

Application No: 23/4559C

Location: Land East & West of Croxton Lane, Middlewich

Proposal: Erection of 65 affordable homes with two accesses from Croxton Lane, highway and footway improvements, open space and sustainable drainage pond.

Applicant: Mr Andrew Garnett Breck Homes Ltd

Expiry Date: 25-Oct-2024

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/LEAP, this 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.

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 allocation 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 is 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 65 dwellings (reduced from 74 dwellings during the course of this application). Each site would be accessed via a new access from Croxton Lane

The proposed development would have the following housing mix (the previous approved mix as part of application 21/5436C is shown in brackets):

- 16 x one bedroom dwellings (4 units)
- 29 x two bedroom dwellings (21 units)
- 18 x three bedroom dwellings (19 units)
- 2 x four bedroom dwellings (8 units)

All dwellings would be two-stories in height.

The development includes 100% affordable housing provision.

RELEVANT HISTORY

21/5436C - 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 – Approved 1st November 2023

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
- 60-84. Delivering a Sufficient Supply of Homes
- 131-141. Achieving well-designed and beautiful places
- 195-214. Conserving and Enhancing the Historic Environment

CONSULTATIONS

CE Flood Risk Manager: No objection in principle. Conditions are suggested in relation to the drainage of the site.

United Utilities: Following a review of the submitted Drainage Strategy, UU can confirm that the proposals are acceptable in principle and conditions should be attached to the decision notice.

A public sewer crosses the site and UU will not permit building over it. After reviewing the revised plans, it appears that UU access to the public sewer is provided by the proposed diversion.

Canal & River Trust: Offer the following comments;

- The C&RT have no comment to make in terms of the location of the LEAP.
- The boundary hedge will provide a barrier to the LEAP and it is important that this is retained. The management and maintenance of the Canal buffer should be clarified.
- It does not appear that any of the houses would be sited closer to the canal and the retention of the intervening hedge provides a degree of protection. The cross-sections demonstrate a satisfactory relationship to the canal.
- It is important that the construction works closest to the canal is carefully managed. The C&RT would welcome details of the construction details as

part of a Construction and Environment Management Plan (CEMP). The CEMP should be secured via the imposition of a condition.

- Details of the surface area of the LEAP should be provided.
- The principle of surface water agreement to the canal was agreed in principle in 2018 subject to the final design, proposed flow rates and quantities. Surface water approvals are valid for 3 years and a new surface water drainage review would be required.
- Any outfall to the canal should be fitted with an oil interceptor.
- If the Council is minded to approve the application, then a condition is suggested requiring the submission of a detailed drainage strategy.
- Any works should be carried out in accordance with the C&RT Code of practice.
- Informatives are suggested to the decision notice.

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

- £187,019 (secondary education)
- £74,920 (SEN)

Strategic Housing Manager: No objection.

Environment Agency: No comments received.

Cadent Gas: 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 include;

- 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.

Natural England: Natural England considers that the proposed development will not have a significant adverse impact upon the Sandbach Flashes SSSI and no objection is raised.

Archaeology: Standard condition suggested.

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

The amended plans are now clearer in showing the developers proposal and the diversion of the PROW.

The diversion is subject to an application and order confirmation, where there will be further discussions.

Strategic Highways Manager: No objections are raised subject to conditions relating to the following:

- Prior to first occupation the approved access points are to be provided.
- Prior to occupation the pedestrian crossing point is to be provided.
- Prior to occupation the 30mph speed limit on Croxton Lane is to be relocated.
- The widening of the footpath between Finney's Lane and Meadow View (eastern side).

Environmental Health: The following conditions are suggested;

- Submission and approval of a Travel Plan
- 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: Offer the following comments:

- The revised plan is compliant enjoying formal and informal space with focal areas.
- The play area works with the layout and is acceptable.
- Contributions will be required for outdoor sport.
- The application achieves an acceptable design in terms of open space along with elements such as seating, public art etc.
- Should the development be approved the details of the play area can be secured via a condition.

VIEWS OF THE PARISH COUNCIL

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

- The site is not included within the CEC Local Plan. The Local Plan identifies 3 areas for housing which total 960 new homes of which 725 are under construction.

