

Application No: 16/0479C

Location: 7, KING STREET, MIDDLEWICH, CW10 9EJ

Proposal: Outline application for residential development of 24 No. dwellings on Land to the Rear of 7 King Street, Middlewich and replacement of 1 No. existing dwelling (25 No. dwellings in total)

Applicant: Mrs Jill Turner

Expiry Date: 05-Jul-2016

## **SUMMARY**

The application site lies within the Middlewich settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of on-site affordable housing and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No significant; landscape, design, highway safety, archaeology, drainage or flooding amenity, design, tree, ecology or concerns would be created, subject to conditions where necessary.

Contributions towards open space and education would alleviate any impact on these facilities the development would create.

As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to S106 Agreement and conditions

## **PROPOSAL**

This application seeks outline planning permission to erect up to 24 dwellings and 1 replacement dwelling. Matters of Access, Layout and Scale are also sought.

Approval of appearance and landscaping are not sought at this stage and are reserved for subsequent approval.

A revised layout plan has been received during the application process in response to concerns raised by the planning officer with regards to separation distances and subsequent amenity concerns. This has resulted in an indicative change in the housing mix, reducing the number of detached dwellings, but increasing the number of semi-detached units.

## **SITE DESCRIPTION**

The application site relates to a parcel of scrub land located to the south-west of King Street, Middlewich, within the Middlewich Settlement Zone Line.

The site extends approximately 1.01 hectares (2.5 acres) and is largely rectangular in shape. The site slopes down in level from its north-eastern end down to its south-western end.

The application site lies within an Area of Archaeological Potential and a Brine Consultation Area.

## **RELEVANT HISTORY**

**14/3811C** - Residential Development for 23No. houses on Land to the Rear of 7 King Street, Middlewich and replacement of 1No. existing dwelling (24no. dwellings in total) – Withdrawn 2<sup>nd</sup> April 2015

**32022/1** - Erection Of 22no.Two-Storey 3 Bedroomed Dwellings With Detached Single Garages – Withdrawn 23<sup>rd</sup> June 2000

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes / affordable housing, and 56-68 - Requiring good design

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as a Town.

The relevant saved policies are:

PS4 - Towns; GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR20 - Public Utilities, GR21 - Flood Prevention, GR22 - Open Space Provision, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, H4 - Residential Development in Towns and H13 - Affordable and low cost-housing.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

## **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** - No objections

**Strategic Housing** – No objections, subject to a 30% on-site affordable housing provision

**Environmental Protection**- No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement; the prior submission/approval of a dust mitigation scheme; the prior approval/submission of a Construction Phase Environmental Management Plan; the provision of a Residents Travel Pack prior to first occupation; the provision of electric vehicle charging infrastructure; the prior submission/approval of a Phase II contaminated Land report; the prior approval of a soil contamination verification report; that development should stop if contamination is encountered. In addition, informatives advising of hours of construction and piling and further contaminated land comments are also proposed

**Cheshire Brine Subsidence Compensation Board** - No objections, subject to the prior submission of a ground dissolution/brine extraction related risk assessment which in turn should be used to inform suitable foundations

**Archaeology** – No objections, subject to the prior approval of a written scheme of archaeological investigation and the implementation of a subsequent programme of mitigation

**ANSA Open Space** – No objections, subject to a contribution of an off-site commuted sum for enhancement of Fountain Fields, Alsager of £4,860.36 and an associated maintenance sum of £10,879.00 with regards to Amenity Green Space (AGS). In addition, £8,242.44 is required to upgrade Fountain Fields site's children's play space and an associated sum of £27,462.00 for maintenance.

**Education** - No objections, subject to a contribution of £65,370.76 towards secondary school provision

**Canal and River Trust** – 'No comment'

**Environment Agency** – No objections, subject to a number of conditions including; the prior submission/approval of a preliminary risk assessment, site investigation and verification report; the prior approval of a verification report and No drainage systems for the infiltration of surface water drainage into the ground is permitted;

**Flood Risk Manager** – No objections, subject to conditions including; the prior submission/approval of a drainage strategy including surface water drainage; the prior and post submission of storm period mitigation

**United Utilities** – No objections, subject to conditions including; that foul and surface water be drained on separate systems; the a surface water drainage scheme be submitted to and approved in writing by the LPA; the prior submission/approval of a sustainable drainage management and maintenance plan.

