

Application No: 12/2685C

Location: LAND OFF, WARMINGHAM LANE, MIDDLEWICH

Proposal: Outline application with some matters reserved for proposed residential development of up to 194 dwellings, site access, highway works, landscaping, open space and associated works

Applicant: Gladman Developments Ltd.

Expiry Date: 12-Oct-2012

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Section 106 legal agreement to secure the following:-

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £124,517 towards secondary school education**
- 4. Highways contribution**

MAIN ISSUES

Impact of the development on:-

**Principal of the Development
Planning Policy and Housing Land Supply
Renewable Energy
Landscape
Affordable Housing
Highway Implications
Amenity
Trees and Hedgerows
Design
Ecology
Open Space
Education
Flood Risk and Drainage
Agricultural Land
Archaeology
Other**

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure to the Congleton Borough Local Plan.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Warmingham Lane within the open countryside as defined by the Congleton Borough Local Plan. The site is relatively flat and L-shaped. The site is undeveloped agricultural land which is bound by native hedgerows and trees. To the north and east of the site are residential properties of varying sizes and styles which front onto Warmingham Lane, Byron Close, Davenham Way and Ashton Close. To the south of the site is an access track which serves Pettywood Farm.

2. DETAILS OF PROPOSAL

This is an outline planning application for up to 194 dwellings (35 dwellings per hectare). Access is to be determined at this stage with all other matters reserved.

The access point to serve the site would be taken off Warmingham Lane. The site would include the provision of 30% affordable housing, a LEAP, the creation of balancing ponds, 1.59 hectares of public open space which will encompass habitat creation, informal open space and new footpaths. The majority of the POS would be located centrally within the site.

The development would consist of 2 to 5 bedroom units which would have a maximum height of up to 2.5 storeys.

3. RELEVANT HISTORY

12/0883C - Outline Planning Application for Proposed Residential Development of Up to 194 Dwellings, Site Access, Highway, Landscaping, Open Space and Associated Works – Appeal Lodged for non-determination

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential 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
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Draft Middlesbrough Town Strategy Consultation

5. CONSULTATIONS (External to Planning)

Environment Agency: The Environment Agency has no objection in principle to the proposed development but made the following comments.

The site is shown on the EA Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding. The Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be restricted to greenfield run-off rates. The FRA also explains that the attenuation is to be provided by storage/detention ponds, with final discharge to an existing surface water sewer. This is acceptable in principle. The amount of attenuation required for up to the 1% annual probability event, is to be increased for climate change. Therefore, the following conditions should be attached to any permission:

- A scheme to limit the surface water run-off from the site
- A scheme to manage the risk of flooding from overland flow

United Utilities: No comments received as part of this application but as part of the last application they stated:

'no objection; the site must be drained on a separate system with only foul drainage connected into the foul sewer. Several public sewers cross the site and United Utilities will not permit building over them'

Strategic Highways Manager: There are identified traffic impact issues at certain junction locations that this development would affect through additional traffic. On balance it is considered that this impact can be mitigated by providing a package of improvement measures at the site and to specific junctions on the A54 corridor serving the town centre, which would benefit all road users. Such a package of measures would need to reflect on the status of proposed strategic highway improvement, Middlewich Eastern Bypass should it come forward. In addition, a scheme to address speed reduction/safety measures can be implemented in the vicinity of the site.

There are no objections to the application subject to S106 contributions as set out below:

- £56,560 for traffic/speed reduction measures
- £33,000 for bus passes
- £622,160 to wider highway and transport improvements to benefit all road users on the following corridors; to Middlewich town centre, along the A54 towards M6 J18.

Environmental Health: No objections subject to conditions relating to construction hours, piling hours, noise mitigation measures, contaminated land and an environmental management plan

Public Open Space: Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Following an assessment of the existing provision of Children and Young Persons Playspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. According to the design and access statement this equates to an area of 0.04 Ha. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The final layout and choice of play equipment should be agreed with CEC, and the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing, prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Natural England: As part of the last application they stated that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils. The proposal is not EIA development.

Public Rights of Way: The development does not appear to affect a PROW.

Archaeology: Mitigation should consist of a supervised metal detector survey, followed by a targeted watching brief in any areas where concentrations of material are located. This can be secured through the use of a planning condition.

Sustrans: If this land use is approved by the council's planning committee, the following comments should be taken into account:

- National Cycle Network Route 5 follows Warmingham Lane into Middlewich. Beyond the town this is a rural minor road, in the town a residential road. Sustrans would like to see the developer contribute to physical measures on the road to reduce speed and the intrusion of motor traffic, and to alter the feel of the road with selective landscaping.
- There should be several access points from the proposed development on to Warmingham Lane for pedestrians/cyclists, in addition to the main road entry.
- If adjacent land is earmarked for development, the layout of this estate should allow for future pedestrian/cycle connections.
- The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- Travel planning with targets and regular monitoring should be set up for the site.

Cheshire Brine Board: The Cheshire Brine Board have considered the application and recommend that the proposed housing should incorporate raft foundations, as recommended in the Phase 1 report submitted by the applicant.

Education: As part of the last application, the education department stated that:

'At present there is sufficient provision within the local primary schools to accommodate the 31 primary school pupils which will be generated by this development.'