- Impact upon infrastructure
- Schools are at capacity including Middlewich High School. The Education Service has requested a contribution of £225,269.59, but the calculations do not include the 725 houses under construction.
- There has been no consultation response from the NHS. Previous applications have acknowledged capacity issues. There is no acknowledgement of the ongoing housing developments in Middlewich.
- The Town Council objected to the previous application on this site. Several consultees have raised concerns/objections in terms of this application (Education, the PROW Officer, Archaeology, Flood Risk, the Head of Planning, the Canal and River Trust, Built Heritage, Environmental Health, the Brine Board).
- The last application included a pedestrian crossing across the A530. This has not been included within this application and is a significant safety concern.
- There is no bus service for this development.
- There are no suitable cycleways.
- The proposal is for smaller affordable homes which will attract younger couples and people with young children. The site is physically isolated from the town centre with poor pedestrian/cycle links.
- Concern over the stability of the canal.
- The proposal is contrary to policies SC1, SC2, SC3, SC4, SE1, SE4, SE12, CO1, CO2 and CO4 of the Local Plan.

REPRESENTATIONS

Representations have been received from 117 households which raise the following points:

- Middlewich does not have the infrastructure for more housing (schools, doctors, road network, dentists, pharmacies, social services).
- There is no rail station in Middlewich and the bus service is poor.
- Croxton Lane suffers congestion problems at parts of the day.
- Increase in pollution and noise.
- Loss of scenery.
- Loss of wildlife.
- Flood risk due to proximity to the River Dane.
- Traffic congestion in Middlewich.
- The application site is a flood plain.
- No further housing should be constructed before the bypass is built.
- The development of the site would jeopardise the Household Waste Recycling Centre.
- Loss of a natural meadow.
- The site is unsuitable for housing.
- The site is well used by residents for walking.
- Traffic problems when there is an accident on the M6.
- Increasing the number of cars will increase the risk of traffic accidents.
- Increase in traffic.
- Air pollution.
- 52 houses were too many on this site.

- The site is within the Green Belt.
- The Croxton Lane bridge should be widened and upgraded.
- Croxton Lane cannot support HGV movements including construction traffic.
- The area will be ruined by identical looking houses.
- The countryside should be preserved and not developed.
- A roundabout should be provided to provide safe access.
- The definition of affordable homes should ensure that they are affordable and sold to people who meet criteria (emergency services, single parents, divorced people etc).
- The loss of the layby means that residents cannot enjoy the Croxton trail unless they live in walking distance.
- The housing on Warmingham Lane should be built before further housing commences.
- The proposed access points are dangerous.
- Further detail is required on soil checks and piling.
- It is not appropriate to build affordable homes next to privately owned housing.
- Too many houses are proposed, the development appears crammed.
- Flats and maisonettes are not in keeping with the surrounding area.
- Loss of privacy to 21 Nursery Close.
- Light pollution.
- Concern over the upkeep of the communal areas.
- Concern over the drainage of the site.
- Highways are not maintained – potholes.
- Concern over the monitoring of the construction to ensure compliance with any approved plans.
- When residents purchased dwellings on Nursery Close they were advised that there would be no development on this site.
- Lack of consultation about this application.
- Only Middlewich Councillors should vote on an application.
- Hundreds of houses have been granted permission off Warmingham Lane.
- A roundabout should be constructed at the junction of King Street.
- The recent closure of Croxton Lane has demonstrated how well this road is used.
- The SUDS basin is inadequate.
- There are no local benefits from this development.
- The development should include a play area.
- Harm to wildlife/protected species.
- Harm to the character of the area (including built heritage).
- Brine subsidence concerns.
- There is no need for further housing and no local or national housing shortage.
- Recent traffic accident at Croxton Lane bridge confirms that the road is unsuitable to cope with the additional traffic.
- Until infrastructure is provided, no further applications should be approved.
- There are too many affordable homes in one location.
- Insufficient parking provision.
- Impact upon privacy.