**Middlewich Town Council** – Object to the proposed development on the following grounds;

- Highway safety – Access arrangements

If permission be granted, request an Archaeological watching brief condition

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 6 letters of representation have been received. The main objections raised include;

- Highway safety – high traffic volumes on exiting network, pressure on existing road infrastructure; Congestion,
- Impact upon Conservation Area
- Lack of affordable housing
- Amenity – Environmental concerns such as; asbestos, subsidence, loss of privacy, Japanese Knotweed, light and visual intrusion
- Impact upon public facilities / infrastructure – Schools, doctors, dentist. highway network
- Impact upon archaeology

## **APPRAISAL**

The key issues are:

- The principle of development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

### **Principle of development**

As the site falls with the Middlewich Settlement Boundary, the proposal is subject to Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within settlement boundaries shall only be permitted if a number of criteria are adhered to. These include;

- I. The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- II. The proposal complies with Policies GR2 and GR3;
- III. The proposal accords with other relevant local plan policies
- IV. The proposal does not detrimentally impact upon the council's housing supply totals

In response to this policy, the site is not committed for any other purpose in the local plan and the provision of 24 new dwellings and 1 replacement dwelling would not have a detrimental impact upon the council's housing supply totals. Indeed the provision of new dwellings represents a planning benefit in light of the Council's 5-year housing land supply position (3.3 year supply as of September 2015).

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

## **Environmental role**

### Landscape

The application site covers an area of approximately 1.01 hectares and is located to the north of the River Croco. The application site is bound to the north by residential properties located along King Street and those on the south side of Flavian Close and to the south by small industrial development which includes Kinderton Mill.

The application site is currently unmanaged grassland with a number of trees located along the south-eastern part of the site. The illustrative layout that has been submitted indicates that they could be retained as part of an area of proposed open space, along with additional tree planting along the entrance route and boundary planting along the rear boundaries of existing properties along King Street. The illustrative masterplan also indicates pedestrian access to Kinderton Mill as well as a future pedestrian link to the area to the south of the application site along the River Croco. The Council's Landscape Officer has advised that *'...every effort should be made to ensure that these connections can be achieved.'*

The Council's Landscape Officer has advised that he has no objections to proposals subject to conditions in relation to the prior approval of landscaping schemes. It should be noted that matters of 'Landscape' are not sought for approval as part of this application and would be considered at Reserved Matters stage.

Given the difference in levels within the site (the site generally slopes down from a north-east to south-west direction), the reserved matters application should be supported by existing and proposed levels information.

### Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

With regards to design, Layout and Scale are sought for approval as part of this outline application.

The application seeks the erection of 24 new dwellings and 1 replacement dwelling. Access is to be gained from King Street to the north-east via the residential curtilage of No.7 King Street which would be demolished as part of the scheme.

The access, also sought for approval, would extend in a south-westerly direction towards the middle of the site and then turn approximately 100 degrees extending in a north-westerly direction. Various cul-de-sacs would extend off this main access road.

The siting of the proposed new dwellings would comprise of; a replacement dwelling on the Kings Road frontage with an attached 'Flat over garage' to the rear which would front the new access road.

The remainder of the proposed units would predominantly face in either a north-west or south-east direction in largely a grid layout. The revised layout plan suggests that these would comprise of a mixture of house-types. Within the Design and Access Statement, it is indicated that the scheme would comprise of a mixture of 2, 3, 4 and 5 bed units.

It should be noted that the proximity of the proposed dwellings principal and rear elevations to each other within the site is closer than normally expected in suburban developments.

The Council's Urban Design Officer has reviewed the layout plan and advised that;

*'It is an urban, brownfield site and so to get a relatively tight knit urban grain relevant to an urban location we cannot default to standard separation distances that apply to 30dph housing estates. However, there were certain areas on the pre-app layout where I thought this would be particularly detrimental to amenity and this was raised in the comments that were provided.*

*I also think that the development should be predominantly 2-storey, with very limited scope to go above that.*

*In other respects given the discussions I am content with the key urban design key principles set out in the layout.'*

In response to these comments, the applicant submitted a revised layout plan which resulted in greater gaps between the proposed dwellings. This was largely achieved by a change in the indicative house types proposed, reducing the number of detached units.