There is also a small amount of surplus at Middlewich High School to accommodate the 25 secondary aged pupils which will initially be generated by this development. The concern is that these pupils will soak up the surplus capacity at Middlewich High School.

The pupil yield which is applied to calculate the anticipated number of pupils to be generated is based on an average number of pupils per household. We then include the pupils generated into our projections and assume that all of the pupils will be accommodated in the schools in 5 years. The concern in this instance is that once the 25 High School places have been incorporated into our projections by 2016 this leaves only 23 surplus places throughout the entire school. Given that we are expecting this development to generate some additional 31 primary aged pupils then ultimately these will filter into the high school because Middlewich High School is the only High School within the 3 mile radius of the development therefore it seems fair that these are also added. This would mean that long term Middlewich High School is oversubscribed.

To quantify this I have taken the position in 2016 as having 23 surplus places, take from this the projected 31 primary pupils this means that there is a shortage of 8

places therefore the contribution sought is $8 \times 17,104 \times 0.91 = £124,517$ towards secondary provision'

Cheshire Wildlife Trust: As part of the last application the Cheshire Wildlife Trust stated that;

- The application was accompanied by an Ecological Appraisal by FPCR, which appears to have addressed the most likely ecological issues arising from the development of this greenfield site*
- The loss of semi-improved grassland is potentially important due to the relative scarcity of this habitat in Cheshire. Proposals for planting open space should aim to reinstate as much flower-rich grassland on the site as possible and manage it appropriately.*
- The hedges are of some inherent value because they consist of native species. They also provide very good foraging corridors for moderate numbers of up to 4 species of bats. For this reason they are, in the context of this location, of good ecological value and should, as recommended, be retained within wider corridors. This will involve protection during construction, followed by replanting as necessary and appropriate management. Proposals for protection and retention and details of long-term management should be a reserved matter following outline planning permission, if granted. Detailed proposals for bat-friendly lighting must also be submitted as a reserved matter for approval.*
- Similarly, badger re-surveys prior to starting work on site, and nesting bird surveys, should also be reserved matters, with details of avoidance measures to be submitted as required.*
- The Ecological Appraisal refers to the need for additional Great Crested Newt Surveys. These can be undertaken now, and results should be made available as soon as possible so that the suitability of proposed mitigation proposals can be confirmed. Again the follow-up GCN surveys, results and required mitigation should be a reserved matter following OPP. If possible, the results should be made available prior to determination.*
- Apart from the provision of new ponds and native planting – plans for which should be submitted for approval as reserved matters – the development should also provide new bird nest boxes for a range of species, bat roosting boxes and (subject to detailed recommendations from the ecologists) barn owl boxes at the western/southern edges of the site.*

Ramblers Association: No comments received at the time of writing this report

6. VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: Recommend refusal of this application. It is premature, and in advance of the Cheshire East Local Development Framework and the conclusion of the Neighbourhood Planning process.

- The two developers with an interest in development off Warmingham Lane have clearly not worked together to provide a coherent plan to address the implications of their combined proposals for this area of Middlewich.*
- The comments from the Strategic Highways Manager on this application give great cause for concern. The need for an access strategy, sustainable transport links and public transport*

provision, in addition to pedestrian access to the development site all remain outstanding as key issues and in need of resolution.

- Furthermore, Middlewich Town Council requires the following issues to be addressed in consideration of this application, in the event of future approval by the Strategic Planning Board:
 - Significant financial contribution to the Middlewich Eastern By Pass
 - Investment in the Public transport network, to support extension to the bus service routes
 - Investment in pedestrian walkways, pathways and connectivity to the canal towpath to provide a green and safe route to the town centre
 - Commuted sum for installation and maintenance of play area and Public Open Space within the development site or surrounding area
 - Inclusion of amenities within the area, to include medical/dental facilities, community meeting area and additional retail facilities
 - Detailed analysis of the traffic impact on the through routes to Middlewich and Sandbach Town Centres and the implications for access and weight of traffic to Junctions 17 and 18 of the M6 Motorway
 - Potential for investment in Regeneration schemes in the Town Centre, in particular Town Wharf via S106 and CIL.

It is requested that Middlewich Town Council is involved at an early stage of discussions with the developer

Moston Parish Council: No comments received.

Warmingham Parish Council: No comments received but as part of the last application they stated that;

‘Warmingham Parish Council is very concerned that the volume of traffic through the village will increase considerably as a direct result of this development, adding to current road safety issues.

As part of the Core Strategy Cheshire East has made Crewe a special commercial and employment development area and consequently traffic between new housing developments and Crewe is likely to result.

