

Application No: 18/0083C

Location: LAND EAST OF, WARMINGHAM LANE, MOSTON, MIDDLEWICH

Proposal: Proposed erection of 74 residential dwellings, access, landscaping and associated works

Applicant: Mr Michael Orgill, Seddon Construction Limited c/o agent

Expiry Date: 11-Mar-2019

## **SUMMARY**

### **Social Sustainability**

The proposal would satisfy the social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. As with other key/ allocated sites in Middleswich the site is making a significant contribution towards the Middleswich Eastern Relief Road, however for viability reasons, there is a reduction in affordable housing to 11%. No other mitigation for education, health, open space, indoor sport is achievable for those viability reasons.

### **Environmental Sustainability**

Details of the proposed landscaping are considered to be acceptable.

The drainage/flood risk implications for this proposed development are considered to be acceptable. The development would not have any significant impact upon the trees and hedgerows on this site.

Ecological mitigation is proposed by virtue of replacement ponds on land adjacent within the applicants' control, therefore the proposal is considered to have an acceptable impact upon ecology.

### **Economic Sustainability**

The proposed access point and the traffic impact as part of this development are considered acceptable. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site. The proposal also allows for a significant contribution to the Middleswich Eastern By-Pass (£400,600 total), which in itself will deliver significant economic benefits to the town

The adverse impacts of the development are the reduced provision of affordable housing (11% of total – all rented) and no other contributions to health, education, off site sport. In this case the developer has raised viability issues which have been independently assessed and accepted by the Council's own independent viability consultant.

It is considered that the economic and environmental benefits of the scheme in the form of the financial contribution it will make to the Middlewich Eastern By-pass would outweigh the adverse social impacts to affordable housing, health, sports and education.

**RECOMMENDATION Delegate to the Head of Development Management, in consultation with the Chair of SPB, pending the completion of the consultation period for the HSE, to approve subject to the completion of a S106 Agreement and conditions**

## **DESCRIPTION OF SITE AND CONTEXT**

The site is 3.2ha green field which was last used as agricultural land. There are a number of trees and hedgerows to the boundaries of the site. The vast majority of the site falls within the Parish of Moston whilst a small part of the open space adjoining existing houses falls within Middlewich.

The site forms the remaining part of the Glebe Farm (Booth Lane to Warmingham Lane) allocation in the CELPS (LPS42) for up to 525 dwellings.

A local centre with a Tesco Express, post office, pharmacy, ATM fast food outlets, bus stop and public house is located on Warmingham Lane circa 1km from the site. Middlewich High Street is circa 1.5km to the north of the site.

## **DETAILS OF PROPOSAL**

This is a revised application which seeks full permission for 74 dwellings, open space and ancillary development. A single access is proposed on Warmingham Lane which has a staggered relationship with the access to the residential development approved on the other side of Warmingham Lane. A viability appraisal has been submitted which limits the affordable provision to 11% together with a contribution to the Link road comprising £5,414 per dwelling (£400,600 total)

The mix is - 2 bedroom – 5 open market and 8 affordable  
3 bedroom – 37 open market  
4 bedroom – 24 open market

## **RELEVANT HISTORY**

### ***With respect to the site itself***

No relevant planning history

***With respect to sites opposite on Warmingham Lane***

13/5297C - Reserved matters application for proposed residential development for 194 dwellings and associated public open space with details submitted for appearance, landscaping, layout and scale granted 21 March 2014 (Morris Homes site to the immediate north) – currently under construction

12/2584C - Full Planning Application for Erection of 149 Dwellings with Associated Access and Landscaping Arrangements Alongside a Newt Relocation Strategy granted 24 January 2014 (Bellway Homes to immediate north of Morris Homes site) – currently under construction

15/5840C – Outline planning permission for up to 235 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, and children's play area, 0.22ha for a community facility (use class D1 or D2), surface water flood mitigation and attenuation, vehicular access point from Warmingham Lane and associated ancillary works. All matters to be reserved with the exception of the main site access. Approved subject to conditions and S106 on 29/01/2019

The Heads of Terms as signed are –

- Management Company to maintain all open space in perpetuity inc all incidental open space not in private gardens or adopted highway
- 10 % affordable housing
- Funding for TRO necessary on Warmingham Lane/Travel Plan Co-ordinator (£5000)
- Contribution of £1,223,645 towards the provision of the Middlewich Eastern Relief Road £611,822 payable on 1<sup>st</sup> occupation of any dwelling and a further contribution of £611,822 upon occupation of the 75<sup>th</sup> dwelling.

Should the Middlewich Eastern Bypass not come forward within 5 years from the date of the implementation of the reserved matters of this outline scheme then the MEB contribution shall be re-allocated to either affordable housing and/or education provision, with a report going back to Strategic Planning Board (or any other committee which takes the responsibilities of SPB) to consider the issues for affordable housing and education provision as a result the development relevant at that time.

***With respect to the site adjacent forming the other (main) part of the LPS42 Allocation Glebe Farm***

13/3449C - Outline application for residential development (approximately 450 dwellings) – approved subject to conditions and S106 Agreement 20/02/2018 Glebe Farm, Booth Lane.