It is considered that these changes to the layout overcome these proximity concerns.

As the revised proposal seeks predominately 2 storey units with a ridge height no taller than 8.5 metres and just 2, 2.5-storey units with a maximum ridge height of 9.5 metres, it is considered that this proposed scale of the development would be acceptable.

As a result of the above reasons, it is considered that the proposed development would be of an acceptable design that would adhere with Policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

### Access

The site is located approximately 500m walk north west of the centre of Middlewich. The site currently consists of a field and a single dwelling unit and therefore has little vehicular traffic associated with it. It is bound by dwellings and a vehicle track to the west, dwellings and King St to the north, dwelling units to the east and industrial units to the south.

It has been proposed to demolish an existing dwelling unit and provide pedestrian and vehicle access from King Street.

It has been proposed to access the site from King Street. The Council's Head of Strategic Infrastructure (HSI) has advised that the access road will be to standard with a width of 5.5m and 6m radii. Suitable footway widths of 2m have been proposed at the site access.

Exiting the site, onto Kings Street, pedestrian footway access into central Middlewich and associated shops and amenities is available. Footway access to public transport services is also available.

The HSI has advised that adequate site access visibility onto King Street has been demonstrated and there have been no recorded traffic accidents in the vicinity of the site over the last 3 years.

Swept paths have been provided to demonstrate that large refuse vehicles can enter and exit the site safely and in a forward gear.

The HSI has advised that the development of 25 units will produce no more than 20 two-way trips during the peak hour and will therefore have a negligible impact on the capacity of the highway network.

As a result of the above reasons the HSI has raised no objections, subject to informatives. As such, it is considered that the proposal adheres with Policy GR9 of the Local Plan.

### Archaeology

The site of the proposed development lies within Middlewich's Area of Archaeological Potential, as defined in the Local plan of the former Congleton Borough Council. This reflects its position within the extensive area of Roman settlement which developed to the south of the Scheduled Roman fort at Harbutt's Field. A significant proportion of this settlement has been excavated over the last 25 years, in advance of development, and has produced evidence of industrial activity, including salt production, roads, and domestic activity. Deeper features have consistently proved to contain waterlogged remains. Consequently, well-preserved timbers and other organic material have been recovered from most of recent excavations in the town. In addition, the present site was subject to limited investigations some years ago, during a community excavation. This demonstrated that Roman remains were present on the site but the limited extent of the investigations meant that the nature and spatial extent of the remains were not closely defined and the bulk of the deposits remained in situ and undisturbed.

In view of the site's undoubted archaeological potential, the applicants were advised during pre-application discussions that the site should be subject to a programme of pre-application evaluation trenching, in order to define the nature and extent of the archaeological deposits in more detail. The results of this work are presented in the report prepared by the applicant's archaeological contractors, Archaeological Research Services, which has been submitted in support of this application. The report clearly demonstrates that significant archaeological deposits are present across much of the site (as shown in green and blue on Figure 62 of the report) and that further archaeological mitigation will be required in these areas. The evidence recovered included ditches, pits, building foundations and other features similar to those examined during previous excavations in Middlewich. Once again, waterlogging and organic preservation were apparent in many features.

At the present time, the Council's Archaeological Officer has advised that insufficient evidence has been submitted to show that any of these archaeological remains can be preserved in situ and, consequently, it is likely that the sensitive areas noted above will need to be subject to a formal programme of open-area excavation, recording, and reporting, prior to the start of development works. In less sensitive areas the Council's Officer has advised that formal excavation will not be

required but a watching brief is likely to be necessary where earlier features noted during the evaluation are disturbed.

The Council's Archaeological Officer has advised that the necessary mitigation can be secured by condition, a suggested wording for which is given below:

*No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.'*

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2012), published by the Department for Communities and Local Government and the still current PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

As such, subject to this condition, no objections are raised.