- The design is not appropriate.
- Lack of consultation.
- Increased risk of flooding
- Harm to the setting of the canal.
- Impact upon biodiversity including nesting birds.
- The PROW has not been taken into account.
- Lack of public transport.
- CEC is on the verge of bankruptcy and cannot cope with the additional residents.
- Highway safety/traffic issues during the construction phase.
- Closure of the household recycling centre.
- Difficulty selling existing homes.
- The affordable homes should be sold at a discounted rate.
- Entrance/Exit should be via a signalised crossroads.
- The earlier application should never have been approved.
- Areas of severe traffic congestion have been identified (this excludes the sites at Warmingham Lane and Centurian Way).
- Middlewich requires the construction of 2 bypasses.
- Increasing waiting lists and no capacity to extend the existing GP building.

Letters of general observation have been received from 3 local households which raise the following points:

- If approved the 30mph limit should be extended over the bridge and this would be a benefit to local residents.
- Concern about infrastructure impact.
- Any decision should ensure that residents have access to public transport.
- A S106 contribution should be secured to enhance bus services in Middlewich.

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.

In addition to the above the site has an extant planning permission for the erection of 52 houses and this follows the approval of application 21/5436C.

As part of Policy MID1 allocated for 'around 50 dwellings', there is no maximum or minimum identified, some allocated sites deliver more units more than the allocation and some deliver will less. The key issue is whether the proposed number of dwellings can be accommodated acceptably with sufficient offsets to the canal and the recycling centre, and the scheme is compliant with all other relevant policies.

The application proposes 65 dwellings, and the proposed development would have a density of 28.7 dwellings per hectare. Policy HOU14 seeks to provide densities of at least 30 dwellings per hectare. The increase in numbers is largely due to an increase in the number of smaller units and a decrease in larger units within the site.

In terms of Middlewich the CEC Housing Completions and Supply Report with a base date of 31st March 2024 identifies a housing supply in Middlewich (completions, allocations and planning permissions) of 1,858 dwellings. Middlewich is expected to accommodate 1,950 dwellings over the plan period (Policy PG7 of the CELPS).

The principle of residential development on this site is therefore acceptable, the number of dwellings proposed will be assessed below and as part of the planning balance.

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 (the previously approved housing mix is shown in brackets):

- 16 x one bedroom dwellings (4 units)
- 29 x two bedroom dwellings (21 units)
- 18 x three bedroom dwellings (19 units)
- 2 x four bedroom dwellings (8 units)

All dwellings would be two-stories in height, including the apartments.

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.

Whilst the proposals above do not strictly accord with Table 8.1, it is clear that table 8.1 is indicative. The justification to Policy HOU1 states that '*housing developments*

should not be dominated by large dwellings (four or more bedrooms), which are unlikely to meet the majority of the borough's housing needs. The proposal clearly provides a mix of house types which is not dominated by larger homes. The mix is considered to be appropriate.

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 Council's 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). The applicant has provided an assessment which demonstrates that all dwellings across the entire development are NDSS compliant.

Affordable Housing

This is a proposed development of 65 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 30% of the dwellings (20 units – 13 rented and 7 intermediate tenure) to be provided as affordable homes. The application proposes 100% affordable housing, and they would be split with 50% as affordable/social rent and 50% intermediate tenure.

The supplied Tenure Plan and AHS shows 65 units on the site are to be provided as 33 Rented and 32 Intermediate tenure. This meets the required tenure split under the Policy SC5 and the Housing Supplementary Planning Document (HSPD).

The proposed mix would meet the needs within Middlewich and there is no objection to this.

The Councils Affordable Housing Officer has no objection to the application and the viability information confirms that the rented units will be delivered as Social Rent and this is acceptable.

Public Open Space

This layout shows that the proposed development would provide open space to the eastern parcel, with a smaller amount to the northern part of the western parcel. The open space to the eastern 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 £1,564.54 per family dwelling and £782.27 per bed space in apartments (up to a maximum of £1,564.54 per apartment). This will be secured via a S106 Agreement and equates to a contribution of £89,178.78.

Public Rights of Way

The eastern parcel of land includes Middlewich FP13 which crosses the site. This would be retained but with a minor diversion which will be dealt with as part of a separate Diversion Order. The footpath would be provided along a landscaped route and would be surfaced within the application site. The impact upon the PROW is considered to be acceptable from a planning perspective. The details of the specification of the footpath, surfacing, widths and street furniture, could be controlled via the imposition of a planning condition.

