates to details of the specifications of the footpath, surfacing, widths, furniture etc. These have not been provided nor the detail of the future management within a site management plan.

The PROW Officer has no objection to this application.

**Strategic Highways Manager:** No objections are raised subject to a condition to secure the off-site highway access works including the new footways and speed limit change.

**Environmental Health:** The following conditions are suggested;

- Implementation of the noise mitigation measures within the acoustic report
- Low emission boilers
- Submission and approval of a Contaminated Land Report
- Submission of a Verification Report before occupation
- Importation of soils
- Unexpected contamination

**Public Open Space:** Initial concerns have been addressed following the submission of revised plans. All that remains is the LEAP design, natural play elements, artwork and other infrastructure such as seating, planters to be submitted at a later stage.

## **VIEWS OF THE PARISH COUNCIL**

**Middlewich Town Council:** Objects to the application on the following grounds;

- Issues with ground stability and brine subsidence, as identified in the comments made by the Cheshire Brine Board.
- Development close to the canal should be rejected. The canal bed is believed to be puddled clay and has the potential to be disturbed during construction.
- Risk of subsidence. A ground dissolution/brine related risk assessment must be carried out prior to determination.
- The application site lies in close proximity to a former landfill site. A survey must be undertaken to ensure that the build will not affect the methane drainage system.
- The original area for soakaway enabled a timely absorption of water run-off. The development will decrease absorption and increase the water flow rate and cause the attenuation pond to overflow.
- Not clear what is proposed on the western parcel in terms of flood attenuation
- Impact upon air quality – CEC has committed to reduce NO2 and particulate matter. Levels are increasing in the Chester Road AQMA. The proposal will increase pollution issues.
- EV Charging does not provide direct mitigation
- Additional traffic flows during the construction phase should be addressed.
- Concern over the stability of the bank to the Canal
- Queuing construction traffic on Croxton Lane and concerns relating to access/egress for plant and machinery
- Interactions with users of the waste recycling facility
- Mud and debris will be deposited on road surfaces
- Potential loss of archaeological deposits
- Loss of amenities
- Concerns relating to pedestrian access during construction of the development

- Loss of part of the car-park to the west side of Croxton Lane
- Impact upon school places within the vicinity of the site
- Lack of health care/doctors/dentists provision
- Impact upon leisure facilities
- The site is too far from a bus stop to encourage use
- Potholes in the existing highway
- Concern over the impact upon the PROW

## REPRESENTATIONS

Representations have been received from 66 addresses on the following grounds:

- Concern over the impact of development on traffic safety, congestion, disturbance and pollution.
- Access and traffic from the direction of Chester Road will impact air quality in an area already designated an Air Quality Management Area (AQMA).
- The 30mph speed limit zone and electronic speed monitor need moving to the town side of the humpback river bridge.
- Concerns over timing of traffic survey undertaken during the summer months when people still working from home.
- Concerns over traffic impact on Middlewich when the M6 is closed.
- The Middlewich Eastern By-pass needs building first.
- The access is not adequate, limited visibility. Impacts of narrow bridge on visibility.
- Concerns about the impact of HGV traffic on narrow roads.
- There is a need more pelican crossings in the town.
- Objection to the reduction of parking available in the layby used by walkers accessing Croxton Trail, Croxton Park and the Canal.
- Middlewich does not have the infrastructure (including school places / doctors / dentists / pharmacies) for more houses. This should be provided first before development.
- Middlewich has in the Local Plan Strategy (LPS) allocated very substantial housing development. Too many new housing estates and surplus to requirements. Development should be directed towards Congleton and Crewe.
- Object due to impact on recycling centre / tip. It would also result in considerable additional traffic into Middlewich Recycling Centre. The access to Middlewich Recycling Centre is also single lane with no footpath causing a potential hazard to pedestrians.
- Flooding / drainage problems on the site including under the bridge from King Street to Croxton Lane.
- Land should be used to extend the adjacent Croxton Park.
- Object to the loss of greenspace / recreational space.
- A town that already lacks leisure facilities, youth facilities and police presence will not improve with added homes and people.
- Bus services in the town are being reduced.
- Concerned over construction impacts including parking.
- No proposed diversion route for footpath 13. What is the diversion route?
- Development is in the open countryside.
- The applicant relies on the Site Allocations and Development Policies Document (SADPD) which does not grant planning permission. This proposal is premature.



