

Application No: 11/0440C

Location: 170 & 172, MIDDLEWICH ROAD, SANDBACH

Proposal: Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development

Applicant: Fox Strategic Land & Property

Expiry Date: 29-Mar-2011

#### **SUMMARY RECOMMENDATION**

**Approve with conditions, subject to the competition of a legal agreement to state that the development would not be implemented unless application 10/3471C is allowed at appeal.**

#### **MAIN ISSUES**

**Principal of development**

**Loss of the two dwellings**

**Highways**

**Protected Species (Great Crested Newts & Bats)**

**Amenity**

**Trees**

#### **REFERRAL**

The application has been referred to Strategic Planning Board by the Head of Planning & Housing because of the linkages with the significant housing proposal on the adjoining land, now the subject of an appeal. Cllr Barry Moran had previously called in the application to Committee for the following reasons:

*'I am concerned about the design, amenity and highways safety/traffic generation of this application, with particular reference to the impact on the local community with the proposed formation of a new access onto Middlewich Road. The highways access appraisal and junction modelling technical documents, as submitted by the applicant, along with the CEC Case Officer's appraisal, are key considerations, here.*

*So, in my view, the application needs to be tested, in public, inter alia, against policy numbers GR2, GR6 and GR18.*

*Additionally, residents need to fully understand the relevance and fit of this application to the 280 housing planning application that was refused on 17 November 2010, on the Sandbach, Abbeyfields site'*

## **1. SITE DESCRIPTION**

The application relates to 170 & 172 Middlewich Road, situated on the southern side of Middlewich Road, within the Sandbach Settlement Boundary. The site is bordered by residential properties to the north, and its western and eastern boundaries, with open fields to the south.

The site is occupied by 170 & 172 Middlewich Road, which are a pair of detached dwellings of a similar appearance. The properties have a red brick finish with a red, tiled, hipped roof with a projecting gable and two-storey bay windows to the front elevation. No 170 has been extended in the past with the addition of a two-storey side extension.

Along the front boundary of No 170 Middlewich Road is a large Silver Lime Tree which is protected by T1 of the Middlewich Road, Sandbach Tree Preservation Order 1984. To the front of the site is a wide grass verge onto Middlewich Road with bus stops located opposite the site and 27 metres to the east.

## **2. DETAILS OF PROPOSAL**

This application is linked to outline application 10/3471C for up to 280 homes together with associated public open space, and highway improvements. This application was discussed by the Strategic Planning Board at its meeting on 17<sup>th</sup> November 2010 and was refused for 6 reasons. An appeal has now been lodged and a Public Inquiry was held in April.

All matters were reserved as part of application 10/3471C and this application seeks to secure an access to the site. The proposed access would result in the demolition of 170 & 172 Middlewich Road and the loss of a TPO tree.

## **2. RELEVANT PLANNING HISTORY**

10/3471C – Proposed residential development for up to 280 homes together with associated public open space, and highway improvements – Refused – Appeal Lodged

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2<sup>nd</sup> January 1991

17611/1 – Residential Development – Refused 10<sup>th</sup> June 1986

## **3. PLANNING POLICIES**

### **National Policy**

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

## **Local Plan Policy**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR11 Development Involving New Roads and Other Transportation Projects  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR16 Footpaths Bridleway and Cycleway Networks  
GR17 Car parking  
GR18 Traffic Generation  
NR1 Trees and Woodland  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and low cost housing

## **4. OBSERVATIONS OF CONSULTEES**

**Environmental Health:** Have requested the following condition:

Prior to the demolition of the properties, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular, the plan shall show mitigation measures in respect of:

- a) Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
  - b) Dust generation caused by construction activities and proposed mitigation methodology.
- The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

**Highways:** The Strategic Highways Manager originally recommended refusal of this application due to lack of information. The developer's highway consultant then produced further information for the junction design and analysis of the capacity issues which were created by the original design proposal. The Strategic Highways Manager now has no objection to the application subject to the imposition of the following conditions;

1. Prior to the commencement of development, the developer will provide a detailed suite of design and construction specification plans for the proposed junction to the

satisfaction of the Local Planning Authority. These plans will form part of the Section 278 Agreement under the Highways Act 1980.

2. Prior to the commencement of the development, the developer will enter into and sign a Section 278 Agreement under the Highways Act 1980, with Cheshire East Council Highway Authority.

**Natural England:** Based on the information provided in the FPCR Environmental and Design Ltd Bat Survey Report, Natural England consider adequate survey effort has been employed to determine if the buildings have the potential to support bats. Natural England support the mitigation proposed for the demolition of these buildings and should the Authority be minded to grant approval, Natural England would encourage a suitably robust condition referring to the mitigation element of the report.

It is noted that there has been assessment of the trees in respect of potential for roosting bats. Should any trees be felled, we would encourage the Authority to ensure that sufficient information and mitigation is submitted as to the bat roosting potential all trees to be affected.

It is noted that there are great-crested newts present in the area and as part of the residential development application (10/3471C), a survey is being undertaken. It is the advice of Natural England that this application is not determined until such times as the information from the surveys is available.