#### Cheshire Brine Board

The Board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. BGS geological mapping also indicates the presence of subsidence features in the vicinity of the site.

Therefore, the Board in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952 require the foundations of the development to be strengthened, such as utilising a raft foundation, to mitigate the effects of minor residual brine pumping movements. The Brine Board have subsequently advised that prior to commencement of development, a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence should be submitted to and approved in writing by the LPA, should the application be approved.

#### Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone and is not of a scale that requires the submission of a Flood Risk Assessment (FRA).

The Environment Agency have raised no objections, subject to a number of conditions including; the prior submission/approval of a preliminary risk assessment, site investigation and verification report; the prior approval of a verification report and No drainage systems for the infiltration of surface water drainage into the ground is permitted.

The Council's Flood Risk Manager has advised that he has no objections, subject to conditions including; the prior submission/approval of a drainage strategy including surface water drainage; the prior and post submission of storm period mitigation.

With regards to drainage, United Utilities have no objections, subject to conditions including; that foul and surface water be drained on separate systems; the a surface water drainage scheme be submitted to and approved in writing by the LPA; the prior submission/approval of a sustainable drainage management and maintenance plan.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns and would adhere with Policies GR20 and GR21 of the Local Plan.

### Trees

There are currently no Tree Preservation Orders protecting any of the trees within the site or on land immediately adjacent to the site. The site does not lie within a Conservation Area where trees may be afforded pre-emptive protection.

The application is supported by a Tree Survey Schedule and Tree Constraints Drawing.

The Tree Survey has assessed 28 individual trees, three groups of trees and a Beech hedgerow, the majority of which located within the application site are low (C) Category specimens which will require removal to accomodate the proposed layout. The one Moderate (B) category tree, a Sycamore (T13) to the eastern section of the site is shown for retention on the submitted site layout plan within a proposed area of public open space.

The Council's Tree Officer has advised that he has no principle objections to the proposals as submitted, subject to a condition that the first Reserved Matters is supported by a Tree Protection Scheme in accordance with the 2012 British Standard for every retained tree before and for the entire duration of the course of the development.

As such, subject to the above condition, it is considered that the proposed development would adhere to Policy NR1 of the Local Plan.

### Ecology

The application is supported by various ecology reports.

#### *Bats*

No evidence of roosting bats was recorded in any of the buildings on site. Bats were however recorded emerging from a tree on site (T1). The submitted bat survey states that this tree would be retained and unaffected by the proposed development.

The applicant's ecological consultant has provided a plan showing the location of this tree and the Council's Ecologist confirms that roosting bats are not reasonably likely to be directly affected by the proposed development.

To ensure the roost associated with this tree is not adversely affected by excessive lighting, the Council's Ecologist recommends that if planning consent is granted a condition should be attached to ensure the lighting scheme for the site is agreed with the LPA.

## *Grassland*

The Council's Ecologist has advised that the grassland habitats present on site are of negligible nature conservation value and do not present a constraint on the proposed development.

## *Japanese Knotweed*

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

It is recommended that this be added as an informative.

## *Great Crested Newts and Reptiles*

The Council's Nature Conservation Officer has advised that only limited survey effort has been undertaken for both of these species, both in respect of this application and the earlier application at this site. No evidence of these species have however been recorded. The pond on site is reported as being shaded, potentially polluted and shallow. The Council's Nature Conservation Officer has advised that importantly, there are no other known ponds within 500m of the application site. The isolated nature of the site means that it is unlikely that either of these species could colonise the site. The Conservation Officer has concluded to advise that whilst, full surveys have not been undertaken for either of these species, he is satisfied that neither species are reasonably likely to be present and no further survey effort is required.

## Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to; the landscape, highway safety, archaeology, the Cheshire Brine Board, drainage or flooding, trees or ecology, subject to mitigation.

As such, it is considered that the proposed development would be environmentally neutral.

## **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Middlewich for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new residents' spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Social Role**

The provision of market dwellings is considered to represent a social benefit.

### Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 25 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. 5 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The SHMA 2013 shows the demand in Middlewich is for 26 x 1 bed, 22 x 2 bed, 8 x 3 bed, 4 x 1 bed older person and 4 x 2 bed older person dwellings. The demand on Cheshire Homechoice is for 65 x 1 bed, 96 x 2 bed, 72 x 3 bed and 9 x 4 bed dwellings.