- The canal marks an important heritage constraint. Great weight must be given not only to the heritage asset itself, its presence, but also its setting.
- Concerns of amenity impacts including overlooking, loss of light, privacy and noise impacts.
- Concerns over the poor design of the site - it will present ugliness in this distinctive landscape and countryside. Negative effect on character and appearance.
- The proposal represents unsustainable development.
- There will be a loss of animal habitat, land used regularly for walkers and dog walking and removal of safe car parking.
- There are also issues with subsidence, potential contamination from previous waste treatment and the security of the canal.
- Impact of lighting scheme on ecology.
- Impact on birds.
- Increased risk of flooding.
- Concern over the maintenance of landscaping
- Residents on the Elan Homes Development have to pay to maintain the PROW this will cause extra wear and tear
- Previous objections to the development still stand
- Agree with the objection from Middlewich Town Council
- Lack of visitor parking
- Loss of agricultural land
- Sets a precedence for further residential development upon agricultural land
- Lack of time to consider amended plans
- Proximity to the adjoining properties
- Loss of privacy
- The site would be better used to provide access to the green recycling centre
- Lack of investment in infrastructure – the infrastructure should be provided before the new houses
- Concerns that the site may be abandoned due to rising material prices

## **APPRAISAL**

### **Principle of Development**

The site lies within the Middlewich Settlement Boundary as defined on the adopted proposals map. Policy PG9 states that 'within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

The SADPD also allocates the site for residential development as part of Policy MID1. MID1 allocates the site for residential development and the delivery of around 50 new homes. The development must;

- safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area;
- provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance;

- retain existing mature hedgerows around the boundaries of the site as far as possible; and
- provide for improvements to the surface of the canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.

The principle of residential development on this site is therefore acceptable.

## Housing Mix

Policy SC4 of the submission version of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings
- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height, including the apartments. The development proposes 30% affordable housing (16 units in total).

Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1. This is assessed below;

|            | Market Housing |          | Intermediate Housing |          | Affordable Housing for Rent |          |
|------------|----------------|----------|----------------------|----------|-----------------------------|----------|
|            | Table 8.1      | Proposal | Table 8.1            | Proposal | Table 8.1                   | Proposal |
| 1 bedroom  | 5%             | 0%       | 14%                  | 0%       | 26%                         | 36.4%    |
| 2 bedroom  | 23%            | 25%      | 53%                  | 100%     | 42%                         | 63.6%    |
| 3 bedroom  | 53%            | 52.7%    | 28%                  | 0%       | 20%                         | 0%       |
| 4 bedroom  | 15%            | 22.3%    | 4%                   | 0%       | 10%                         | 0%       |
| 5+ bedroom | 3%             | 0%       | 1%                   | 0%       | 3%                          | 0%       |

Whilst the proposals above do not strictly accord with Table 8.1, it is clear that table 8.1 is indicative. The proposal clearly provides a mix of house types and the mix is considered to be appropriate. It should also be noted that the affordable housing mix is assessed below and complies with the need requirements identified by the housing officer.

Policy HOU3 states that all housing developments providing more than 30 homes should provide a proportion of serviced plots where there is evidence of unmet demand. The Council currently has a sufficient supply of self and custom build units as identified within the Councils Annual Monitoring Report so there is no evidence of unmet demand.

Policy HOU8 of the SADPD states that in order to meet the needs of the Borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their

lifetime, the following accessibility and wheelchair standard will be applied to major developments;

- At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings

The applicant has confirmed that the proposed development would comply with the requirements of M4 (2) house types (30%) and M4 (3) house types (6%). Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control, but the proposed development does comply with Policy HOU8. This matter will be controlled via the imposition of planning conditions.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'*

The applicant has provided an assessment which demonstrates that 39 of the dwellings (75%) across the entire development are NDSS compliant. This is demonstrated within the table below. The 13 dwellings which fall below are just 2m<sup>2</sup> and 3m<sup>2</sup> below the standard, due to the small shortfall in the NDSS compliance and the 6-month transitional period referred to by the SADPD Inspector this is considered to represent to be acceptable.