Warmingham village is a primary route between Middlewich and Crewe. Warmingham Parish Council would request that some S106 money be provided to help road safety and highway improvement schemes in Warmingham. Warmingham Parish Council note that in Gladman’s traffic assessment no mention is made of the staggered crossroads at the junction of Dragon’s Lane/Tetton Lane/Whitehall Lane and this proposed development would result in significant traffic increases at this junction’

7. OTHER REPRESENTATIONS

Letters of objection have been received from 18 local households raising the following points;

Principal of development

- The site is outside the settlement boundary
- The proposed development is not sustainable
- The proposal does not comply with the interim planning policy on the release of housing land
- The proposal is too large for Middlewich

- As part of the Fox appeal in Sandbach the SoS stated that the brownfield sites should be prioritised.
- Approving this development would prejudice the new local plan
- New tests to decide whether development is sustainable will be included within the new local plan
- Granting planning permission will allow for large areas of land to be developed in an adhoc manner
- No employment in Middlewich
- The site is not sustainable and is too far from local amenities
- Increased pressure on the stagnant housing market in Middlewich
- There are much better sites within other towns in Cheshire East
- Loss of Green Belt
- There are no facilities within Middlewich such as a train station and no swimming pool
- There are brownfield sites available within Middlewich
- There is no requirement for additional housing in Middlewich
- There is no employment within Middlewich
- The Middlewich Town Plan should be agreed first
- Existing planning permissions will meet the need in Middlewich
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl
- The proposal would pre-empt another application
- The Travel Plan is worthless
- The 5 year housing land supply should be provided around Crewe
- Impact upon the character and appearance of the area
- Approving this application would impact upon sites on previously developed land (Fodens Factory, Rookery Bridge and Albion Chemicals)

Highways

- No large scale development should be allowed until the Bypass is completed
- Warmingham Lane is in a poor condition
- Increased traffic congestion
- Impact upon highway safety
- Poor public transport
- Increased danger to cyclists and pedestrians
- Lack of pedestrian access to the site
- Dangerous site access
- The site will dependent on people using their cars

Green Issues

- Loss of green land
- Impact upon wildlife
- Impact upon protected species
- Impact upon Great Crested Newts which are within 250 metres of the site
- The impact upon bats which use the site
- Loss of hedgerow
- There would be a high landscape impact as a result of this development
- Increased pollution

Infrastructure

- Increased pressure on local schools
- The local schools are full to capacity
- Lack of shops in the town
- Doctors and dentists are full
- Lack of amenities in Middlewich
- There is no train station in Middlewich
- There is little in terms of leisure facilities
- There is no suitable recreational facilities for families with children/teenagers

Amenity Issues

- Loss of a view
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Impact upon privacy
- Overlooking
- Increased light pollution
- Loss of outlook for properties on Davenham Way

Other issues

- Loss of property value

A letter of objection has been received from Fiona Bruce MP raising the following points;

- The above planning application is a source of great concerns amongst many residents in Middlewich
- When considered in conjunction with application 12/2584C there is a possibility of 343 new houses being built in close proximity to existing residents
- The infrastructure in Middlewich would not be able to cope with the extra demands that the proposed development would create. Too many houses have been built in the area and there is simply no demand for further development at this time.

A letter of objection has been received from Harris Lamb on behalf of Bovale Limited raising the following points;

- There are more sustainable and better located sites around Middlewich with better connectivity to employment land, the town centre and the highways network. For example land off Booth Lane is much better situated
- Bovale Ltd owns a large Greenfield site to the south of Booth Lane which is adjacent to the settlement boundary and has pedestrian access to Midpoint 18, Middlewich and Sandbach. A series of technical reports have been undertaken and these do not identify any technical reasons that would prevent the site coming forward for employment purposes.
- The application site is L shaped and would sever land from the surrounding fields leaving it isolated. The site will appear isolated from the Middlewich Settlement Boundary and would have a poor visual relationship.
- There are no links to the surrounding residential development
- There should be good connection to the Bellway site. It would be premature for the site to come forward before the Bellway site
- There is inappropriate highways information submitted with the application.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Gladman Developments Ltd)
- Design and Access Statement (Produced by Gladman Developments Ltd)
- Transport Assessment (Produced by Ashley Helme Associates)
- Travel Plan (Produced by Ashley Helme Associates)
- Ecological Report (Produced by Gladman Developments Ltd)
- Archaeology Report (Produced by Oxford Archaeology North)
- Landscape and Visual Assessment (Produced by Gladman Developments Ltd)
- Arboricultural Report (Produced by Gladman Developments Ltd)
- Air Quality Assessment (Produced by Wardell Armstrong)
- Flood Risk Assessment (Produced by Gladman Developments Ltd)
- Agricultural Land Quality Report (Produced by Land Research Associates)
- Noise Assessment (Produced by Wardle Armstrong)
- Statement of Community Involvement (Produced by Gladman Developments Ltd)
- Utilities and Infrastructure Report (Produced by Gladman Developments Ltd)
- Phase 1 Site Investigation Report (Produced by Johnson Poole & Bloomer)
- Renewable Energy Statement (Produced by Gladman Developments Ltd)
- Affordable Housing Report (Produced by Levvel Ltd)
- Socio-Economic Report (Produced by Regeneris)
- Historic Hedgerow Assessment (Produced by CGMS Consulting Ltd)
- S106 Heads of Terms

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. Consequently, the current shortfall in housing land will be largely remedied within the coming year or so. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

Although this proposal does not comply with the size requirements of the Revised IPP in this case Middlewich has produced a draft town strategy. The draft Middlewich Town Strategy underwent a

four week consultation between the 2nd March and 2nd April 2012. Initial analysis of responses to this consultation indicates that 37% of respondents support development of the site; 32% of respondents oppose development of the site; and 32% of respondents did not answer the question.