The Heads of Terms for the Glebe Farm site as signed are:

- 10% affordable units
- £220000 replacement playing field contribution

- £4,780,000 to Middlewich Eastern Bypass. If the MEB is not delivered the sum will be spent on the following highway/sustainability measures: Bus Service/Facility Improvements; Town Bridge – Signal Junction Improvements; Cycle Lanes -Towpath: Middlewich to Glebe Farm; Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm; and Cycle Lanes - Towpath: Glebe Farm to Elworth. The sum is to be paid in 4 equal stages on the first occupation of 20%, 40%, 60% and 80% of the dwellings approved on the site at the Reserved Matters stage.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for the majority of this site.

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

PG2 – Settlement Hierarchy  
 PG7 – Spatial Distribution of Development  
 SC4 – Residential Mix  
 CO1 Sustainable Travel and Transport  
 CO4 – Travel Plans and Transport Assessments  
 SC4 - Residential Mix  
 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 8 – Renewable and Low Carbon Energy  
 SE 9 – Energy Efficient Development  
 SE 13 Flood Risk and Water Management  
 LPS 42 Glebe Farm  
 IN1 – Infrastructure  
 IN2 – Developer Contributions

### **Saved Policies Congleton Local Plan 2005**

MP1- Presumption in favour of Sustainable development  
 PS3 – Settlement Hierarchy  
 PS8 - Open Countryside  
 GR21- Flood Prevention  
 GR1- New Development

GR4 – Landscaping  
GR5 – Landscaping  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats

### **National Planning Policy Framework**

Of particular relevance are paragraphs:  
11 Presumption in favour of sustainable development.  
50. Wide choice of quality homes  
102-107 Promoting Sustainable Transport  
124-132 Requiring good design

### **Other Considerations**

Cheshire East Urban Design Guide

### **Middlewich Neighbourhood Plan**

This Plan was not adopted at Referendum Stage. No weight

### **CONSULTATIONS (External to Planning)**

**Cheshire Brine Subsidence Compensation Board:** The area has a history of subsidence; require foundations to be strengthened and notification of the use of raft foundations

**United Utilities:** No objection

**Lead Flood Risk Authority:** No objection subject to conditions

**Natural England:** No objection

**Strategic Highways Manager:** No objection subject to conditions and S106 mitigation payment to the Middlewich bypass. Requests £5,414 per dwelling

**Environmental Health:** No objections, subject to conditions relating to hours of piling, the prior submission of a piling method statement, the prior submission of any proposed external lighting, acoustic noise mitigation, phase I contaminated land assessment,

**Public Open Space/ Indoor Sports Provision:** Requests financial contribution in lieu on site children's play space on site and indoors sports provision:

Provision (improvement elsewhere)	£21,335.81
Maintenance:	£69,550.50 (25 years)
Indoor sport (2 rowing machines)	£13,000

**Education:** To mitigate the impact of this development the following contributions should be secured via a S106 Agreement;

$13 \times £11,919 \times 0.91 = £141,002.00$  (primary)  
 $11 \times £17,959 \times 0.91 = £179,770.00$  (secondary)  
 $1 \times £50,000 \times 0.91 = £45,500.00$  (SEN)  
Total education contribution: £366,272.00

Objection without a total education contribution (for primary, secondary and special educational needs) of a total of £366,272.00

**Strategic Housing Manager:** No Objection if viability case is proven. Requests overage clause should there not be 30% affordable housing

**Archaeology:** No objection – satisfied with the report submitted. Require no further action

**NHS South Cheshire Clinical Commissioning Group (CCG)** - Both Doctors surgeries in Middlewich are at capacity. Request a financial contribution of £76,896 to be used to develop existing infrastructure in the town which are operating at capacity, based on the numbers of bedrooms proposed within the proposal 74 dwellings

## **VIEWS OF THE PARISH COUNCIL**

**Moston Parish Council:** In respect of the application as originally submitted (for 90 dwellings) - Objection on the following grounds:

- Adverse impact upon highways congestion on the Lanes in Moston. Concern about the cumulative impact of the developments around Warmingham Lane
- Out of date traffic data
- No measures to alleviate speed or volume of traffic
- No protection for Cyclists using National Cycle route 5 or FP4
- Design should respect the rural location

**Middlewich Town Council:** In respect of the application as originally submitted (for 90 dwellings)-

The Town Council feels this area of Middlewich should be subject to a Masterplanning exercise.

In addition, the Town Council objects to this application on the following grounds:

- Inappropriate access onto the site;

- Concern regarding current infrastructure and capacity of current schools and medical services to cope; no measures to manage speed and volume of traffic;
- Should the application be approved then the Town Council requests the following:
- A Section 106 contribution towards bus services to improve connectivity;
- Provision of routes for pedestrians and cyclists.

## **OTHER REPRESENTATIONS**

A number of objections (28 letters) have been received from neighbours:

The main concern is with regards to highways impacts, both in terms of the general congestion issues in Middlewich, and on Warmingham Lane. Many residents make the point that the site should not be developed before the MEBP is in place.

