

Application No: 12/0883C

Location: Land Off, WARMINGHAM LANE, MIDDLEWICH, CHESHIRE

Proposal: Outline Planning Application for Proposed Residential Development of Upto 194 Dwellings, Site Access, Highway, Landscaping, Open Space and Associated Works

Applicant: Gladman Developments Limited

Expiry Date: 08-Jun-2012

## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 12<sup>th</sup> September 2012

**Report of:** Stephen Irvine – Development Management and Building Control Manager

**Title:** Resolution for application 12/0883C, which relates to an outline planning application for up to 194 residential dwellings, site access, highway, landscaping, open space and associated works at land off Warmingham Lane, Middlewich

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#### **1.0 Purpose of Report**

- 1.1. The above application is subject to an appeal for non determination.
- 1.2. In such cases, the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State. Therefore, the purpose of this report is to seek the Committee's resolution as to what its decision would have been, had it been able to determine the application.
- 1.3. This will form part of the Authority's Statement of Case at the appeal. It is generally accepted that failure to do this, with the case for the Authority relying on officer level views, will result in less weight being given to the Authority's case and there may be possible cost implications.
- 1.4. The application is identical to planning application 12/2685C.

#### **2.0 Decision Required**

- 2.1 To determine how the Council would have determined planning application 12/0883C.

### **3.0 Background**

- 3.1 The application site is located to the west of Warmingham Lane within the open countryside as defined by the Congleton Borough Local Plan.
- 3.2 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.
- 3.3 The application is an outline application which is identical to application 12/2685C.

### **4 Officer Comment**

- 4.1 Planning application 12/0883C is identical to application 12/2685C which is also on this agenda. It is not necessary to repeat the same report and reference should be made to the assessment of that application and the conclusions and recommendation which are also located elsewhere on this agenda.
- 4.2 This report has been produced as the Council is required to produce a Statement of Case for the appeal for non determination.

### **5 Conclusion**

- 5.1 If the identical application considered earlier by this Committee is felt to be acceptable by the Members, then it is recommended that the Strategic Planning Board determine that they would have approved application 12/0883C, subject to the completion of a S106 agreement and the conditions set out below.
- 5.2 Alternatively, if they consider that the earlier application should be refused, then they should refuse this application for identical reasons.

### **6 Recommendation**

- 6.1 That the Council would have APPROVED the application, 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.

## **7 Financial Implications**

- 7.1 There are no financial implications.

## **8 Legal Implications**

- 8.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **9 Risk Assessment**

- 9.1 There are no risks associated with this decision.

## **10 Reasons for Recommendation**

- 10.1 To allow Cheshire East Council to progress work to defend the appeal for non-determination and to reduce the risk of a cost application against the Council.

### ***For further information:***

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### ***Background Documents:***

- *Application 12/0883C*
- *Application 12/2685C*