The Town Council approved the final version of the Town Strategy on 4th July 2012. The Strategy states that in terms of housing Middlewich should deliver in the region of 1,600 new homes by 2030. The potential housing sites are then ranked of preference for development with the application site being ranked fifth out of eight sites (subject to the creation of a link road from the A533 through the site). To deliver the projection of 1,600 homes it is considered that it would be necessary to develop this site, as the sites ranked 1 – 4 would not achieve the 1,600 dwellings.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view the site is within the open countryside and would not be in accordance with the local plan, the proposal would locally harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. The Inspector stated that;

'General Principles also indicates that applications should not be refused on the sole ground of prematurity and, taking account of Government advice, there is little justification for delaying a decision or, as the Council suggest, for considering other sites that the Council contend offer increased levels of sustainability'

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is being considered as part of the Middlewich Town Strategy. Whilst the final shape of that strategy is yet to be finalised, and it can therefore only be afforded limited weight, the majority of respondents were in favour of development on this site.
- The release of Greenfield sites is required for Middlewich to achieve 1,600 new homes by 2030
- The Cuddington Appeal in Cheshire West and Chester and the Loachbrook Farm Appeal at Congleton indicate that significant weight should be applied to housing supply arguments.
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate development should be restricted."*

Overall, housing supply is a very important consideration in the determination of this application and must be given considerable weight. On balance, it is considered that the principle of the scheme is acceptable and that it accords with the Middlewich Town Strategy. The application turns, therefore on whether there are any significant and demonstrable adverse effects, that indicate that the presumption in favor of the development should not apply and this is considered in more detail below.

Location of the site

The draft Middlewich Town Strategy also underwent draft Sustainability Appraisal which is informed by an Accessibility Assessment of the site. This indicates that the site benefits from good access to a range of open spaces and employment opportunities. It also has access to a transport node. However, a range of key amenities and some forms of public transport are outside the maximum recommended distance.

The accessibility of the site shows that following facilities meet the minimum standard;

- Amenity Open Space (500m) – 311m
- Children's Play Space (500m) – 311m
- Supermarket (1000m) – 544m
- Post office (1000m) – 573m
- Bank/Cash Point (1000m) – 573m
- Public House (1000m) – 544m
- Bus Stop (500m) – 400m

The following facilities fail to meet the minimum standard

- Convenience Store (500m) – 544m
- Post Box (500m) – 573m
- Primary School (1000m) – 1324m
- Child Care Facility (nursery or crèche) (1000m) - 1323m

Significant Failure to meet the minimum standard

- Outdoor Sports Facility (500m) – 1000m
- Pharmacy (1000m) – 2707m
- Secondary School (1000m) – 2289m
- Medical Centre (1000m) - 2697m
- Leisure Facilities (leisure centre or library) (1000m) – 2203m
- Railway Station (2000m where geographically possible) – 5154m
- Public Right of Way (500m) – 838m

It is considered that in this case that the site is sustainably located and that the site is acceptable for development.

Renewable Energy

The Interim Planning Policy on the Release of Housing land requires a high quality development to Code for Sustainable Homes Level 4.

In relation to renewable energy there are two options; a Solar Photovoltaic System or Solar Thermal Panels. Both would achieve the 10% renewable energy target contained within Policy EM18. The final details for renewable would be determined at the reserved matters stage.

Landscape

The 'L' shaped application site is to the south of Middlewich and to the west of Warmingham Lane. The site is currently agricultural land that covers two fields and has a network of hedgerows and a number of mature hedgerow trees. There is residential development to the north and east. To the west agricultural land slopes down to the River Wheelock. To the south beyond a track to Pettywood farm lies further agricultural land.

As part of the application a Landscape and Visual Assessment has been submitted. This correctly identifies the baseline landscape of the application site and surrounding area.

The appraisal, that the site has a fringe character to the local landscape with a low sensitivity to change, is accepted. As an outline application, the visual impacts of the development can only be assessed in relation to the Illustrative Master plan. The visual assessment indicates that as visual receptors, the residential properties on Warmingham Lane and properties to the north of the site would have moderate adverse impacts initially, reducing to slight adverse as proposed boundary planting matures.

The development would significantly change the character of the site. However, the Illustrative Masterplan indicates that a landscape framework could be created to assist in the assimilation of the site into the surrounding landscape and provide nature conservation benefits. In the event of approval, comprehensive landscape conditions would be appropriate.

Affordable Housing

As the site is located outside of the settlement boundary of Middlewich, the developer will be required to deliver a high quality, well designed development, with a minimum of 30% of the housing being affordable, in accordance with the Interim Planning Statement on Affordable Housing. This percentage relates to provision of both social/affordable rent and/or intermediate housing as appropriate. Normally the Council would expect a ratio of 65/35 between social/affordable rent and intermediate housing.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the proposed development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Middlewich, there

is a requirement for 57 new affordable units per year, made up of a need for 13 x one bed units, 8 x two bed units, 30 x three bed units and 6 x one/two bed older persons units.