Other concerns include:

- The infrastructure (doctors/schools/sewers etc) of Middlewich can't cope with the additional houses.
- Warmingham Lane is dangerous more houses worsen situation for existing residents
- Not enough buses
- Cumulative impact of all the developments
- Loss of farmland and open countryside
- Landscape impact, change in character and loss of wildlife habitat.
- Air/Noise pollution concerns
- Concern about sustainable transport links, and in particular lack of bus access near the site.
- Lack of safe well-lit crossing points- zebra/ pelican
- Lack of local employment opportunities- therefore creating a congested commuter town. Seddon homes have provided no data to demonstrate how this development will improve employment
- 2 blocks of social housing rented flats will be overlooking existing residents on Inglewood Avenue. This is not in keeping with existing properties, nor does it protect amenity value for existing residents.
- Outdated traffic data from 2013 - shows Warmingham Lane as 'lightly trafficked'. Data is pre Bellway and Morris (pre 400 houses)
- Lack of community awareness of the proposed development therefore lack of involvement (contravenes the Localism Act 2011)
- NEED - has to be evidenced, but existing and current developers are still trying to sell properties after months!
- The Bellway development are still trying to sell their properties after months of marketing.
- The Morris estate STILL has affordable houses for sale, in addition to other house styles. They are also still building phase 2.  
I would like to see the evidence that proves this site is needed in this area.

## **OFFICER APPRAISAL**

### **Principal of Development**

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and Policy MP1 of the CELPS state that planning applications and appeals must be determined *"in accordance with the plan unless material considerations indicate otherwise"*.

Policy PG2 of the CELPS identifies Middlewich as a Key Service Centre. Within such locations, development of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported to maintain the vitality and viability.

Policy PG7 of the CELPS states that Key Service Centres are expected to accommodate 24 hectares of employment land and 4,150 new homes over the plan period (2010-2030).

The application site forms part of strategic site LPS42 of the CELPS, which seeks to deliver a residential development of around 525 new dwellings and the provision of pedestrian and cycle connections which enhance Green Infrastructure.

Specifically the emerging Local Plan identifies the following development over the Local Plan Strategy period:

*'The development at Glebe Farm over the Local Plan Strategy period will be achieved through:*

- *The delivery of up to 525 new homes;*
- *Provision of Pedestrian and cycle links, which enhance green infrastructure. On site provision or where appropriate, relevant contributions towards highways and transport. Education, health, open space and community facilities*

#### *Site Specific Principles of Development*

- *Contributions towards to the delivery of a Middlewich Eastern Bypass.*
- *Relevant contributions towards highways and transport, education, health, open space and community facilities*
- *The achievement of high quality urban and architectural design and the delivery of a high quality public realm*
- *The provision of a network of open spaces for nature conservation and recreation which re-inforce connections to adjacent green infrastructure*
- *Contributions to health and education infrastructure*
- *The site will deliver excellent connections to existing residential areas and facilities within Middlewich and the site inc pedestrian, cycle and vehicular connection between Booths Lane and Warmingham Lane*
- *The provision of affordable housing in line with policy requirements set out in Policy SC5 (Affordable Homes)*
- *A pre-determination desk based archaeological assessment will be required for the site.*
- *The Local Plan Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- *The development proposals must be of a high standard and have a positive impact upon various listed buildings, their character and appearance, including the setting of the Trent and Mersey Canal Conservation Area*
- *Retention (or replacement) of the existing sports ground should be in accordance with the findings of an up to date, adopted and robust need assessment*



Together with the outline permission granted for up to 450 dwelling on the larger part of this allocation (application 13/3449C refers), this proposal for 74 dwellings would result in approximately 524 dwellings across the entire LPS42 strategic site.

As per para 11 of the Framework and CELPS Policy MP1, there is a presumption in favour of sustainable development taking into account the three objectives of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6).

In light of this allocation, the principle of developing the site for 74 dwellings is acceptable.

## **SUSTAINABILITY**

### **Housing Land Supply**

The Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

The Council can now demonstrate a 5 year supply of land for housing, but it is important to note that this proposal would deliver 74 no dwellings on an allocated site within the adopted Local Plan. The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

The NPPF determines that sustainable development includes three overarching objectives:- economic, social and environmental. Which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives)

**an economic objective** – to help build 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 improved productivity; and by identifying and co-ordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

These are not mutually exclusive and a scheme may contribute to or have impacts upon all 3 objectives.

## **ECONOMIC SUSTAINABILITY MATTERS**

The allocation of the site as part of a considerably larger site within the Local Plan Strategy (Glebe Farm LPS42 allocated for approx. 450 houses) is considered to contribute significantly to the economic strand of sustainable development by virtue of the planned release of housing together with the delivery of the Middlewich Eastern Relief Road which provides for the right level of growth in the right places at the right time.

This development proposal is required to effectively mitigate against its traffic impact on the strategic highway network. The allocation of the site with the Local Plan Strategy recognises the role that this site plays in the delivery of the Middlewich By-Pass (MEB)

The developer is offering a sizeable mitigation package which is proposed to be used as a funding contribution to Middlewich Eastern by-pass. This will enable the total funding package for MEB to be brought together and this would lead to the completion of the by-pass. This would contribute in a meaningful and significant way the local economic conditions by easing congestion/ job creation in Middlewich, notwithstanding the economic benefits generated by the housing development itself.

