

Application No: 12/2584C

Location: LAND OFF, WARMINGHAM LANE, MIDDLEWICH

Proposal: Full Planning Application for Erection of 149 Dwellings with Associated Access and Landscaping Arrangements Alongside a Newt Relocation Strategy

Applicant: Bellway Homes

Expiry Date: 10-Oct-2012

### **SUMMARY RECOMMENDATION**

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

- 1. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £295,728 towards secondary school education**
- 4. A commuted payment towards highway improvements**

### **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 square 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.

The site edged red also includes a separate parcel of land to the south-east of the housing site. This parcel of land is also within the open countryside, relatively flat, in agricultural use and bound by hedgerows and trees.

### **2. DETAILS OF PROPOSAL**

This is a full planning application for 149 dwellings.

The access point to serve the site would be taken off Warmingham Lane via a roundabout. The site would include the provision of 30% affordable housing, a LEAP and 0.41 hectares of public open space. The majority of the POS would be located centrally within the site.

The development would consist of 2 to 4 bedroom units which would have a maximum height of 2storeys.

The second parcel of land would include the construction of two additional ponds. These ponds would serve the Great Crested Newt population on the application site and the GCN would be translocated from the housing site.

The site is adjacent to a larger L shaped site which is subject to planning application 12/2685C for 194 dwellings

### **3. RELEVANT HISTORY**

The site has no relevant planning history.

### **4. POLICIES**

#### **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

### **National Policy**

National Planning Policy Framework

### **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:** No objection. Conditions suggested in relation to the following:

- A scheme to limit the surface water run-off generated by the development
- A scheme to manage the risk of flooding from the site
- A scheme for the provision and management of the compensatory habitat creation

**United Utilities:** No objection to the proposal provided that the following conditions are met:

- This site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system.
- Several public sewers cross this site and UU will not permit building over them. UU will require an access strip width of 5 metres either side of the centre line of the respective sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- Surface water should discharge to the adjacent watercourse or the public surface water sewer and may require the consent of the Local Authority.
- If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be limited to the existing "Greenfield" run-off rate.

**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 and 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:

- £43,440 for traffic/speed reduction measures
- £25,350 for bus use
- £447,840 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:** Conditions suggested in relation to construction hours, pile driving, implementation of the noise mitigation measures, air quality and contaminated land.

## **Public Open Space:**

### Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision 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. Consequently there is a requirement for new Children and Young Persons Provision to meet the needs arising from the development.

It is proposed to provide onsite play provision in the form of a LEAP located centrally within the Public Open Space. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. It is requested that the final layout and choice of play equipment be agreed with CEC, 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.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development, the financial contributions sought from the developer for maintenance for a 25 year period would be:

Maintenance: £144,175.50

#### Amenity Greenspace

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.

Consequently there is not a requirement for new Amenity Greenspace to meet the future needs arising from the development. It is understood that an amount of 0.44 Ha of public open space is to be provided which is in a single block

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer for maintenance only for a 25 year period would be:

Maintenance : £57,114.75

**Natural England:** The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development. Reference should be made to Natural England's standing advice for protected species.

**Public Rights of Way:** The application refers to walking as being the most important mode of transport at the local level. However, the Planning Layout does not encourage this mode of transport to and from the site. The Plan notes that the town centre to the north of the site on Warmingham Lane will create a desire line from the site onto Warmingham Lane using the most direct route which would be the north east corner of the site. This desire line, for both pedestrians and cyclists should be accommodated within the design of the site through the provision of a shared use facility within a green corridor.

This connection would prove useful for future residents of the adjoining potential development site to the south (12/2685C). Should planning permission be granted for both sites, a shared use facility within a green corridor should form a south west-north east spine through both developments, connecting in the south west corner of the development site in question (12/2584C). Additional shared use links could connect other parts of the two proposed developments (for example on the north western and south east boundaries) to increase the permeability of both sites to non-motorised users.

The proposed roundabout should accommodate pedestrian movements.

The canal towpath is likely to act as an important route to the town centre and to Sandbach for residents of the proposed development for both leisure and work journeys. Contributions towards

the improvement of the surface of the towpath to accommodate this increased traffic and pedestrian and cyclist access to the towpath from the site would be sought.