Therefore, as there is affordable housing need in Middlewich, there is a requirement that 30% of the total units at this site are affordable. This equates to up to 58 dwellings. The Affordable Housing IPS also 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 affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

As this application is an outline application there are no further details about the affordable housing provision. The applicant will be required to submit details of their proposed affordable housing scheme at the first reserved matter stage and should include details of the affordable housing scheme, including the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

Highways Implications

Although the application is in outline form access is to be determined at this stage. The application proposes a simple priority junction to the development from Warmingham Lane, close to the location of the existing change in speed limit from the national speed limit. A Road Safety Audit has been submitted in support of this application. Although traffic speeds in the location are in excess of 30mph, it is considered that the relocation of the speed limit and a suitable traffic and speed management scheme with accompanying gateway feature would have a significant calming effect on speeds when accompanied by the urbanization effect of the residential proposals of this and the adjacent site.

The applicant has presented a preliminary solution as to how a suitable traffic and speed management scheme might be achieved along the length of Warmingham Lane in the vicinity of the proposed site access points to both developments. A scheme should be implemented that reduces traffic speeds to an acceptable level at both site access points. A mechanism needs to be agreed to how these works are funded by the prospective developments. This could be via a contribution to a scheme undertaken by the Highway Authority and the costs should be shared pro rata by each developer (i.e. this applicant would pay 56.56% or £56,560 of this total). If however, the Strategic Planning Board were minded to approve one of the applications then an alternative solution would need to be considered.

The highways officer has expressed concern regarding a large existing tree to the north of the site access with overhanging branches that may potentially obstruct visibility from the site access. Any overhanging branches shall be cut back prior to construction and an agreement is required into to provide a suitable maintenance sum to maintain this tree in the public highway.

There are two bus services which can be accessed to the north of the site. These are:

- Hourly service (daytime weekday) Crewe-Leighton Hospital-Middlewich-Holmes Chapel-Congleton
- Half-hourly service (daytime weekday) Crewe-Sandbach-Winsford-Northwich

The highways officer considers it appropriate that the applicant provides an appropriate contribution to encouraging bus use by any future residents. One option could be the use of vouchers to the initial owner of each household of the site for the purchase of public transport season tickets to the value of a 3-monthly season ticket (3 x 4-weekly pass totals £170.10). It is also considered appropriate that the applicant provides one of two bus shelters in the location of existing stops at Cross Lane for service number 37 (the other shelter to be provided by the Gladman, the Applicant for the adjacent development proposal).

The poor operation of existing town centre junctions and the route towards M6 J18 has been a constraint upon development in Middlewich for some time. Recently funds have been identified that should bring forward the delivery of the Middlewich Eastern Bypass, which would relieve the key town centre junctions up to Leadsmithy Street. That funding is, in part, dependent on development coming forward and there are therefore potential risks to its availability in the near future.

In support of this application, a Transport Assessment has been produced and the following junctions have been considered;

- Site/Warmingham Lane
- Warmingham Lane/Cross Lane
- Warmingham Lane/Long Lane South
- A533/Long Lane South
- A533/Cross Lane
- A54 Kinderton Street/A533 Leadsmithy Street
- A530 Nantwich Road/A54 Chester Road
- A54 Chester Road/A530 Croxton Lane
- A54 Middlewich Road/A533 Bostock Road
- A54 Kinderton Street/B5309 King Street
- Pochin Way roundabout
- M6 Junction 18
- A533 London Road/Dragons Lane
- Warmingham Lane/Dragons Lane
- Dragons Lane/ A530 Nantwich Road

Of these junctions, the two which are at capacity and that would be affected by the development are the junctions at A54 Kinderton Street/A533 Leadsmithy Street and A54 Kinderton Street/B5309 King Street

The result of the joint assessment (between Bellway and Gladman) was that the applicants have suggested geometry improvements at each junction. At Kinderton Street/Leadsmithy Street, the applicants indicate widening of the Kinderton St arm from the east to allow for the provision of a left turn lane and an ahead lane from this direction. At the A54/King Street junction, widening is indicated on the western arm of the junction to allow for a left turn lane towards King St, with the provision of a pedestrian refuge island to assist crossing of the A54.

Neither improvement is intended as a panacea to solve all of the problems of each junction, but rather to mitigate against the joint impact of the development proposals. In particular, the improvement at the King Street junction is likely to bring only marginal benefits.

Analysis of the modelling provided for the Kinderton Street/Leadsmithy Street indicates that some benefits will accrue on the eastern approach to the junction, but that queues do increase on other arms in certain time periods, even with the improvement in place. It is more difficult to assess the true benefits of the proposed improvement at the A54/King Street and this proposal is likely to bring a marginal benefit in this location. On balance, and given the likely wider improvements to the strategic highway network, the highways officer accepts the proposed highway improvements as suitable to mitigate against the impact of the joint development traffic.

In the absence of detailed design and costing from the applicant, the highways officer has taken a view on the appropriate level of S106 contributions from each site that would likely be sufficient to secure the identified works. With the risks and contingencies required for these types of works and the upgrade to the canal towpath, the highways officer has estimated a sum of £1.1M for all these works.

As such, a S106 contribution from this development should be secured towards improvements that will benefit all road users on traffic routes from the site to the town centre and on the A54 corridor, which is set at £622,160.

At the time of writing this report, negotiations were continuing with the applicant and an update will be provided in relation to the level of contribution.

Amenity

In terms of the surrounding residential properties, these are mainly to the north and east of the site. Although the application is outline only, the indicative master plan shows that adequate separation distances would be provided to these properties.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise from the surrounding land uses.