| House Type | Size (Bed/Person)    | NDSS Standard (m2) | Actual (m2) | Difference NDSS v Actual (+/-) m2 | No of Plots |
|------------|----------------------|--------------------|-------------|-----------------------------------|-------------|
| B          | 3 bed semi 3b4p      | 84                 | 81          | -3                                | 6           |
| D          | 4 bed detached 3b4p  | 106                | 110         | 4                                 | 3           |
| F1         | 4 bed detached 4b6p  | 106                | 121         | 15                                | 1           |
| F2         | 5 bed detached 4b6p  | 106                | 121         | 15                                | 2           |
| W M4(3)    | 4 bed detached 4b5p  | 132                | 132         | 0                                 | 2           |
| NT2        | 3 bed detached 3b5p  | 93                 | 91          | -2                                | 2           |
| NT3        | 3 bed detached 3b5p  | 93                 | 93          | 0                                 | 10          |
| X M4 (3)   | 3 bed detached 3b5p  | 93                 | 121         | 28                                | 1           |
| Y M4 (2)   | 2 bed semi 2b3p      | 70                 | 81          | 11                                | 4           |
| Z1 M4 (2)  | 2 bed semi/mews 2b3p | 70                 | 75          | 5                                 | 5           |
| Z2 M4 (2)  | 2 bed semi/mews 2b3p | 70                 | 72          | 2                                 | 7           |
| L          | Ground Floor Flat 2p | 50                 | 51          | 1                                 | 2           |
| L          | First Floor Flat 2 p | 50                 | 63          | 13                                | 2           |
| J          | 2 bed mews 2b 3p     | 70                 | 67          | -3                                | 5           |
|            |                      |                    |             | <b>TOTAL</b>                      | <b>52</b>   |

## Affordable Housing

This is a proposed development of 52 dwellings on the edge of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 (15.6) dwellings to be provided as affordable homes. The application proposes 16 affordable units and they would be split as follows 11 units as affordable/social rent and 5 units as intermediate tenure. This meets the required split of 65:35.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 388. This can be broken down as below;

|              | How many bedrooms do you require? |            |           |           |           |    |             |
|--------------|-----------------------------------|------------|-----------|-----------|-----------|----|-------------|
| First Choice | 1                                 | 2          | 3         | 4         | 5         | 5+ | Grand Total |
| Middlewich   | <b>166</b>                        | <b>111</b> | <b>74</b> | <b>20</b> | <b>17</b> |    | <b>388</b>  |

There is also still a need for Intermediate units that will cater for those 1<sup>st</sup> time buyers, those making a new household and families who cannot buy on the open market.

The Affordable Housing Statement identifies that the development will provide the following mix;

### Rented

4 x one bedroom

7 x two bedrooms

### Intermediate Tenure

5 x two bedrooms

The affordable housing provision on site is acceptable, as is the proposed location of the affordable units is acceptable as they are provided in 4 groups within the development. The application complies with Policy SC5 of the CELPS.

## **Public Open Space**

This layout shows that that the proposed development would provide open space to the western parcel, with a smaller amount to the northern parcel. The open space to the western parcel would include the provision of a Locally Equipped Area for Play (LEAP). The open space provision on site would meet the requirements of Policy SE6 of the CELPS, and no objection is raised by the Councils POS officer.

Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters could be secured via the imposition of a planning condition.

The management of the POS would be secured as part of a management company secured as part of the outline consent.

## **Outdoor Sport**

The proposed development will increase demand on existing facilities and to mitigate this impact a contribution will be required of £1,000 per family dwelling and £500 per two bed apartment. This will be secured via a S106 Agreement.

## **Public Rights of Way**

The eastern parcel of land includes Middlewich FP13 which crosses the site. This would be retained along its current route within a green corridor and its treatment is considered to be acceptable.

For the western parcel Middlewich FP14 runs beyond the northern and western boundaries and would not be affected by the proposed development.

The PROW Officer has considered the application and raised no objection, subject to details of the specification of the footpath, surfacing, widths and street furniture. These details could be controlled via the imposition of a planning condition.