**Archaeology:** In the event that planning permission is granted, a condition should be attached.

**Sustrans:** If this land use is considered appropriate by the Council's planning committee. Sustrans would like to make the following comments:

- 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 site is in an area which has previously been affected by brine subsidence and the possibility of minor future movements cannot be completely discounted. Therefore the Cheshire Brine Board recommends that any dwelling erected thereon should be constructed on a reinforced concrete raft foundation.

**Education:** There will be sufficient capacity in the local primary schools to accommodate the 28 primary aged pupils from this development. During the process for application 12/0883C, we sought a contribution towards provision at the local secondary school. This was on the basis that whilst the projections indicated an element of surplus at Middlewich High School by 2018, the secondary aged pupils generated by application 12/0883C would take up most of this surplus and once you factor in the additional primary aged pupils generated then Middlewich High School will be under pressure. In light of this, a contribution of £295,728 towards secondary education provision will be required.

**Cheshire Wildlife Trust:** No comments received

## **6. VIEWS OF THE PARISH COUNCIL**

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

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 10 local households raising the following points;

### Principal of development

- The site is outside the settlement boundary
- Approving this development would prejudice the new local plan
- The site is not sustainable and is too far from local amenities
- The development will prejudice the key strategic decisions about the growth of Middlewich
- Increased pressure on the stagnant housing market in Middlewich
- There are much better sites within other towns in Cheshire East
- Development in Middlewich is disproportionate to the south of the town
- The proposal does not comply with the Interim Planning Policy on the release of housing land
- There is limited employment opportunities in Middlewich
- As part of the Fox appeal in Sandbach the SoS stated that the brownfield sites should be prioritised
- 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
- The site is too far from the settlement boundary creating urban sprawl
- There is no requirement for additional housing
- There is no employment within Middlewich
- The draft Town Strategy has identified that brownfield sites should be developed first
- The development would result in urban sprawl

- 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
- Vehicles backing out onto Warmingham Lane would impact upon highway safety
- Disruption caused by the new roundabout
- Impact upon highway safety
- Bus services are infrequent
- Increased danger to cyclists and pedestrians
- Concern about safety at the site access point
- Lack of pedestrian access to the site
- Future occupants will be dependent on the car
- The cumulative highway impact of the Gladman and Bellway sites

#### Green Issues

- Loss of green land
- Impact upon the open countryside
- Impact upon wildlife
- Impact upon protected species
- Loss of hedgerow

#### Infrastructure

- Increased pressure on local schools
- The local schools are full to capacity
- Lack of infrastructure
- Lack of shops in the town
- Doctors and dentists are full
- There is little in terms of leisure facilities

#### 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
- Increased light pollution
- Loss of outlook
- Loss of a view

#### Other issues

- Loss of property value

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

- The planning application is a source of great concern amongst many residents in Middlewich
- When considered in conjunction with application 12/2685C there is a possibility of 343 new houses being built in close proximity to existing residents



- The infrastructure in Middlesbrough 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

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Planning Statement (Produced by HOW Planning)
- Design and Access Statement (Produced by Astle planning and Design)
- Transport Assessment (Produced by DTPC Ltd)
- Transport Combined Sites Test (Produced by DTPC Ltd)
- Framework Travel Plan (Produced by Produced by DTPC Ltd)
- Extended Phase 1 Habitat Survey (Produced by Pinnacle)
- Great Crested Newt Method Statement (Produced by TEP)
- Landscape Specification (Produced by LDS)
- Arboricultural Impact Assessment (Produced by Pinnacle)
- Flood Risk Assessment (Produced by Betts Associates)
- Noise Impact Assessment (Produced by Red Acoustics)
- Statement of Community Involvement (Produced by HOW Planning)
- Phase 1 Desk Study Report (Produced by Betts Associates)
- Building for Life Overview (Produced by Astle planning and Design)
- 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 30<sup>th</sup> 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.