A noise assessment has been submitted by the applicant as part of this application and this identifies that the general noise for this site is from road traffic on Warmingham Lane.

PPG24 sets out the Noise Exposure Category's (NEC) for proposed housing sites that will be exposed to noise from road, trains and mixed transport/industrial noise. The Noise Exposure Category's are defined as follows;

Category A - Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level

Category B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'

Category C – Planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise

Category D – Planning permission should normally be refused

The majority of the site falls with Noise Exposure Category A for daytime and night time periods with the eastern part of the site adjacent to Warmingham Lane falling within NEC B.

As a result, it is necessary to secure mitigation and this will be secured through the use of a planning condition.

In terms of air quality, the Environmental Health Officer has requested a condition regarding an Environmental Management Plan to minimise the impact from the development in terms of the site preparation and construction phases.

In terms of contaminated land the site has a history of contractor compound use and there are potential in-filled ponds on the site. As a result a Phase II contaminated land report will be required. This would be secured through the use of a planning condition.

Trees and Hedgerows

Trees

The submitted Arboricultural report covers 20 individual trees and 3 groups of trees, which are mainly Oak. The tree survey identifies 13 individual trees and 2 groups of trees of moderate quality and value with 4 trees of low quality and value and 3 trees and 1 group being identified for removal on safety grounds.

Whilst three trees and one group of trees are recommended for removal on grounds of condition, based on the Illustrative Master plan it appears that there would be no tree loss to facilitate the proposals. The trees would be retained to form part of a structural landscape buffer. However, the full impact of the development could only be assessed as part of the reserved matters application. A condition in relation to tree protection would need to be attached to any approval.

Hedgerows

There are a number of lengths of hedgerow in the vicinity of the site. Based on the Illustrative Master plan, the proposals would require the removal of two sections of hedgerow in order to allow access. A plan within the Transport Assessment suggests it may be necessary to remove a greater length of hedgerow to accommodate a footway on the Warmingham Lane frontage. The loss of any hedgerow would be regrettable on landscape and nature conservation grounds.

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 findings of the submitted Historic Hedgerows Assessment indicate that the hedgerow to the north of the site adjoining properties on Davenham Way is an 'Important Hedgerow' under Criteria

1 in the Hedgerow Regulations 1997. This hedgerow is shown as being retained on the indicative layout plan.

There is some question over the status of the roadside hedgerow, part of which is likely to be lost as part of the development. The submitted Historic Hedgerows Assessment suggests a reasonable interpretation of the available evidence and suggests that although this hedgerow was extant in 1831 (and therefore meets the pre-1845 threshold), it does not form part of a pre-enclosure field system, and rather it enclosed a parcel of Woodland and therefore does not meet Criteria 5a in the Regulations. It could be argued that if the evidence suggests the hedge was present, whether it encloses woodland or an open field is irrelevant. The hedge plants are likely to be younger than the dates cited. However on appeal a Government Inspector has made comment to the effect that it is the demarcation of the field system made by the line of the hedge which is important.

Policy NR3 (Habitats) of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In this case, 40 metres of hedgerow that would be lost along the road frontage as part of the formation of the access point and visibility splays. The extent of the hedgerow loss is considered to be minor and replacement planting could be secured. There are significant benefits of approving this development in terms of the 5-year land supply which would outweigh the harm caused by the loss of the hedgerow and as a result the development is considered to be acceptable.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a development framework plan and illustrative master plan have been submitted.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The master plan and framework plan are illustrative and do contain both strengths and weaknesses.

In terms of the strengths the positive and externally orientated perimeter blocks are welcomed and the density of 35 dwellings per hectare is appropriate due to the urban fringe location of the site. The majority of the proposed development would be two-storey with occasional increases in height to define spaces and to create focal points. This is considered to be acceptable.

The illustrative masterplan indicates a simple hierarchy, explained in more detail and illustrated conceptually with cross sections in the Design and Access Statement. This includes areas of shared surface defining certain nodal points. In general terms, the hierarchy is considered appropriate for an edge of urban location but the street design will require further consideration and there is a preference that lanes also connect rather than creating cul-de-sacs. There are also locations where some plots appear to have no direct access serving them.

Avenue tree planting is identified and discussed within the Design and Access Statement to reinforce the Main Street, which is positive in terms of place making provided adequate space is provided. It is welcomed that existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the weaknesses to the design/layout of the site there is considered to be a lack of integration between the application site and the site to the north-west. This relates to the design of the site, lack of a connected street network, integrated POS/landscaping/play provision and a joint approach to renewable energy/drainage/waste management. However it is difficult at this point to ensure on integration as this application is in outline form and at the time of writing this report there is no planning application or formal pre-application discussions relating to the adjacent site. It is considered that the most appropriate course of action in this case is to ensure that what has been submitted at outline, in particular the framework plan, is not approved as the spatial parameters for the scheme, other than establishing the overall coverage for particular land uses. This will leave all other issues to be considered at the detailed design stage including access within the scheme (both vehicular and pedestrian) and the potential to better connect and integrate this and the adjacent site, with the potential to be informed by an intermediate stage of master planning and design coding.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In this case it is not considered that there will be an impact upon the SSSI following the comments made by Natural England.