It therefore follows that the development of 74 units on this allocated site would contribute significantly to the economic arm of sustainability.

## **ENVIRONMENTAL SUSTAINABILITY**

### **ACCESS TO SERVICES**

The accessibility of this area of Middlewich has been assessed in determining the other adjacent applications and was considered to be acceptable when permissions were granted for the sites opposite and adjacent.

It should also be noted that this site has been considered to be an appropriate housing site in the adopted Local Plan Strategy. In addition, all of the services and amenities listed are accommodated within Middlewich (apart from a train station) and are accessible to the proposed development on foot/bike or via a short bus journey on Warmingham Lane.

Accordingly, it is considered that this site is a locationally sustainable site and future residents would be able to avail them services of the services in the area by public transport, bike or on foot.

### **Highway safety & traffic generation**

Saved Policy GR9 of the Congleton Local Plan states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

### Development Impact

The trip generation rates used are the same as those used for the nearby residential scheme that has been approved - the trip generation has reduced to 44 AM peak hour trips and 52 in the PM peak. The applicant has distributed the generated traffic onto the local road network with and without the inclusion of the Middlewich Eastern By-Pass (MEBP), the highest percentage of traffic would travel towards Middlewich from the site without the MEBP in place as would be expected. The trip distribution changes with the MEBP in place with more trips using the By-Pass to avoid the centre of Middlewich.

No modelling assessment of junctions has been submitted with the application although it is recognised that the centre of Middlewich is congested especially the traffic signal junction at Leadsmithy Street/Kinderton Street. It is important that the MEBP is delivered so that it can alleviate the traffic congestion in the centre of Middlewich and can also allow this and the other residential development schemes to come forward.

Therefore, a financial contribution of £400,600 (£5,414 per dwelling) is sought towards the delivery of the MEBP by the Strategic Highways Manager.

### Internal Layout and Connectivity

The internal road layout is considered to be acceptable and is provided to adoptable standards. Car parking provision for each of the units is in conformity with the adopted parking standards and is provided by either off street driveway or garage parking.

The revised site design also provides a pedestrian/cycle link between Warmingham Lane and the adjacent Glebe Farm site thereby linking this site to Booths Lane by foot/cycle.

### Accessibilty

The accessibility of this area of Middlewich has assessed in determining the other adjacent applications and was considered to be acceptable in regards to sustainability, this would be considered to be the case in this application. The current site frontage onto Warmingham Lane does not have a footway, a new footway will be provided as part of this application on the frontage of the site that links with the existing footway to the north of the site.

### Middlewich Eastern Bypass Proposal (MEBP)

The DfT has confirmed a maximum 80% contribution (£46.78m) to the predicted costs of the MEBP which currently stands at £58.5m. Hence a local contribution of £11.7m is required from development identified within Middlewich in the Local Plan on the basis that the full 80% DfT funding is secured.

In application 13/3449C on the other part of the Glebe Farm allocation, the agreed Heads of Terms (HOTs) secured a contribution of £4.78m or £10,662 per dwelling.

However when the more recent Gladman proposal on the other side of Warmingham Lane (and opposite this site) was determined at Strategic Planning Board, Members resolved that a contribution of £5,414 per dwelling together with the delivery of some on site affordable housing was appropriate (the level of affordable housing approved in that case is 10%).

The developer in this case, given that similar viability issues are experienced, has therefore adopted the same precedent.

In total the contribution to the MEBP from this current development towards would be £5,414 per dwelling. This is the same as detailed in the Gladman S106 Agreement recently signed as opposed to the £10,662 per dwelling achieved on the other part of the LPS 42 allocation of this site (application 13/3449C refers).

This contribution will provide the following:

- Completion (with the other sites within the LPS42 Allocation of the Local Plan) of funding for Middlewich Eastern By-pass allowing Cheshire East Council to pursue its completion.
- The opportunity to provide other local infrastructure highway improvements if Middlewich Eastern By-pass is not completed.

The build out of this development as a whole will rely on the completion of the Middlewich Eastern Bypass or the delivery of the alternative complimentary measures which would be necessary as consequence of the traffic generated by this development

The developer is offering a funding package of £400600, which equates to £5,413 per dwelling as part of this proposal. This is slightly lower than the £5414 per dwelling sought by the Strategic Highways Manager, who has taken the precedent from the Gladman scheme to form the basis of his request in this case. The appropriateness of this contribution, without the other mitigation requests being fulfilled will be considered further in the viability section of this report.

### **Landscape and Tree/Hedgerow Impact**

As part of the application a Landscape and Visual Impact Assessment has been submitted. The assessment follows the guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge. The assessment also refers to the Cheshire Landscape Character Assessment, although it identifies this as being at the local, rather than county level. The Cheshire Landscape Character Assessment 2009 identifies the application as being located within Type 7 East Lowland Plain, specifically ELP5 Wimboldsley Character Area; the application area exhibits many of the characteristics of this landscape type.