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

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 it was agreed as part of application 21/5436C that this was not CIL compliant. 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. No contribution was secured as part of the earlier application 21/5436C.

Education

The proposed development of 49 dwellings (65 dwellings – 16 one bed units) is expected to generate:

- 13 - Primary children
- 7 - 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 7 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 £187,019.00 (Secondary) and £74,920,00 (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. Any new housing development would look to continue to impact on this, and infrastructure provision is a requirement from housing developers in order to safeguard Primary Care facilities and provide a contribution towards to continued required investment.

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 £70,202.00 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 65 (which has a blank side elevation). 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 53 with a separation distance of 20m. 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 14m (at the closest point) to the side of plot 53 which has a blank side elevation. 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 5, and although No 5 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 at 7-13 Nursery Close there would be a separation distance of between 21-27m and the relationship is considered to be acceptable. The dwelling at 21 Nursery Close has a bathroom window to the side elevation facing the site with a separation distance of 19m to the rear elevations of plots 12-13. The relationship is considered to be acceptable.

The dwellings at plots 15-22 would be over 25m 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 (this is the same report which was submitted as part of application 21/5436C).

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 for the layout proposed as part of this application, 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 (this is the same report which was submitted as part of application 21/5436C).

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 NO₂, PM₁₀ and PM_{2.5} 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. It is not considered that the additional 14 units proposed as part of this application would result in any change to these findings.

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

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 Council's Environmental Health Officer subject to the imposition of planning conditions relating to contaminated land.

In this case it is worth bearing in mind that the previous application 21/5436C was originally deferred for a number of reasons including contaminated land. Additional information was provided as part of application 21/5436C in terms of the contaminated land implications of the development and the Council's Contaminated Land Officer attended the Southern Planning Committee meeting in April 2023. At the April 2023 meeting, the Southern Planning Committee accepted that no significant risks are posed to the proposed development by landfill gas from the former Croxton Lane landfill site adjacent. Further ground investigation is proposed via a planning condition, and the Contaminated Land Officer is in agreement with this proposal. The Contaminated Land Officer has stated that they would expect the comments above to be addressed in part by these future additional investigations and these investigations can be secured via the use of planning conditions. There is no reason to come to a different conclusion as part of this application.

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 site includes an extant planning permission for 52 dwellings as part of application 21/5436C. This application seeks to increase the number of dwellings within the development to 65 units.

The access to each of the sites is proposed from priority junctions that are staggered on the A530 Croxton Lane (this is the same access solution as approved as part of application 21/5436C). 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.

The internal road network on both developments is very similar in terms of layout and highway standards to the previously approved application and does not raise any highway concerns in design terms.

In general, the parking provision conforms to the CELPS standards in that all of the houses have adequate parking spaces each. The maisonettes have 1 space each and as these are a mix of 1 and 2 beds, there is shortfall for the two x 2 bed units (a

total of two spaces). A reason for refusal could not be sustained in relation to this very minor shortfall.

The provision of an additional 13 dwellings above those originally approved as part of application will result in only a minor increase in trips from the site and as such there are no capacity issues associated with the local road network.

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. In addition, the applicant has agreed to widen the existing footway between the site between Meadow View and Finneys Lane, this would be controlled via the imposition of a planning condition.

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 the Croxton Lane crossing point which was secured as part of application 21/5436C will also be secured via a condition.

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 application has been supported by an Arboricultural Impact Assessment and no additional trees are shown to be removed to accommodate the amended development from that approved with 21/5436C.

A Hedgerow assessment has been provided which finds that 3 sections of Hedgerow are 'important' in accordance with the historical criteria of the Hedgerow Regulations 1997. Of those hedgerows demonstrated to be important, some sections of hedgerows will be lost to accommodate vehicular and pedestrian accesses. The position of access points with this application is effectively the same as those already approved in association with approved application 21/5436C. There is subsequently no objection to the hedgerow loss subject mitigation in the form of replacement hedgerows being provided.