It is noted that Policy MID1 of the SADPD requires a contribution to the surface of the canal towpath to encourage a traffic free route for pedestrians and cyclists between the site and the town centre. This is provided that the contribution meets the planning obligation tests set out within the NPPF and the CIL Regulations. In this case the applicant does not consider this to be CIL compliant and this is accepted. The towpath is fully surfaced between the site and the town centre as is the only PROW (Middlewich FP13) which runs through the housing estate to the south.

## **Education**

The proposed development of 52 dwellings is expected to generate:

10 - Primary children  
8 - Secondary children  
1 - SEN children

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

The 8 secondary age children expected from this development will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The 1 child expected from this development will exacerbate the shortfall.

There are no capacity issues at local primary schools.

To alleviate forecast pressures, contribution of £130,741.52 (Secondary) and £45,500 (SEN) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

## **NHS**

The potential impact upon healthcare provision in Middlewich is noted and comments from the NHS states that the patient lists are increasing at Oaklands Medical Practice and Water's Edge Medical Centre. The NHS has stated that both practices are 'at capacity' and that expansion of the existing buildings is being considered.

In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. Based on the formula provided within the NHS consultation response a contribution of £62,252 will be required to mitigate the impact of the development.

## **Residential Amenity**

Policy HOU13 of the SADPD includes reference to separation distances as follows

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

14 metres for a habitable room facing a non-habitable room

### Eastern Parcel

The main properties affected by this development are those which front Canalside Way to the south of the site.

No 5 Canalside Way has a blank side elevation the side and there would be a separation distance of 6m to the side elevation of Plot 26 which has a blank side elevation facing the site. This relationship is considered to be acceptable.

No's 7-10 Canalside Way have rear elevations facing north, but there would not be any properties directly facing these properties. The nearest relationship is the corner of plot 37 with a separation distance of 21m. The relationship is considered to be acceptable.

No 13 Canalside Way has a side elevation facing the application site. This property has one window to its side elevation facing the site which serves an en-suite. There would be a separation distance of 10.5m (at the closest point) to the side of plot 37 which has a single en-suite window to the side. This relationship is considered to be acceptable.

### Western Parcel

To the south of the site is a dwelling known as Ashdene which fronts Croxton Lane and dwellings fronting Nursery Close. To the north is a detached dwelling known as The White House.

Ashdene has two ground floor windows (serving a bathroom and a secondary window serving a kitchen) and Juliette Balcony (serving a landing) facing the application site. There would be a separation distance of 5m (at the closest point) to the blank side elevation of plot 1, and although No 1 would project beyond the front elevation there would be no breach of the 45-degree code. The relationship is considered to be acceptable.

To the properties fronting Nursery Close there would be a separation distance of between 21-29m and the relationship is considered to be acceptable.

The dwellings at plots 20-25 would be over 34m to the front elevation of The White House. This relationship is considered to be acceptable.

The impact upon surrounding residential amenity is considered to be acceptable and complies with Policies HOU12 and HOU13 of the SADPD.

### **Noise/Disturbance (including the impact from the recycling centre)**

Policy MID1 of the SADPD states that the development must provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance. A buffer would be provided in the form of retained hedgerow, additional landscaping/open space and an internal access road. This complies with the requirements of the policy and noise the noise impact is considered to be acceptable as assessed below.

The application site is in close proximity to Croxton Lane (A530) and the Middlewich Household Waste Recycling Centre. In support of this application an Acoustic Report has been provided.

The Acoustic Report shows that there is only a 1-2dB difference between ambient noise levels during periods when the Household Waste Recycling Centre was open and the residual noise levels during periods immediately before/after, when it was closed.

Noise levels closest to Croxton Lane require some mitigation measures for private rear gardens closest to Croxton Lane as well as some modest noise reductions adjacent to the Household Waste Recycling Centre. This will take the form of 1.8m acoustic fencing for certain plots.

Subject to noise mitigation measures being secured, there is no objection to this application.

## **Air Quality**

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants.

Middlewich has two Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

The Councils Environmental Health Officer has raised no objection to this application and considers that a condition relating to low emission boilers is necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Electric Vehicle Charging points will also be secured via the imposition of a planning condition.