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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 2<sup>nd</sup> March and 2<sup>nd</sup> 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 4<sup>th</sup> 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**

In relation to renewable energy, Policy EM18 of the RSS has a requirement of 10% of the predicted energy requirements to come from decentralised and renewable or low carbon sources. In this case the applicant has provided a number of specifications to be incorporated in the build which the applicant stated will reduce the 'dwelling emission rate of each dwelling by 10% under the maximum rate permitted by building regulations'. This does not meet the requirements of Policy EM18 and a condition will be attached to ensure that the decentralised and renewable or low carbon sources are provided.

### **Landscape**

The square shaped application site is to the south of Middlewich and to the west of Warmingham Lane. The site is currently agricultural land that covers one large field which has a network of hedgerows and a number of mature hedgerow trees to its boundaries. There is residential development to the north and east.

The site has a fringe character to the local landscape with a low sensitivity to change. The development would irreversibly change the character of the site, extending the urban edge of Middlewich into open countryside. There would be significant visual impacts on the adjoining residential properties to the north and properties facing the site on Warmingham Lane which currently enjoy views over open countryside. However, the landscape would not impact upon more distant views and it is considered that the development would sit comfortably alongside the built form opposite and to the north of the site.

### **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.

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 45 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.

In this case the proposed development would meet the requirement of the IPP and the level of affordable housing will be secured as part of a S106 Agreement.

### **Highways Implications**

This application includes a new four-arm roundabout to Warmingham Lane, opposite the existing Sycamore Drive, to form the access to this site. The speed limit in this location is 30mph and the change to the national speed limit (60mph) about 170m to the south. A Road Safety Audit has been submitted with this application.

The design of the roundabout has been provided only at a preliminary level. The Road Safety Audit indicates a number of minor issues with the roundabout design, none of which on their own represent potentially fatal flaws. The highways officer considers that a suitable roundabout layout and design is likely to be achieved at this location and that such a design ought to be conditioned to be delivered, prior to any occupation of development through a S278 Agreement.

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. 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 43.44% or £43,440 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.

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 (via a S278 Agreement) 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 Middlesbrough for some time. Recently funds have been identified that should bring forward the delivery of the Middlesbrough Eastern Bypass, which would relieve the key town centre junctions up to Leadsmithy Street. That funding is, in part, dependent on development coming forward consequently, there are therefore potential risks to its availability in the near future.

A joint assessment has been carried out into the impact the neighbouring scheme will have on the surrounding highway network. The findings show that the two junctions, which are at capacity, would be affected by the development. These 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 £477,840.

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) 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 as part of this application and this identifies that the general noise for this site is from road traffic on Warmingham Lane and the electricity sub-station to the north-east corner of the site.

PPG24 (which has now been cancelled by the NPPF) set 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 at night time and NEC C during day-time.

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, 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 12 individual trees, 3 groups of trees and 3 hedgerows. The tree survey identifies 7 individual trees, 1 group of trees and 3 hedgerows of moderate quality



and value (Grade B) with 5 trees and 1 group of trees of low quality and value (Grade C) and 1 group of trees is identified for removal as they consist of mostly dead Elm.

All trees, hedgerows and groups of trees are located to the boundaries of the site with all being retained apart from the hedgerow to the Warmingham Lane frontage (Grade B), 1 group of Elm trees to the north-east corner and 1 tree (Grade C) to the boundary with Warmingham Lane. The loss of these trees is considered to be acceptable.

On the whole, it is considered that the impact upon trees is acceptable this is subject to minor amendments to the layout in relation to plots 33, 43, 44, 61, and 62 to ensure that the relationship between these plots and adjacent trees are improved. At the time of writing this report, an amended plan had been received and comments were awaited from the Councils Tree Officer.

### Hedgerows

The hedgerow boundary to Warmingham Lane would be removed as part of the proposed development. 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 Warmingham Lane frontage is an 'Important Hedgerow' under the Criteria of the Hedgerow Regulations 1997. This hedgerow is shown as being retained on the indicative layout plan. This is based on the historical rather than ecological context as the hedgerow is 'generally species poor'. The hedgerow assessment recommends the provision of native hedgerows along the Warmingham Lane boundary and that this would be *'re-aligned rather than lost completely, therefore the historical element of the boundary feature will largely remain'*.