Great Crested Newts

A number of ponds have been identified within 250m of the proposed development that support Great Crested Newts. In the absence of mitigation the Councils Ecologist advises that the proposed development is likely to have a 'High' impact on a small population of Great Crested Newts through the loss of terrestrial habitat, the isolation of the pond in the adjacent 'Bellway Homes' potential development site and the risk of killing/injuring newts during the construction phase.

To mitigate the risk of killing/injuring Great Crested Newts the applicant's ecologist has recommended the removal and exclusion of great crested newts from the site using best practice methodologies which would be subject to Natural England Licensing. The loss of terrestrial habitat is compensated for through the creation of a significant number of new ponds and the incorporation of terrestrial habitat suitable for Great Crested Newts within the open space provision. Finally, the indicative master plan includes wildlife corridors provided to link the pond within the Bellway Homes development to the open countryside.

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,

- 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

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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."*)

In this case there is an overriding public interest as the development would contribute to the Councils 5 year housing land supply and the development would provide benefits in the form of affordable housing provision.

It is not considered that there are any suitable alternatives as Cheshire East has not had a 5 year housing land supply for some time. As such, this site would provide a valuable contribution.

In terms of the favorable conservation status of Great Crested Newts, this will be maintained via the proposed mitigation and indicative master plan for the site.

However it should be noted that the proposed mitigation/compensation proposed could result in the partial isolation of the pond within the 'potential' Bellway Homes development from the open countryside.

An application for the adjacent Bellway Homes development has now been received and as has been agreed with the Councils Ecologist that their proposed development would include the creation of additional ponds off-site and the translocation of Great Crested Newts encountered within the footprint of their development to this nearby newly created habitat. If planning consent is granted for the adjacent Bellway development and Great Crested Newts are translocated from the Bellway Homes site, this would mean that there would be no isolation impacts in respect the current application.

Therefore that the great crested newt issue at this site is intrinsically linked between the two potential developments and so a co-ordinated great crested newt strategy between the two developments has been developed.

Consequently, the view of the Councils Ecologist is that provided the above co-ordinated approach to Great Crested Newt mitigation is adopted by both developers the favourable conservation status of great crested newts is likely to be at least maintained and quite possibly enhanced.

Bats

The submitted ecological assessment states that no trees will be removed to facilitate the proposed development.

A moderate level of bat activity was recorded during the survey. The level of activity recorded is as would be expected for a site of this nature. It is considered that the loss of two sections of hedgerow and disturbance from additional lighting is likely to disrupt bat foraging and commuting activity around the site. However, sensitively designed open space areas, including the proposed new ponds and the creation of appropriately managed new hedgerows around the boundary of the site, would be proportional mitigation/compensation for this impact.

Birds

The site is likely to support breeding birds including the more widespread BAP priority species, which are a material consideration for planning. Well designed open space areas and the use of native species in the landscaping scheme would reduce the adverse impacts of the development upon birds. If planning consent is granted, conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

Other Species and Habitat

No setts for other protected species were recorded on site. However, the proposed development will result in the loss of some foraging habitat. The adverse impact of the development upon other protected species is likely to be minor. As a result, any reserved matters application should be supported by an up-to date protected species survey. To

compensate for the loss of protected species foraging habitat fruit bearing trees should be incorporated into the finalised landscaping scheme for the site (which will be agreed at the reserved matters stage).

A small area of marsh habitat is present near the western boundary of the application site. Whilst this habitat does not appear particularly diverse, it is considered to be worthy of retention and enhancement as part of the habitat creation scheme associated with the development.

The submitted indicative layout includes proposals for a number of new ponds and areas of open space that have potential, if designed appropriately, to deliver significant benefits for wildlife. The creation of the ponds, in particular, would contribute to local habitat creation targets and deliver an ecological enhancement in accordance with the NPPF. Detailed proposals for open space/habitat creation areas should be submitted with any future reserved matters application. A 10 year management plan for these areas is also required.

Public Open Space

This development would provide 1.59 hectares of public open space which will encompass habitat creation, informal open space and new footpaths. This level of open space is considered to be acceptable and its provision and management will be secured via a S106 Agreement.

In terms of children's playspace, the Public Open Space Officer has requested the provision of an on-site 5 piece LEAP. The applicant's agent has confirmed that this will be provided and this will be secured through the S106 Agreement.

Education

In terms of primary schools, there are four which would serve the proposed development (Cledford, Middlewich Primary School, St Mary's and Warmingham). The proposed development would generate 31 new primary places and the current and projected numbers on roll at the four local schools show that there would be 139 unfilled places in 2011, 145 unfilled places in 2012, 147 unfilled places in 2013 and 155 unfilled places in 2014 and 2015. It is therefore clear that there is sufficient capacity within the primary school sector to accommodate the pupils generated.

In terms of secondary education, the proposed development would be served by Middlewich High School. The proposed development would generate 25 new secondary school places and the current and projected numbers on roll at Middlewich High School show that there are -12 spaces in 2012, -7 spaces in 2013 and 4 spaces in 2014. As there is a capacity issue at Middlewich High School the education department have requested a contribution of £124,517 towards enhancing the capacity of the secondary school. This has been agreed by the applicant and would form part of the S106 Agreement should this application be approved.

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 has been submitted as part of this application.

The existing site is drained by a combination of natural infiltration and flow to local field ditches which feed into a tributary of the River Wheelock (which is 140m to the west of the site).