## **Contaminated Land**

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. This site is within 250m of two known landfill sites or area of ground that has the potential to create gas.

The issue of contaminated land has been considered by the Councils Environmental Health Officer subject to the imposition of planning conditions relating to contaminated land.

## **Levels**

In the interests of residential amenity, the appearance of the site and drainage, the details of the existing and proposed levels will be controlled via a planning condition.

## **Highways**

The access to each of the sites is proposed from priority junctions that are staggered on the A530 Croxton Lane. It is proposed that the western access will cross and sever the existing parking lay-by, one side will be closed, and the remainder retained with a turning head provided.



This off-site work will be subject of a S278 Agreement with the highway authority, where the design is subject to a technical check and safety audit. Vehicle speeds on Croxton Lane have been measured and there is sufficient visibility available at both proposed access points.

There are two single main access points that serve each side of the proposed development the initial section sections are formal 5.5m carriageways with 2m footways and subsequently 4.8m shared surface roads. There are some private parking courts proposed which would not be adopted.

Parking provision for each of the units has been provided in accordance with CEC parking standards and is considered acceptable. The applicant has submitted swept paths and a refuse collection strategy to indicate that all properties can be accessed.

The provision of 52 dwellings does not normally require an assessment of the traffic impact as this is not considered to be a level where a severe capacity impact would arise. However, background traffic counts have been undertaken on Croxton Lane that indicate that flows are well below its link capacity and can accommodate the predicted peak hour traffic generation of 25 trips from the site.

The site will require connection to the existing footpath network, and it is proposed to provide new 2m footway connections on both sides of Croxton Lane to the existing paths from the site access points.

It is also intended to relocate the 30mph speed limit to a location in advance of the canal bridge, this would help reduce speeds prior to the residential area. Whilst this is supported, it is important that the application does not rely on the speed limit TRO and as such has been assessed on current vehicular speeds and visibility requirements. Given that there will be a S278 Agreement, the change in speed limit should be included in this agreement.

The development complies with Policy INF3 of the SADPD and policies SD1 and CO2 of the CELPS.

## **Trees and Hedgerows**

The application site benefits from established hedgerows surrounding the perimeter of both areas of existing agricultural land which is proposed for development, with the Croxton Lane boundaries benefiting from established trees on verges to either side of the highway with occasional trees elsewhere around the site. The site is not afforded any statutory protection but is adjacent to, and visible from the Trent & Mersey Canal, Middlewich Kent Green Conservation Area.

The proposed development for 52 dwellings on the site has been supported by an Arboricultural Impact Assessment. The report has identified the presence of 12 individual and 2 groups of moderate quality B Category trees, 5 individual and 2 groups of low-quality C Category trees, and 3 U Category trees considered unsuitable for retention irrespective of development by virtue of their condition. Of these, 3 trees are shown for removal to accommodate the site access and visibility splays including 2 B Category trees (T5/T15) and C Category tree (T6).

The trees shown for removal is regrettable but accepted given that quite extensive replacement tree planting appears to be indicated throughout the site, although it's considered that tree planting to the Croxton Lane boundary should be enhanced and strengthened to offset the proposed losses in this location.

Policy MID1 of the SADPD states that development must retain existing mature hedgerows around the boundaries of the site as far as possible.

A total of 6 hedgerows have been surveyed on the site and the majority of these hedgerows would be retained as part of the proposed development, whilst approximately 100m of hedgerow will be removed. This is largely due to the formation of the vehicular and pedestrian access points. The proposal would comply with Policy MID1 in terms of the hedgerows on site.

## **Design**

### Number of Dwellings/Density

The application proposes 52 dwellings which complies with MID1 of the SADPD which allocates the site for 'around 50 new homes'.

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

Each site would have its own access point onto Croxton Lane with connections onto the footpaths to the south on for the eastern parcel and to the north and south for the western parcel. This would provide access toward the services and facilities within Middlewich to the south.

The eastern parcel includes the line of FP13 which would be retained along its current route. There would be improvements to the servicing and street furniture to the footpath which would be controlled via the imposition of a planning condition.