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 there are overriding reasons for allowing the development in order to meet the Councils 5 year housing land supply. As a result, the loss of the hedgerow would comply with Policy NR3 (Habitats).

### **Design**

The surrounding development comprises relatively modern two storey development notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick with some properties incorporate render. The predominant roof forms are gables although some are hipped and most are finished in grey tiles. The surrounding properties to the north and east are suburban in character.

The layout of the site includes dwellings which front onto the Warmingham Lane frontage with a mix of dwelling types to create a varied street scene. Within the development the highways layout would conform to manual for streets with a less formal highways network. The public open space would be located centrally within the site and would be well overlooked with dwellings fronting onto the open space at all sides.

The corner properties on the site would be dual fronted to provide an active frontage and to create improve natural surveillance in the street scene. All dwellings would be two-stories in height and this would be consistent with the surrounding area.

The proposed dwellings include features such as projecting gables, sill and lintel details, porches and bay windows, these details provide interest to the dwellings and they would not appear out of character with the surrounding residential development especially the properties fronting Warmingham Lane, Davenham Way and Sycamore Drive. Although the house types are standard house types and not individually designed for the site, the dwellings would not appear out of character compared to the surrounding development, and are therefore considered to be acceptable.

The proposed dwellings would provide surveillance of all public areas, including the highways, public open space and the footpath/cycle link.

The site is considered to be legible and residents would be able to find their way across the site relatively easily. In terms of connectivity an amended plan has been provided to show that there would be improved connectivity to the adjacent Gladman site as well as providing improved connectivity for pedestrians and cyclists on to Warmingham Lane.

## **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

Great Crested Newts have been recorded at a pond on site and also in a number of ponds surrounding the site. The population of great crested newts present is small. In the absence of

mitigation, the proposed development, would result in the loss of the on-site pond and the surrounding terrestrial habitat and would have a high level of impact on the small local population of great crested newts.

In this instance, due to concurrently proposed residential development on the adjacent land which would lead to the isolation of the retained pond and the risk of post development interference (such as introduction on non-native species and fish) the Councils Ecologist does not consider it appropriate to retain the pond and associated Great Crested Newt population in its current location.

Following discussions with the applicant and their ecological advisors, a mitigation/compensation strategy which involves the creation of additional amphibian habitat, including two new ponds on land the opposite side of Warmingham Lane, has been formulated for this proposed development. This would be secured via a planning condition together with a scheme of management.

The Councils Ecologist has advised that if planning consent is granted the proposed mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of Great Crested Newts.

However, only limited details of the design of the 'off-site' mitigation area have been submitted.

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,
- 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, 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 which will be secured via a condition.

### 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 sections of hedgerow and disturbance from additional lighting is likely to disrupt bat foraging and commuting activity around the site. However, the mitigation area designed for Great Crested Newts including proposed new ponds and the creation of new hedgerows, is likely to provide an adequate level compensation for the loss of bat foraging habitat.

### Birds

The site is likely to support breeding birds, including the more widespread BAP priority species, which are a material consideration for planning. If planning consent is granted the conditions will be required to safeguard breeding birds and ensure some additional provision is made for breeding birds and roosting bats.

### Reptiles

Grass snakes are known to occur in Middlewich. Whilst the site of the proposed development does not appear to offer particularly significant habitat for this species the presence of a pond means that this species may make use of the site on at least a transitory basis.

The proposed mitigation/ compensation for Great Crested Newts is also likely to broadly address and potential adverse impacts associated with the development on grass snakes. However, the Councils Ecologist advises that the submitted ecological assessment be amended to also deal with the potential presence of reptiles on site. This has been requested and an update will be provided.

### Water Voles

No evidence of water voles was recorded during a specific survey undertaken in 2010. However, this survey, which is now out of date was undertaken extremely late in the survey season. An updated survey has been requested and an update will be provided as part of the update report.

### 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.

Common toad, a UK Bap species and hence a material consideration, has also been recorded on site. The Councils Ecologist advises that a robustly designed Great Crested Newt mitigation strategy would also be likely to address the potential adverse impacts of the development upon toads.