The assessment also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this as Middlewich Open Plain, an area

that is generally flat and of medium scale with irregular fields, with clipped hedgerows and some post and wire infill fencing.

The application site is on the southern edge of Middlewich and is located to the east of Warmingham Lane. Whilst clearly building houses in the open countryside will have a landscape impact, this site is the missing piece of the jigsaw as far as allocation LPS44 is concerned, with housing approved on sites opposite and adjacent. As such the character of this area will change significantly in the near future and as such the landscape impact will change accordingly. As the site is visually very self contained behind hedges/trees its impact in any event would be reduced. It is therefore considered the landscape impact is acceptable.

## **Trees**

The application is supported by a Tree Survey and Constraints report dated 15/12/16.

The report identifies 25 trees; 15 grade A, 5 grade B, 1 grade C and 4 U. The tree constraints are plotted on a topographic survey as existing. The report does not plot or assess hedgerows in the survey.

The report concludes that the site is important for its arboricultural merit and the impact the trees have on the landscape character both in its local and wider context.

## **Hedgerows**

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The presence of a significant number of 'Important' hedgerows on the site is a material consideration. It is considered that a condition is required for the retention and protection of the significant number of Important hedgerows on this site.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The submitted FRA identifies that there is no risk from river/coastal flooding, the flooding maps and from historical flooding. However there is a high to very high risk of groundwater flooding, a low risk from surface water flooding and a risk from blockages along the water ditches on site and infrastructure failure.

The submitted FRA identifies Sustainable Urban Drainage Systems (SUDS) can be used on this site to manage storm water and run-off both to the application site and to surrounding properties. The Flood Risk Manager advises that the proposal is acceptable subject to condition.

## **Amenity**

In terms of air quality, the Environmental Health Officer has requested a condition regarding an environmental management plan for air quality and travel plan, dust control and contaminated land.

## **Amenity/privacy of existing and future residents**

For housing proposals, Saved Policy GR6 of the Congleton Local Plan requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution. Supplementary guidance in the Congleton Local Plan also indicates that a minimum distance of 13.8m from main room windows to a gable elevation should be achieved. The policy also requires 21.5m between principal elevations. In this case, the proposed flats at plots 9-16 are in excess of 50 m away from the boundary of existing properties in Inglewood Avenue. Likewise internal relationships are acceptable.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'*

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS

Middlewich is part of a Salt and Engineering Town Character Area as defined in the Cheshire East Urban Design Guide.

The Design cues for Character include:

- The physical environment is heavily influenced by transport infrastructure in larger settlements and the countryside through which they pass
- A wide variety of building styles reflecting different eras of growth
- All eras of architecture found in settlements
- Flashes, rivers, canal and field ponds dominate and influence the countryside and settlements
- Existing landscape features should be retained on site to preserve the landscape character

### Creating well defined streets and spaces

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

In this case there are a variety of house types and styles, ranging from 2 bed cottage style flats to 4 bed detached dwellings. All units are 2 storey. The positive and externally orientated perimeter dwellings are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings, giving high levels of passive surveillance.

In terms of the detailed design the proposed dwellings include brick facings as the predominate material, with some limited use of render. Hard landscaping details have not been provided but can be conditioned. Car parking is mainly off the frontage with driveways. There is some frontage parking to the smaller units, broken up by landscaping. The proposed flats contain rear parking on a private drive

The layout and scale of the site is in keeping with the semi rural nature/ transition nature of the area. The Council's Urban Designer has been extensively involved in the evolution of this layout, which is considered to comply with the Design Guide.

The overall numbers of houses are considered to be capable of being laid out in this configuration and density.

The landscape of the area is also considered to be a priority consideration in the overall design of this site. The site frontage and periphery comprise numerous hedgerow and there are a number of mature and attractive trees within the site and to its periphery.

### Connections

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

Yes - links are provided to the adjoining site which ultimately links this site with Booths Lane. Other links are created via the internal road network (itself designed to Manual for Streets) and the path through the open space/mitigation grassland running to the north of the development envelope.

### Facilities and services

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

The site is on the edge of Middlewich and is in an area allocated for residential development. Day to day facilities are within a reasonable distance.

### Public transport

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

Warmingham Lane is served by bus routes. The other housing development in this area also contain numerous requirement to improve accessibility to public transport

#### Meeting local housing requirements

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

Yes. There are 2, 3, 4 and 5 bed units catering for all housing needs

#### Working with the site and its context

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

The majority of the hedgerows on site would also be retained, grassland and planting has also been provided.

#### Car parking

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

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

#### Public and private spaces

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

There is a corridor of open space within the site which will link into future open space in the other part of the LPS 42 allocation. This would be well-overlooked as would the larger area of open space to the east of the site. It is considered that the development would create an attractive and safe area of public open space.