The Trent and Mersey Canal adjoins the site. The canal is set at a lower level to the application site and there is a mature hedgerow boundary to the eastern parcel of the site. Given these constraints it is not possible to provide a direct access to the canal from each parcel. However, the proposed development will be able to obtain access via Croxton Lane to the north (on both sides) and via FP13 for the eastern parcel.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

The site is allocated for development within the SADPD and it is therefore considered that the has access to facilities and services.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

There are no bus routes along Croxton Lane, but the site does provide good pedestrian and cycle access towards the town centre and Chester Road (where bus stops/services are located).

#### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

This is considered within the housing mix and affordable housing sections above and is considered to be acceptable.

#### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

Middlewich is located within the Salt & Engineering Towns area and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area
- Existing landscape features should be retained on site to preserve the landscape character.

There is a variation of house-types adjoin the site. There majority appear to be two-stories in height. To the western parcel of the site is a development which is currently under construction, and the eastern parcel adjoins a site which has recently been constructed. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material pallet also includes a mix of red brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

The proposed dwellings would vary from two storey units with a gabled roof design. The roof heights vary across the development which would add some interest.

The proposed development provides two-character areas, the canal area which is located within the eastern part of the eastern parcel. This area includes a lower density to the development where it adjoins the Conservation Area. The canal character area also a variation in materials with the provision of weatherboard cladding (a mix of dark grey and green-grey) and all units would have chimneys. This is considered to be an appropriate design solution.

The remaining part of the site is known as the heart character area. This area includes largely brick units (although render is introduced at some focal points). Many of the design cues within this location are incorporated into the development with features such as projecting gables,

window header and sill details, chimneys, brick banding and porch detailing (although all appear to be open porches/canopies).

Details of external materials and boundary treatment have been provided and are considered to be acceptable. These details would be controlled via the imposition of a planning condition.

#### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The site includes a number of natural features such as trees and hedgerows which are located to the boundaries of the site. There are also trees within the Croxton Lane frontage which are an important feature.

The trees to Croxton Lane would be largely retained with limited losses associated with the formation of the access points. All vegetation to the boundaries of the site would be retained. This helps to soften the visual impact of the proposed development.

The eastern part of the site shares a close relationship with the Trent and Mersey Canal and the Canal Conservation Area. Whilst the proposed dwellings do not have an active frontage with the canal, they are largely screened by the tall mature hedgerow boundary. The retention of the hedgerow boundary to the canal is important and the relationship is considered to be acceptable.

#### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The majority of the open space would be to the eastern parcel of the site and would be centrally located and extend to the northern boundary of the site. The proposed dwellings would actively face onto the open space and provide natural surveillance.

A smaller portion would be located to northern boundary of the western parcel and again this would be well overlooked by the dwellings which adjoin this area.

The proposed dwellings would be sited to ensure that they overlook the proposed highway network, the PROW and the open space on the site. The development would use corner-turning units on the corner plots.

Internally within the site the proposed development would include a mix of car-parking solutions. The car-parking to the front of the proposed dwellings would be within small pockets and would be broken up with landscaping. Parking would also be provided to the side of the dwellings and within small parking courtyards.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting.

#### Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The site is well connected internally and it would be easy to navigate throughout the development.

#### Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

It is considered that the proposed highways design is appropriate and avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition.

#### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be acceptable with the parking also provided to the side/rear of the dwellings and within parking courtyards.

#### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The management of the open space and landscape buffers is secured as part of the S106 Agreement.

#### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. A condition will be imposed to secure cycle storage details for the proposed apartments.

#### Design Conclusion

On the basis of the above assessment, it is considered that the proposed development represents an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS, GEN1 of the SADPD and the CEC Design Guide.

### **Built Heritage**

The application site adjoins the Trent and Mersey Canal Conservation Area and a mature boundary hedge forms to the boundary to the western parcel. To the eastern parcel the access to the Household Waste Recycling Centre separates the site from the Canal.

Policy MID1 states that the development must safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area. The hedgerow buffer would be retained, and the landscape master plans shows that it would be supplemented with additional planting (this would be secured via a condition). The proposal complies with this requirement of MID1.

The development of this site has the potential to impact upon the setting of the Conservation Area. As large stretches of the canal are bordered by mature hedgerow boundaries, it is considered that the proposal would have a neutral impact upon the setting of the Conservation Area. This is subject to the imposition of planning conditions relating to materials, landscaping and fenestration details.