The AIA which considers the increased number of dwellings appears to demonstrate that the development could be implemented without further significant tree loss, or any inferior relationship with trees to that already approved. The Landscape Plan suggests that appropriate levels of replacement tree planting have been provided to demonstrate accordance with the requirements of Local Plan Policy SE5. The layout is considered broadly acceptable in terms of trees but should be supported by an Arboricultural Method Statement and Tree protection Plan to be adhered to during

any approved construction period, these details can be secured via planning conditions.

Design

Number of Dwellings/Density

The application proposes 65 dwellings, and the proposed development would have a density of 28.7 dwellings per hectare. Policy HOU14 seeks to provide densities of at least 30 dwellings per hectare. The proposal cannot be considered to be overly dense or an over-development of the site on this basis.

Connections

Each site would have its own access point onto Croxton Lane with connections onto the footpaths. 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 with a minor diversion (as explained above and to be dealt with as part of a Diversion Order). 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

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

Public transport

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

This is considered to be acceptable, and the proposal would provide a large proportion of smaller homes. The development would not be dominated by larger family dwellings.

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. Both parcels adjoin recently constructed housing sites. 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 in height, but would all be two stories in height with a gabled roof design. The roof heights vary across the development which would add some interest.

The canal area which is located within the eastern part of the eastern parcel includes a lower density to the development where it adjoins the Conservation Area. This area also has a variation in materials with the provision of largely render units. This is considered to be an appropriate design solution.

The remaining part of the site 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, and porch detailing (although all appear to be open porches/canopies).

Details of external materials have been provided and are considered to be acceptable. The boundary treatment details could do with some improvement and would be controlled via the imposition of a planning condition.

Working with the site and its context

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

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

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

Streets for all

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

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

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

External storage and amenity space

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. The Councils Built Heritage Officer states that this current application is very similar in terms of its proximity and buffer to the Canal, and as such she is not in a position to object to this current application. 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 17th 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.

A Landscape and Visual Impact Assessment (LVIA) was submitted in support of this application. The development site and the area to the north is in the River Valleys Landscape Character Type (LCT) and High Dane Landscape Character Area (LCA) but the area is not within a Local Landscape Designation Area (LLDA). The Assessment concludes:

The proposed development will create an extension to the existing settlement of Middlewich, introducing new elements that may have localised landscape impacts and visual effects. These changes will be particularly noticeable for residential properties immediately adjacent to the site and from locations on rising ground to the north. However, after consideration of the revised layout in December 2023, the overall development impacts on the landscape are expected to remain unchanged. The new layout seeks to also mitigate any potential adverse effects, ensuring that the scenic qualities and natural environment of the area are preserved. In conclusion, the development will create no notable landscape effects and only a small number of notable visual effects, all restricted to a very localised area.

The application has been considered by the Councils Landscape Officer who has confirmed that she has no objection to this application subject to the imposition of planning conditions.

Ecology

Statutory Designations

The application site falls within the Natural England Site of Special Scientific Interest (SSSI) Impact Risk Zones. In this case Natural England have been consulted and stated that they consider that the proposed development will not have a significant adverse impact upon the Sandbach Flashes SSSI and no objection is raised.

Hedgerows

Native hedgerow is a priority habitat and hence a material consideration. The proposed access points will result in the loss of section of hedgerow (this was accepted as part of the extant planning permission). Compensatory planting must be

provided for any hedgerows unavoidable lost. Whether sufficient compensatory planting is being proposed can be assessed through the application of the biodiversity metric discussed below, which does show that the proposed development would result in a net gain in respect of hedgerows.

Great Crested Newts

The Councils Ecologist advises that this protected species is not reasonable likely to be present or affected by the proposed development.

Nesting Birds

The habitats on site are likely to be used by nesting birds including more widespread priority species, if the planning application is approved a condition can be imposed in relation to nesting birds.

Hedgehogs

The submitted ecological assessment advises that this priority species may occur on site. The habitats on site are however of relatively low value for this species. The submitted ecological assessment includes a suite of reasonable avoidance measures designed to minimise the risk of this species being harmed during the construction process. If the application is approved these details can be secured via the use of a condition.

Trent and Mersey Canal

The canal is located immediately to the north of the application site. In order to safeguard the canal during the construction process a condition can be imposed which requires the submission of a CEMP which includes pollution control measures.

Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development a standard lighting condition could be imposed.

Ecological Network and Biodiversity Net Gain

The application site falls within Restoration Area of the CEC Ecological Network. SADPD Policy ENV1 applies to the determination of the application.

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and ENV2 requires developments to achieve a Biodiversity Net Gain. The applicant has submitted a report of a biodiversity metric calculation undertaken to assess the losses/gains of biodiversity resulting from the proposed development. The biodiversity metric shows that the proposed development would result in a biodiversity net gain.

If this planning application is approved a condition can be imposed in relation to BNG.

The application is supported by proposals for the incorporation of bat and bird boxes. These details can be secured via the imposition of a planning condition.

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.

In terms of the drainage solution infiltration would not be appropriate for this site and the drainage layout shows that surface water would connect to the Trent & Mersey Canal. The Canal and Rivers Trust have accepted this subject to compliance with their conditions, this includes that runoff is limited to a greenfield rate for both sides of the development. Attenuation would be provided in the form of a SuDS basin for the eastern parcel and an underground attenuation tank for the western parcel. Flow controls will restrict the discharge rates.

Foul drainage will connect to an existing foul sewer crossing the site. This sewer will require a diversion under a S185 Agreement with United Utilities.

The application has been considered by the Council's Flood Risk Officer, United Utilities and the Canal and River Trust, who have all raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

CIL Compliance

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 education provision in Middlewich where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for health care provision in Middlewich where there is limited spare capacity. In order to increase capacity of the NHS provision which would support the proposed development, a contribution towards healthcare provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would provide on-site POS and the site is in an area of the Borough where there is a shortfall in provision and would require outdoor sport mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The site would provide open space and this will not be adopted by the Council. In order to secure maintenance of this open space a management scheme will be required.

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

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/LEAP, this 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

S106	Amount	Triggers
Affordable Housing	100% affordable housing (33 units rented and 32 units as intermediate tenure).	In accordance with details to be submitted and approved.
Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP. Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation. Shall be provided on the western parcel before first occupation.
Outdoor Sports Contribution	£89,178.78	To be paid prior to the occupation of the 15 th dwelling
NHS	£70,202	To be paid prior to the first occupation of the 30 th dwelling
Education	£187,019.00 (Secondary) £74,920.00 (SEN)	Secondary to be provided prior to first occupation SEN to be paid prior to the

		first occupation of the 30 th dwelling
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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. Compliance with the submitted drainage strategy
13. Land levels to be submitted and approved
14. Arboricultural Method Statement and Tree protection Plan to be submitted and approved
15. Submission and approval of hedgerow protection measures
16. Materials compliance with the submitted details
17. Boundary treatment to be submitted and approved.
18. Fenestration details including window reveal to be submitted and approved
19. Archaeology details to be submitted and approved
20. Breeding birds – timing of works
21. Hedgehogs – Reasonable avoidance measures
22. Lighting details to be submitted and approved
23. Submission and implementation of CEMP including pollution control measures in respect of the canal
24. Ecological Enhancements to be submitted and approved
25. Submission and implementation of habitat creation method statement and 30 year management and monitoring plan.
26. Bat and Bird Box details to be provided
27. 10% of energy needs to be from renewable or low carbon energy
28. 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.
29. Prior to the commencement of development, a scheme to widen the existing footway between the site between Meadow View and Finneys Lane to be submitted and approved.
30. Bin/Cycle storage details for the proposed apartments
31. Landscaping to be submitted
32. Landscaping to be completed
33. Hard surfacing details to be submitted and approved.

34. 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.
35. 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.
36. 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:

S106	Amount	Triggers
Affordable Housing	100% affordable housing (33 units rented and 32 units as intermediate tenure).	In accordance with details to be submitted and approved.
Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP. Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation. Shall be provided on the western parcel before first occupation.
Outdoor Sports Contribution	£89,178.78	To be paid prior to the occupation of the 15 th dwelling
NHS	£70,202	To be paid prior to the first occupation of the 30 th dwelling
Education	£187,019.00 (Secondary) £74,920.00 (SEN)	Secondary to be provided prior to first occupation SEN to be paid prior to the first occupation of the 30 th dwelling