#### External storage and amenity space

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

The submitted plan shows that all units (except cottage style flats) on the proposed development would have private amenity space with rear access. Cottage style units do not have any garden space but do adjoin the linear POS to the northern part of the site. There is adequate space for future flat occupiers to store bins. A condition is required for bike storage

#### Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

#### **Ecology**

Congleton saved Local Plan Policy NE. 3 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where



development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- Facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

### Badgers

The last badger survey of the site appears to have been undertaken in September 2015. Whilst the site was subject to a further ecological survey in June 2017 the report of this survey does not provide any detail of badger activity on the site. A further survey will be required by condition prior to any development occurring.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. Conditions should be attached to ensure gaps are left in boundaries for hedgehogs to move around

### Hedgerows

Hedgerows are a Priority habitat and hence a material consideration. In addition 2 Hedgerows on site have been identified as being Important under Hedgerow Regulations.

Based upon the submitted indicative layout plan it appears likely that there would be some loss of hedgerow, including a section of Important hedgerow, resulting from the proposed development.

It is therefore necessary to ensure appropriate compensatory native species hedgerow planting needs to be incorporated into any detailed design produced at the reserved matters stage. This can be conditioned.

### Roosting Bats and trees

A number of trees have been identified on site that have potential to support roosting bats. Based upon the illustrative master plan it appears feasible for all of these trees to be retained as part of the development of the site. However, if any of the identified trees are to be lost at the detailed design stage then a detailed bat survey will be required.

To avoid any adverse impacts on bats resulting from any lighting associated with the development, any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK- bats and the built environment series, (Bat Conservation Trust, 2009).

### Nesting Birds

The application site is likely to support nesting birds possible including the more widespread Priority species. A condition should be attached requiring the submission of features for nesting birds as part of any future reserved matters application.

### Habitat Management Plan

If planning permission is granted a condition should be attached which requires the submission of a 10 year habitat management plan in support of any future planning application.

### SSSI

The application site is approximately 900 metres from the Sandbach Flashes SSSI. In this case Natural England has advised that there is not likely to be an adverse effect on the SSSI and that based on the supplemental information provided to them directly by the applicant's ecologist, they have no objection to the proposal. The impact upon the SSSI is therefore considered to be acceptable.

Great Crested Newts have been recorded at a number of ponds both within and near to the application site. In the absence of mitigation the proposed development would have an adverse impact upon this species through the loss of a significant area of low value terrestrial habitat, the isolation of existing ponds and the risk of any newts present on site being killed or injured during the construction process.

In order to mitigate the potential impacts of the proposed development, it is proposed to remove and exclude newts from the footprint of the proposed development using standard best practice methodologies. The loss of terrestrial habitat will be compensated for through the creation of an area of enhanced terrestrial habitat accessible to newts associated with a number of ponds and the creation of an additional pond on site.

Great Crested Newts occur within the site. The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### Overriding public Interest

The site is an adopted housing allocation (LPS42) on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Middlewich Eastern by-pass. It is therefore considered that its development is of overriding public interest. With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town.

The proposed mitigation and compensation is acceptable and is likely to maintain the favourable conservation status of the species.

### **Impact upon the Hazardous Installation**

A brine pipeline runs across the application site and links into the other part of the Glebe Farm site which comprises all of the strategic allocation. In this case the Health and Safety Executive have been consulted and the consultation period has not lapsed at the time of writing the report

The proposed layout does not incur any built development into the easement for the Pipeline. The proposal at the other part of the Glebe Farm site resulted in no objection being raised by the HSE in relation to this hazardous installation or other hazardous installations in the area. It is therefore not anticipated that the HSE will raise concerns, however, the statutory consultation period needs to be adhered to.

### **Archaeology**

The Councils Archaeologist has considered the application and supporting report and considers that the issue of archaeology needs no further assessment.

## **ENVIRONMENTAL ROLE - CONCLUSION**

The CELPS, in allocating the site for residential development, has accepted the site as being accessible. The proposal will also provide for a pavement on Warmingham Lane to enable foot access to the local centre. Warmingham Lane is also a National Bike Route.

The revised housing layout, which has resulted in a reduction in numbers of houses from the 90 as originally submitted to the 74 now applied for is considered to comply with the requirements of the Residential Design Guide.

Subject to conditions, the proposal will have an acceptable impact upon design, drainage, ecology, trees and hedgerows.

The proposal provides for a significant contribution to the Middlewich Eastern By-pass, which upon delivery will ease congestion, improve air quality and add environmental benefits to the wider area of Middlewich.

Subject to the suggested S106 matters and conditions therefore this proposal is considered to be environmentally sustainable.

## **SOCIAL SUSTAINABILITY**

### **Public Open Space**

The indicative layout shows that an area of POS would be provided to the northern part of the site (0.7 Ha). In reality this is a Brine Easement and can not be developed. The Open Space Officer has stated that if the development is approved there would be a deficiency in the quantity of provision and the requirement for the site is 1480sq.m. The area shown on the indicative plan is @7000 sqm this is an over-provision of 5820sqm (despite the inclusion of a wetland area). Therefore the amount of open space to be provided is acceptable. It should also be noted that this greenspace will link into the linear park indicated as POS on the adjoining part of the this allocation as detailed in permission

In terms of children's play space, the Public Open Space Officer has also advised that the provision of the LEAP and NEAP on the adjoining part of the Glebe Farm allocation is adequate to cater for the future circumstances of this site.