## **Archaeology**

The information held on the Cheshire Historic Environment Records highlight a number of items that have been recovered from the proposed development area and the area surrounding the proposed development. These items include a copper alloy annulet from the 17<sup>th</sup> century and musket ball and powder measure, both recovered from within the proposed development area.

A map regression exercise indicates that there has been very little in the way of landscape alterations in the area of the proposed development, suggesting that there is a high likelihood of potential casual loss artefacts.

The archaeological potential and interest of the site is not sufficient to justify an archaeological objection to the development or to generate a requirement for further predetermination evaluation. It is recommended, however, that if planning permission is granted the site should be subject to programme of further archaeological mitigation, with the work secured by condition.

## **Landscape**

The impact upon the wider landscape is considered to be acceptable and the site is allocated for residential development within the SADPD.

The detailed landscaping for the site can be controlled through the imposition of standard planning conditions.

## **Ecology**

### Breeding Birds

If planning consent is granted, a condition could be imposed to safeguard breeding birds as part of this development.

### Amphibians

There is a considered low risk that the proposed development may have an adverse impact upon amphibian species which may occur within an adjacent water body. The Councils Ecologist as stated that he is happy that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within section 4.2.1 of the *Preliminary Ecology Appraisal* (UES, 22/09/2021).

### Biodiversity Net Gain (BNG)

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). The applicant has submitted a *Biodiversity Offsetting Report* outlining the results of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3, which predicts a significant loss of biodiversity units.

The submitted ecology report includes a biodiversity net gain calculation which predicts a 2.08 unit loss in habitat units.

This could be addressed by way of a commuted sum secured by a Section 106 agreement to fund offsite habitat creation/enhancement within Cheshire East. As agreed with the applicant's ecologist, in order to achieve a 10% net gain for biodiversity, the commuted sum would be for 2.7 units.

Under the current habitat unit cost calculations of £12,266 per unit, and the council's £1,200 administration fee, the commuted sum would be for:  
£33,118.20 (units) + £3,240 (admin fee) = £36,358.20 (total).

### Applications next to water courses

The application site is located near a watercourse. Rivers and streams provide wildlife with ecologically important corridors which they use to move between fragmented habitats.

In order to protect the watercourse's function as a wildlife corridor, the applicant should provide a method statement which includes:

- General pollution avoidance measures
- Measures to avoid silt pollution of the watercourse
- A buffer zone of fenced-off, unmanaged semi-natural habitat should be retained along the length of the watercourse to protect it from disturbance during and after the construction phase.

This could be controlled via the imposition of a planning condition.

### Wildlife sensitive lighting

This issue could be controlled through the imposition of a standard planning condition.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. These details could be controlled via the imposition of a planning condition.

Subject to the above the proposed development complies with Policy SE3 of the CELPS and ENV2 of the SADPD.

## **Climate Change**

Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This could be controlled via the imposition of a planning condition.

## **Brine Subsidence**

The concerns raised in terms of brine subsidence are noted. In this case the Brine Board have considered that application and have stated that the site is within an area which has previously been affected by brine subsidence. The Brine Board have suggested a number of precautions in terms of the build design of the proposed development such as foundation design, service design and superstructure design.

The matter of brine subsidence will be dealt with at the Building Regulations stage when the foundation design etc is developed and obtains approval.

An informative will be added to the decision notice, to advise the applicant of the Brine Boards concerns.

## **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the outline application.

The application has been considered by the Councils Flood Risk Officer, United Utilities and the Canal and River Trust, who have all raised no objection to the proposed development.

The Councils Flood Risk Officer has noted that there is a flow path or ordinary watercourse to the western boundary of the site. Conditions could be imposed in relation to the finished floor levels as suggested by the Flood Risk Officer together with the condition relating to the detailed drainage design.

The drainage strategy for this development would need to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the appropriate drainage modelling and calculations to support the chosen method of surface water drainage. This will include further details regarding the attenuation basin and swale details.

The existing highway drain present to the south of the western parcel of site is intended to be diverted. This will require formal consent from Cheshire East Highways for these works.