As the on-site pond will be lost as a result of the proposed development, the Councils Ecologist advises that it must be subject to an invertebrate survey to assess its nature conservation value for this species group. The invertebrate survey should include detailed surveys for protected and BAP priority invertebrate species. A survey has been requested and an update will be provided as part of the update report.

The grassland habitats present on site are primarily agricultural in origin and are of limited nature conservation value.

The site is however enclosed by a number of hedgerows. Hedgerows are a UK BAP priority habitat and hence a material consideration. The hedgerows bounding this site are moderately diverse so are of nature conservation value. The proposed development will result in the loss of a significant stretch of hedgerow along the frontage of the site. This loss appears to be only partially compensated for by the 'gapping up' of the remaining hedgerows on site. In this case, it is considered that the benefits of allowing the development would outweigh the harm.

### **Public Open Space**

This development would provide 0.41 hectares of public open space which would be located centrally within the site and would add to the sense of place on this development. 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 the LEAP and its management 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 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 19 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 £295,728 towards enhancing the capacity of the secondary school.

### **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 FRA identifies that there is no historical flooding in the immediate site area, there is little likelihood of overland flooding or groundwater flooding and the River Wheelock is 800m from the site and does not present a significant flood risk. There have been previous sewer capacity issues in the area and United Utilities are currently working to alleviate this issue.

As part of the proposed development, the overall drainage strategy will be in the form of SUDS. There will also be surface water disposal via the public surface water sewer, subject to the surface water flows being restricted to Greenfield run-off rates and the agreement of UU.

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 not been surveyed and the applicant has referred to the survey of the adjacent site which is identified as sub-grade 3b and grade 4.

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, there is guidance contained within the NPPF which states at paragraph 112 that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop's Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile agricultural land and the recent decision at Loachbrook Farm, Congleton.

### **Archaeology**

At the request of the Councils Archaeologist a condition will be attached to ensure that an archaeological watching brief is secured as part of the conditions attached to any permission.

### **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 and the Local Plan. 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. Furthermore, case there is support for this proposed

development within the Middlewich Town Strategy and the site is considered to be in a sustainable location and the recent appeal decisions at Cuddington and at Loachbrook Farm also support the principle of housing on this site.

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 of historic value only and it is considered that the requirement for housing outweighs the loss whilst replacement planting will be secured as part of the landscaping condition.

With regard to ecological impacts, the Council's ecologist is satisfied with the proposed mitigation/compensation measures for protected species can be secured. An update will be provided in relation to reptiles, Water Voles and Invertebrates.

The scheme complies with the relevant local plan policies in terms of amenity and it is considered to be of an acceptable design and layout.

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 requested 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

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. 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
- 2. The provision of a LEAP and Public Open Space to be maintained by a private management company**
- 3. A commuted payment of £295,728 towards secondary school education**
- 4. A commuted payment towards highway improvements**

**And the following conditions**

- 1. Standard time limit 3 years**
- 2. Approved Plans**
- 3. 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.**
- 4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 6. Prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority**
- 7. The mitigation recommended in the noise report shall be implemented prior to the use of the development / first occupation.**
- 8. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.**
- 9. Prior to the commencement of development a Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.**
- 10. 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.**
- 11. 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.**
- 12. 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.**

13. Provision of bat and bird boxes
14. Works should commence outside the bird breeding season
15. Compensation measures for GCN including the provision of 2 ponds to be provided in accordance with the approved details
16. 10 year management plan for the GCN ponds
17. Details of concrete raft foundations to be submitted and approved
18. Materials to be submitted and approved
19. Landscaping to be submitted and approved
20. Landscaping scheme to be implemented
21. Remove Permitted Development Rights for certain plots
22. Boundary Treatment details
23. Tree and hedgerow retention
24. Tree Protection to be submitted and approved
25. The parking spaces to be provided on the approved plan should be provided
26. Provide a pedestrian/cycle link to the boundary of the proposed Gladman development in the SW corner of the site to the satisfaction of the LPA prior to first occupation.
27. No occupation of the development until the roundabout site access has been constructed to the complete satisfaction of the LPA.

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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