The applicant originally did not propose any provision, but has now advised that they will provide the required on-site provision. It is advised that these are likely to be located on the western boundary of the site (utilising indicative plots 11-18). It is further advised that these would range between 2 and 3-bed dwellings.

In response to this, the Council's Housing Officer has subsequently advised that the provision of this mixture of 2 and 3 bed units is broadly in line with housing need in Middlewich.

### Open Space

As the application proposal is for 24 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

### *Amenity Green Space (AGS)*

The developer is proposing some POS in the eastern area of site within a triangular plot measuring 386sqm. The Council's Open Space Officer has advised that having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 24 new homes will generate a need for 920m<sup>2</sup> of new AGS based on the housing schedule.

The Open Space Officer has advised that the AGS proposed on-site would not be suitable due to its; size, shape, proximity to dwelling and road, suitability for ball games or a community event. As such, the Council

would instead require a commuted sum for enhancement of Fountain Fields, Alsager of £4,860.36 and an associated maintenance sum of £10,879.00.

### *Children's and Young Persons Provision (CYPP)*

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 24 new homes (92 persons) will place extra demand on the facilities at the main town park at Fountain Fields. Given the size of site, new provision on site is not practical. A qualitative deficit can be improved at Fountain Fields to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of Fountain fields that could be improved such as a new DDA inclusive swings which would improve the quality and accessibility of the facility and encourage greater use of the area.

Applying the standards and formulae in the 2008 Guidance the Council would need £8,242.44 to upgrade Fountain Fields site. This would be spent on a DDA swing as mentioned above. The Council would also need a commuted sum of £27,462.00 to maintain the upgraded facilities over 25 years.

The above would be secured via a S106 Agreement.

### Education

The Council's Education Officer has advised that the development is expected to impact on secondary school places in the immediate 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 development is not expected to impact on primary school or SEN provision.

To alleviate forecast pressures, the following contributions would be required:

4 new pupils x £17,959 x 0.91 = £65,370.76 (secondary)

Total education contribution: £65,370.76

The above would be secured via a S106 Agreement.

### Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that

should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring properties to the application site would be the occupiers of; the properties on the north-eastern and eastern boundary of the site on King Street, the occupiers of the closest properties on the north-western boundary of the site on Flavian Close and the potential future occupiers of Kinderton Mill to the south.

As layout is sought for approval of part of this application, an accurate assessment of the potential impact of the development upon neighbouring amenity can be made.

There would be a number of properties on King Street which would back-on to the proposed development. The dwellings on plots; 13, 12, 7, 6, 5, 1 & 2 would be the closest proposed dwellings to these neighbouring units. The revised layout plan indicates that the dwellings proposed on plots; 13, 12, 7 and 6 would adhere to the minimum separation standards between dwellings referred to above, reducing any significant impact upon the occupiers of the closest dwellings on King Street in terms of loss of privacy, light and visual intrusion.

The dwelling proposed on Plot 1, on the site frontage with King Street, would lie parallel to the closest existing property to the north, No.9 King Street in a similar position to the dwelling to be demolished and replaced on this plot.

Given that this dwelling would replace an existing unit in a similar location, subject to their being no sole windows to principal habitable rooms on the north-western side elevation of this property, it is not considered that any significant concerns with regards to loss of privacy, light or visual intrusion would be created for this neighbour.

It is considered that the dwelling proposed on plot 2 would be sufficiently offset from the closest neighbours on King Street to create any significant amenity concerns in relation to the above considerations and any specific concerns would be addressed when appearance is considered at Reserved Matters Stage.

The dwellings proposed on plots; 13-19 inclusive would be the dwellings closest to the existing occupiers of the properties on Flavian Close.

All of these closest neighbouring properties would either adhere or be close to adhering to the 21.3 separation standard and the closest dwelling to this side (west) to the site, No.8 Flavian Close would be offset from the closest proposed dwelling (Plot 13), eliminating any direct significant amenity concerns with regards to loss of privacy, light or visual intrusion.