The Councils Flood Risk Team and United Utilities have been consulted as part of this application. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.



## **PLANNING BALANCE**

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

The development complies with the Development Plan as a whole and is recommended for approval.

## RECOMMENDATION:

**APPROVE to the completion of a S106 Agreement with the following Heads of Terms**

| <b>S106</b>                                   | <b>Amount</b>  | <b>Triggers</b>  |
|---|--|--|
| <b>Affordable Housing</b>                     | Affordable housing   | In accordance with details to be submitted and approved.   |
| <b>Amenity Green Space and Play Provision</b> | On site provision of Open Space and a LEAP.<br><br>Scheme of Management to be submitted and approved | Shall be provided on the eastern parcel before first occupation.<br>Shall be provided on the western parcel before first occupation. |
| <b>Outdoor Sports Contribution</b>            | £1,000 or £500 per 2+ bed apartment space  | To be paid prior to the occupation of the 15 <sup>th</sup> dwelling  |
| <b>NHS</b>                                    | £62,252  | To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling  |
| <b>Education</b>                              | £130,741.52 (Secondary)<br>£45,500 (SEN)   | Secondary to be provided prior to first occupation<br>SEN to be paid prior to the first occupation of the 30 <sup>th</sup> dwelling  |
| <b>Biodiversity Net Gain</b>                  | £36,358.20   | To be paid prior to the occupation of the 15 <sup>th</sup> dwelling  |

**and the following conditions;**

- 1. Standard time 3 years**
- 2. Approved plans**
- 3. Noise mitigation measures**
- 4. PROW details of the specification of the footpath, surfacing, widths and street furniture.**
- 5. Low emission boiler provision**
- 6. Electric Vehicle Charging provision**
- 7. Contaminated Land Assessment to be submitted and approved**
- 8. Contaminated Land Verification Report**
- 9. Contaminated Land Importation of Soil**
- 10. Unexpected contamination**
- 11. Oil interceptors to be provided**
- 12. Detailed drainage strategy / appropriate boundary treatment design / associated management & maintenance plan for the site**
- 13. Land levels to be submitted and approved**
- 14. Materials compliance with the submitted details**
- 15. Boundary treatment compliance with the submitted details**
- 16. Fenestration details including window reveal to be submitted and approved**

17. Archaeology details to be submitted and approved
18. Breeding birds – timing of works
19. Amphibians – Reasonable avoidance measures
20. Lighting details to be submitted and approved
21. Method statement for the protection of watercourse
22. Ecological Enhancements to be submitted and approved
23. 10% of energy needs to be from renewable or low carbon energy
24. Prior to the commencement of development, a timetable for the implementation of the highway works shall be submitted to the LPA for approval in writing. The development shall comply with the approved timetable
25. Bin/Cycle storage details for the proposed apartments
26. Landscaping to be submitted
27. Landscaping to be completed
28. Compliance with the hard surfacing details
29. Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters to be submitted and approved.
30. At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.
31. At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

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 Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms;

| <b>S106</b>                                   | <b>Amount</b>  | <b>Triggers</b>  |
|---|--|--|
| <b>Affordable Housing</b>                     | Affordable housing   | In accordance with details to be submitted and approved.   |
| <b>Amenity Green Space and Play Provision</b> | On site provision of Open Space and a LEAP.<br><br>Scheme of Management to be submitted and approved | Shall be provided on the eastern parcel before first occupation.<br><br>Shall be provided on the western parcel before first occupation. |
| <b>Outdoor Sports Contribution</b>            | £1,000 or £500 per 2+ bed apartment space  | To be paid prior to the occupation of the 15 <sup>th</sup> dwelling  |

|                              |  |   |
|------------------------------|--|---|
| <b>NHS</b>                   | £62,252                                  | To be paid prior to the first occupation of the 30 <sup>th</sup> dwelling   |
| <b>Education</b>             | £130,741.52 (Secondary)<br>£45,500 (SEN) | Secondary to be provided prior to first occupation<br>SEN to be paid prior to the first occupation of the 30 <sup>th</sup> dwelling |
| <b>Biodiversity Net Gain</b> | £36,358.20                               | To be paid prior to the occupation of the 15 <sup>th</sup> dwelling   |