The open space on site would be managed by a management company and this would be secured as part of a S106 Agreement.

The Greenspace Officer notes that the Arboricultural Impact Assessment and landscaping plans identifies several trees that are to be felled as a result of the development.

If it is impossible to retain these, she requests consideration is given to recycle the trees on site in the form of artwork and/or informal seating if tree condition allows. This could give the

development a unique 'sense of place' and has the potential to link up with the other part of the site's LPS42 strategic site allocation.

## **Affordable Housing**

The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units.

The SHMA 2013 shows the majority of the demand in Middlewich per year until and including 2018, are for 26x 1 bedroom, 22x 2 bedroom and 8 x 3 bedroom General Needs dwellings. The SHMA is also showing a annual need for 4x 1 bedroom and 4x 2 bedroom Older Person dwellings. These can be via Flats, Cottage Style Flats and Bungalows.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 412. This can be broken down to 180x 1 bedroom, 134x 2 bedroom, 64x 3 bedroom and 34x 4+ bedroom dwellings. On this site a mix of 1, 2, 3 general needs plus 1 and 2 bedroom older person's dwellings would be acceptable.

14 units should be provided as Affordable rent and 8 units as Intermediate tenure.

The Affordable Housing Officer has accepted that if viability issues are proven in this case, then he raises no objection to a reduced affordable provision. In these circumstances he has requested that an overage clause be imposed within any S106 Agreement to claw back values to affordable housing should values increase on this site.

The applicant, however, has provided a Viability Assessment that concludes that the site can provide no more than 8 Affordable Dwellings together with the contribution to the MEBP. The 8 dwellings (11%) proposed are all to be rented accommodation and a Registered Housing provider has made an offer on these units.

The limited values that can be achieved in Middlewich will have an impact upon viability of provision if social housing is to be provided as well as the significant contribution to the Middlewich Eastern By-Pass.

Policy SC5 of the Local Plan Strategy allows for viability issues to result in alternative provision of affordable units. This may result in a lesser amount of affordable units or a different distribution of tenure on a site. Likewise, when circumstances change on a site the policy also allows for overage to form part of the S106 Agreement.

Clearly, the lack of a policy compliant level of social housing provision is a social disbenefit of this scheme which will need to be assessed as part of the planning balance.

## **Education**

The development of dwellings is expected to generate:

$13 \times £11,919 \times 0.91 = £141,002.00$  (primary)

$11 \times £17,959 \times 0.91 = £179,770.00$  (secondary)  
 $1 \times £50,000 \times 0.91 = £45,500.00$  (SEN)  
Total education contribution: £366,272.00

The development is expected to impact on both primary school and secondary 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

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 Service acknowledges that this is an existing concern, however the 1 child expected from application will exacerbate the shortfall. The 1 SEN child who is thought to be of mainstream education age has been removed from the calculations above to avoid double counting.

To alleviate forecast pressures, a total education contribution of £366,272. Without this financial mitigation, Childrens Services object. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 13 primary children, 11 secondary children and 1 SEN child would not have a school place in Middlewich without those places being funded by other sources.

The developer is not offering any contribution to education for viability reasons. This is a social disbenefit of this scheme which will need to be assessed as part of the planning balance.

## **Health**

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that both local medical centres are operating at capacity and therefore to accommodate the future residents put forward, both Waters Edge and Oaklands Medical Practises will need to be developed to support their ability to provide the expected level of primary care facilities in Middlewich.

The mitigation requested is £76,896, based on the following formula

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

Based on a proposed 74 dwellings with a varying housing mix and following the above formula, an estimate is as follows:

Housing:

2 bed unit x 13	£9,360
3 bed unit x 37	£37,296
4 bed unit x 24	£30,240
<b>Total</b>	<b>£76,896</b>

The developer is not offering any contribution to local health care for viability reasons. This is a social disbenefit of this scheme which will need to be assessed as part of the planning balance.

## Viability

The developer has offered a contribution to the MEBP (£400,600) and 8 residential units as affordable rented properties (11%) a viability appraisal has been provided in support of the application. The crux of appraisal submitted is that this scheme would be unviable with all contributions sought were imposed upon the development.

The NPPF, when considering viability as a material planning issue, states as follows:

*'Where up to date policies have set out contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the Applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances of the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance...'*

In accordance with the planning policy SC5 of the CELPS, the Viability Appraisal submitted in support of this application has been independently assessed on the behalf of the Council by Gerald Eve (GE). Gerald Eve is acting for the Council and has advised that the Viability evidence submitted is fully in accordance with the requirements of the updated NPPF and National Planning Guidance.

As part of this application there have been a number of requests for contributions from the relevant consultees and these are summarised as follows:

Item	Contribution
Education	£366,272
NHS	£76,896
Indoor Sports and Recreation	£13,000
By Pass	£400,600
Public Open Space	£90,886
<b>Total</b>	<b>£947,645</b>

The viability information indicates that 11% on site affordable housing provision can be provided with the £400,600 contribution to the by pass.

No education, health, open space or sport contribution can be sustained whilst ensuring that the site will still be viable.

