

## **Southern Planning Committee – 27<sup>th</sup> April 2016**

### **UPDATE TO AGENDA**

#### **APPLICATION No.**

**15/4326C**– Outline application for development comprising the demolition of one existing dwelling (36 Croxton Bank) and construction of 27 residential units, including a new access, affordable housing provision and area of public space.

#### **LOCATION**

Croxtonbank, 36, CROXTON LANE, MIDDLEWICH, CHESHIRE, CW10 9EZ

#### **UPDATE PREPARED**

22<sup>nd</sup> April 2016

#### **OFFICER REPORT**

##### **Representations**

It is important to note that the Local Ward Councillor, Cllr Parsons commented on the application as follows:

*“please be advised that I would expect conditions of and funding from this development to cover the provision of a new replacement footpath, alongside the border of Middlewich Cemetery, between Meadow View and Finney's Lane (and where no suitable footpath has ever been provided, despite requests for such).*

*The existing footpath in this area is the original old and narrow 'Country Lane' footpath which led out into the countryside when there were no housing developments down that side of Croxton Lane. Today this totally ineffective footpath is being asked to serve in the region of 150 dwellings within which there are elderly and disabled and young mothers with pushchairs. For those in particular, the current footpath is unsafe and unusable.”*

#### **Officer Appraisal:**

It is important to note that the Council's Public Rights of Way Unit (PROW) have assessed this impact and have offered no objection to proposal nor have they identified a need to contribute towards the upgrade or replacement of any footpaths outside of the application site.

In order to comply with the Community Infrastructure Regulations 2010 (CIL), 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.

Taking into account the modest scale of the proposals, it is considered that it would not be reasonable to request such contributions. The demand placed on the footpath alongside the *Middlewich Cemetery, between Meadow View and Finney's Lane* would not be significantly increased by these proposals. Consequently, it would not be reasonable to expect this development to provide replacement of such to make the development acceptable and as such, would not be CIL compliant.

## **RECOMMENDATION**

No change to recommendation.