It is not considered that any significant neighbouring amenity issues would be created to any other side.

With regards to the future occupiers of the proposed dwellings, there are a number of instances where the recommended separation standards are not achieved between principal elevations and rear-to-rear relationships.

Although these are not achieved, the 21.3 metres is only a guide, and as advised by the Council's Urban Design Officer, given that this is effectively an urban centre location, '*we cannot default to standard separation distances that apply to 30dph housing estates*'.

That said, a balance needs to be achieved between amenity and design. Originally, it was considered that this balance was not achieved and the proposed dwellings were too close to each other resulting in future amenity issues. However, a revised plan has been submitted which while the policy separation standard of 21.3 metres is not achieved, largely alleviates this concern and it is considered a balance between design and future amenity is achieved.

However, due to the likely tight relationships between dwellings within the site, should the application be approved, it is recommended that permitted development rights be removed for extensions, alterations and outbuildings, should the application be approved.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement; the prior submission/approval of a dust mitigation scheme; the prior approval/submission of a Construction Phase Environmental Management Plan; the provision of a Residents Travel Pack prior to first occupation; the provision of electric vehicle charging infrastructure; the prior submission/approval of a Phase II contaminated Land report; the prior approval of a soil contamination verification report; that development should stop if contamination is encountered. In addition, informatives advising of hours of construction and piling and further contaminated land comments are also proposed.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

### **Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements 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 a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of both Amenity Green Space (AGS) and Children's and Young Persons Provision (CYPP) is required and should be secured. This sum equates to £51,443.80. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution of £65,370.76 is necessary having regard to the oversubscription of secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

## **Planning Balance**

The application site lies within the Middlewich settlement boundary where Policy PS4 of the Local Plan advises that new development in principle is accepted.

Policy H6 of the Local Plan permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of on-site affordable housing and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

No significant; landscape, design, highway safety, archaeology, drainage or flooding amenity, design, tree, ecology or concerns would be created, subject to conditions where necessary.

Contributions towards open space and education would alleviate any impact on these facilities the development would create.

As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

**APPROVE Subject to a S106 Agreement to secure;**

**1. 30% on-site affordable housing provision to include;**

- **A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider**
- **A requirement to provide details of when the affordable housing is required**
- **Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.**
- **The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.**

**2. Secondary School Education contribution of £65,370.76**

**3. Open Space provision of ;**

- **£4,860.36 to upgrade Fountain Fields site in relation to Amenity Green Space provision. £10,879.00 to maintain the upgraded site over 25 years**
- **£8,242.44 to upgrade Fountain Fields site. £27,462.00 to maintain the upgraded facilities over 25 years**

**And conditions;**

**1. Time – 3 years of within 2 of last Reserved Matter approval**

2. Reserved Matters within 3 years
3. Appearance and Landscaping Matters to be submitted and approved
4. Plans
5. Reserved Matters to be supported by existing and proposed levels plans
6. Prior submission/approval of a written scheme of archaeological investigation and the implementation of a subsequent programme of mitigation
7. Prior submission/approval of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence
8. Prior submission/approval of a preliminary risk assessment, site investigation and verification report
9. Prior submission/approval of a verification report
10. No drainage systems for the infiltration of surface water drainage into the ground is permitted
11. Reserved Matters to be supported by a Tree Protection Scheme in accordance with the 2012 British Standard for every retained tree before and for the entire duration of the course of the development
12. Prior submission/approval of a piling method statement
13. Prior submission/approval of a dust mitigation scheme
14. Prior approval/submission of a Construction Phase Environmental Management Plan
15. Provision of a Residents Travel Pack prior to first occupation
16. Provision of Electric Vehicle Charging infrastructure
17. Prior submission/approval of a Phase II contaminated Land report
18. Prior approval of a soil contamination verification report
19. Development should stop if contamination is encountered
20. Prior approval of external lighting scheme
21. Removal of PD, Part 1 Classes A-E

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

Should the application be the subject of an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms;

1. 30% on-site affordable housing provision to include;
  - A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
  - A requirement to provide details of when the affordable housing is required
  - Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.
  - The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

**2. Secondary School Education contribution of £65,370.76**

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