The Gerald Eve independent assessment of the viability information concurs with the information submitted by the Applicant.

Viability is a material planning consideration and the benefits of the scheme to the bypass, together with the reduced affordable housing provision (which match the precedent set by Strategic Board on the Gladman site opposite) . , are factors that are considered to outweigh the lack of health, education, sport and open space contributions, in the planning balance, particularly as a robustly tested viability position have been undertaken by the Councils independently appointed consultant and supports the reduced provision in this case.

## Planning Balance and Conclusion

Paragraph 11 of the NPPF advises that planning decisions should apply the presumption in favour of sustainable development and this means that proposals that comply with an up to date development should be approved without delay.

In this case, the development is part of a planned release of development in accordance with adopted CELPS policy LPS42 Glebe Farm and would provide 68 market housing units and 8 (11%) affordable units only as the viability information provided strongly indicates that the provision of the a contribution to the Middlewich Eastern Relief Road of £400,600 total) and the affordable housing (11%).

This financial contribution to the link road and level of on site affordable housing is all that this site can sustain without adversely affecting the viability of provision to such an extent that any education/health/sport and open space mitigation payments would render the scheme unviable.

The proposal, by virtue of the contribution proposed to the Link Road would contribute to environment arm of sustainability in a significant manner. The proposal would also have additional economic benefits in terms of jobs in construction, spending within the construction



industry supply chain and spending by future residents in local shops. However, the significant economic benefit is considered to be the contribution the proposal makes to the By-pass and those knock on benefits that the By-pass would bring to the town and wider area as a whole.

Subject to a Section 106 package and appropriate conditions, the proposed development would include the requirement for the future maintenance of the open space on site.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding/ drainage/design/ecology/trees/hedgerows.

The site was fully assessed when allocated as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities.

The negative impacts to social sustainability in terms of the inability of the site to deliver the full 30% affordable housing, or any contribution to health, education, sport and open space contributions is regrettable and these are undoubted costs to the community, however, on balance it is considered that the benefits to the economic and environmental conditions of this area by virtue of the contribution this proposal makes to the by-pass, together with the reduced amount of affordable housing, outweigh that harm.

## **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.

If it is determined that, based on the viability issues arising, that a reduced contribution to affordable housing would be directly related to the development and would be CIL compliant.

The development would result in increased vehicular movements to the site and the surrounding road network within Middlewich suffers from serious congestion problems. Due to the increased vehicular movements it is considered that a contribution will be required to mitigate this impact and without this the development would be unacceptable. The contribution to the MEB is considered to be directly related to the development and fair and reasonable.

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

## **RECOMMENDATION**

**Delegate to the Head of Development Management, in consultation with the Chair of SPB pending the completion of the consultation period for the HSE, to approve subject to the following Heads of Terms**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable housing including Overage clause</b>	11%	50% upon 1 <sup>st</sup> occupation. 50% at occupation of the 43 <sup>rd</sup> unit
<b>Contribution to Middlewich Eastern Relief Road</b>	£400,600	Phased contributions with 40% upon 1 <sup>st</sup> occupation of the 1 <sup>st</sup> dwelling; a further 30% upon occupation of the 40 <sup>th</sup> unit; remainder payable upon occupation of 60 <sup>th</sup> unit
<b>Management Company to maintain all open space in perpetuity (including, inter alia, general amenity openspace, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).</b>		Upon occupation

**And the following conditions**

- 1. Commencement**
- 2. Plans**
- 3. Submission of materials – notwithstanding details submitted**
- 4. Prior to occupation the provision of a frontage footway on Warmingham Lane as indicated on Dwg VN70839-102 to be implemented**
- 5. Removal of permitted development rights – means of enclosure forward of building line**
- 6. The developer shall agree with the LPA an Environmental and Construction Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation/ pile driving methods and hours of pile driving / storage of materials/car parking for workers/compound . The plan shall be implemented and enforced throughout the construction phase.**
- 7. Imported soil**
- 8. Unforeseen contamination**
- 9. Development to be undertaken in accordance with Flood Risk Assessment (FRA) (3870/FRA/Final/v1.2/2018-09-03, v.1.2 by Weetwood) dated September 2018**
- 10.No development shall take place until a overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing any overland flow routes for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the designs storm period and intensity (1 in 30& 1 in 100 (+% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.**
- 11.existing and proposed levels, inc FFL**
- 12.Electric vehicle charging**
- 13.Raft/ ring beam Foundations as detailed in Wardell Armstrong Drawing No. LE13532-005.**

14. Tree and hedge protection – non standard
15. Arboricultural Method Statement
16. Tree Retention
17. Drainage/services layout for trees
18. Non –standard construction trees
19. Residential travel packs
20. retention and protection of hedgerows.
21. scheme to link site with adjoining development of Glebe Farm allocation
22. Phasing of development to form part of 1<sup>st</sup> reserved matters
23. Superfast broadband provision
24. Hedgehog Gaps
25. bird nesting season
26. Updated badger survey
27. features for breeding birds/bats
28. strategy for the safeguarding and enhancement of invertebrate habitat.
29. Bike store for flats
30. environment/highways management plan for construction phase

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
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