In terms of fluvial flooding, the separation distances to the surrounding water bodies, the topography of the site in relation to the water bodies and the nature of some of the water bodies (lagoons and canals) mean that the site is not affected by fluvial flooding.

There is no history of flooding from the UU adopted sewers in the area or from groundwater flooding.

As part of the proposed development, the overall drainage strategy will be in the form of SUDS. This will include the provision of positive drainage systems in the form of road gulleys to attenuation ponds or detention basins or swales/filter strips.

The foul drainage will discharge into the existing foul sewer located in Warmingham Lane. Due to the topography of the site the site may require to be pumped via a new rising main up to the existing sewer. An adoptable pumping station could be located within the site.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Agricultural Land Quality

The presence of best and most versatile land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations. In this case, the land has been surveyed and is graded sub-grade 3b and grade 4. As a result the loss of agricultural land cannot be considered as part of this planning application.

Archaeology

The application is supported by an archaeological desk-based assessment. The report considers the known archaeological information from the surrounding area and concludes that although there are currently no known archaeological sites from within the application area, the site does have some limited potential for archaeological deposits to be present, with particular reference to the Roman period. It is further concluded that this potential may be addressed by a limited programme of archaeological mitigation with the work secured by condition should planning permission be granted. This is accepted by the Council's Archaeologist.

Other issues

The Cheshire Brine Board has raised no objection subject to the proposed housing incorporating raft foundations. This will be secured through the use of a planning condition.

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 provision of a contribution towards the improvements of two junctions within the town centre or the Middlewich Eastern by-pass is required to help mitigate against the highways impact of the development. The contribution towards traffic calming, bus stops and travel passes is reasonably related to this development and are necessary to achieve a safe access and promote sustainable travel from the site. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased demand for school places at Middlewich High School which has very limited spare capacity. In order to increase capacity of the school which would support the proposed development, a contribution towards the secondary school is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

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

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply, which is a requirement of the National Planning Framework. Accordingly, in the light of the advice contained in NPPF, the relevant policies for the supply of housing should not be considered to be up-to-date. Therefore, paragraph 14 of the NPPF states that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF or policies within the NPPF indicate that development should be restricted.

In this case it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits or there are any policies within the NPPF that indicate that development should be restricted. In this case there is support for this proposed development within the Middlewich Town Strategy and the site is considered to be in a sustainable location. Recent appeal decisions at Cuddington and at Loachbrook Farm also support the principle of housing in this location.

The proposal is also supported in principle by the Government's "Planning for Growth" agenda which states that Local Authorities should adopt a positive approach to new development, particularly where such development would assist economic growth and recovery and in providing a flexible and responsive supply of housing land. This proposal would do both. The Government has made it clear that there is a presumption in favour of new development except where this would compromise key sustainability principles.

It is considered that the development is acceptable in terms of affordable housing provision. Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions.

The issues of highway safety are considered to be acceptable subject to traffic calming measures. In terms of traffic generation, the main impact will be on two junctions within the town. At the time of writing this report, negotiations were continuing regarding the level of contribution and an update will be provided.

Although there would be some adverse visual impact resulting from the loss of open countryside, it is considered that due to the topography of the site and the retention of existing trees and hedgerows, this would not be significant relative to other potential housing sites in the Borough. Furthermore, it is considered that the benefits arising from housing land provision would outweigh the adverse visual impacts in this case. It is considered that through the use of appropriate conditions, significant trees can be incorporated into the development. The hedgerow to be lost is relatively limited in length and it is considered that the requirement for housing outweighs the loss of these small stretches of hedgerow. Furthermore replacement planting will be secured as part of the reserved matters application(s).

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered that an acceptable design and layout can be secured as part of the reserved matters application.

Policy requirements in respect of public open space provision have been met within the site, and therefore it is not considered to be necessary or reasonable to require further off-site contributions in this respect. A contribution has been secured to enhance secondary school provision in the area.

The Flood Risk Assessment has not identified any significant on or off site flood risk implications arising from the development proposals that could be regarded as an impediment to the development

The information submitted by the developer indicates that it is viable and feasible to meet the requirements of the RSS policy in respect of renewable energy and to achieve Code for Sustainable Homes Level 4. A detailed scheme can therefore be secured through the use of a planning condition.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of a LEAP and Public Open Space to be maintained by a private management company
3. A commuted payment of £124,517 towards secondary school education
4. Highways contribution

And the following conditions

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Prior to the submission of any reserved matter application a detailed masterplan and design code shall be submitted to the LPA for approval in writing
5. The framework plan is not approved as the spatial parameters of the scheme other than establishing the overall coverage
6. Approved Plans
7. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work 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.
8. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
9. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
10. No development shall commence until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
11. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
12. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.

13. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
14. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
15. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
17. The reserved matters application shall include detailed designs of the proposed ponds, details of the habitat creation areas
18. Retention and enhancement of the marsh area
19. Provision of bat and bird boxes
20. Updated protected species survey
21. Works should commence outside the bird breeding season
22. Compensation/mitigation measures for GCN
23. Provide a pedestrian/cycle link to the boundary of the proposed Bellway development in the SW corner of the site to the satisfaction of the SHM prior to first occupation.

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 and Building Control 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.

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