Having reviewed the arboriculture report, Natural England would be concerned about the loss of any trees and specifically mature trees that offer landscape value to a built up area. It is acknowledged that landscaping will form part of the overall plan for this area (i.e. residential development). However, the landscaping proposed is highly unlikely to mitigate for the loss of this mature specimen. The authority should be asking for an alternative approach/ location for access arrangements to the development site.

Natural England is concerned about the potential for this application to be approved prior to the decision from the appeal of 10/3471C. Natural England would not wish to see the loss of any buildings (that could still offer roosting opportunities for bats), impacts on GCN in the area or trees felled, should the appeal be dismissed and thus the proposed residential development refused.

## **5. VIEWS OF SANDBACH TOWN COUNCIL**

Object. Members believe this application should be refused on Highway Safety grounds. The proposals will lead to significant increase of noise and environmental pollution for adjoining residents, contrary to policies GR1, GR5, GR7i and GR9 of the Local Plan. This Council will be recommending that the Ward Councillors call the application in for determination by the appropriate Planning Committee.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 309 local residents (including a representation from the friends of Abbeyfields) which raise the following points:

### Highways

- Highway safety
- Proximity of the access to the junction with Park Lane
- Proximity to bus stops
- Pedestrian safety
- Proximity to schools
- Increased traffic congestion

#### Land use

- Loss of greenfield land
- Brownfield sites available
- Allowing the development will increase the chances of the appeal for the housing development being allowed
- No new houses needed in Sandbach
- Loss of farmland
- The access is not required as planning permission has been refused for the housing development
- The future phases up to 200 additional dwellings have not been included in the a Transport Assessment
- Gardens should not be developed on
- Loss of the gap between Elworth and Sandbach
- The impact upon local infrastructure

#### Amenity

- Increased noise
- Increased pollution
- Impact upon residential amenity
- Loss of privacy
- Impact of demolition/construction works

#### Design

- The loss of 2 mature character properties
- The plans do not indicate the position of street furniture

#### Ecology

- Loss of TPO tree
- Impact upon bat roosts
- Error in the supporting information which states that the Lime tree is not covered by a TPO
- Loss of hedgerow

#### Other

- Contrary to Local Plan Policies
- Lack of neighbour notification
- Subsidence
- Flooding
- Maintenance of boundary hedgerow
- Increased vandalism to boundaries of the adjoining properties
- Error on certificate of ownership
- Impact upon local schools

## **7. APPLICANT'S SUPPORTING INFORMATION:**

### **Bat Survey (Produced by FPCR and dated 28<sup>th</sup> January 2011)**

- No current or previous evidence of a bat roost was identified within these buildings and the buildings were in a good state of repair with only occasional potential bat access points observed. From the completed surveys it has been concluded that the buildings only offer extremely limited potential to be used as a bat roost and the presence of a bat roost can reasonably be discounted. Therefore the presence of a bat roost has not been identified as a statutory constraint to demolition. However to ensure compliance with current wildlife legislation included in the Conservation of Habitats & Species Regulation 2010 and the Wildlife and Countryside Act 1981 (as amended) it is recommended that the roof areas including the soffits should be removed by hand during the proposed demolition. In the unlikely event that bats or evidence of bats, are encountered during works all operations should immediately cease and FPCR contacted for advice.

### **Access Appraisal (Produced by Ashley Helme Associates and dated December 2010)**

- This report accompanies a planning application for a new access road on Middlewich Road, Sandbach. It is anticipated that the access would serve potential residential development on land referred to as Abbey Fields which is subject to a separate planning application and does not form part of this current application.

- The proposed access arrangements comprise the construction of a new junction on Middlewich Road. It is demonstrated that the proposed access arrangements satisfy geometric criteria

- For the purposes of this study, it is assumed that Abbey Fields is developed with a residential scheme comprising 280 dwellings. The traffic generated by this assumed level of residential development is 166 vehicle trips in the AM peak hour, and 166 vehicle trips in the PM peak hour. These are considered robust estimates for assumed development generated traffic

- Modelling of the proposed access/Middlewich Road junction in the 2016 AM & PM peak hour 'with development' situation is undertaken. The results show that the junction is predicted to operate in an acceptable manner in both the 2016 AM & PM peak with development solutions

- It is demonstrated that the proposed access/Middlewich Road junction arrangements presented can accommodate estimated future traffic movements along Middlewich Road and traffic generated by potential residential development (up to 280 dwellings) on the Abbeyfields site. It is concluded that there are no highways/transportation reasons for refusal of the planning application.

### **Arboricultural Appraisal (Produced by FPCR and dated January 2011)**

- This survey assesses the impact of the proposed access upon 3 individual trees and 1 group of trees

- One of the individual trees is considered to be a Category A tree (high quality and value)

- Two of the individual trees and the group of trees are considered to be Category C trees (low quality and value)

- The Category A tree will need to be removed to facilitate the proposed access and the Category C trees may need to be removed.

- As part of the proposals discussions could be entered into with the LPA as to the nature of any compensation planting for the loss of the Category A Lime tree. It is recommended that a suitable replacement tree, the species of which is to be decided, is planted within the highway

verges along Middlewich Road to the agreement of the LPA. The new tree will contribute to the local tree population.

- All vegetation should be removed outside the bird breeding season

## **8. OFFICER APPRAISAL**

### **Principal of the Development**

This application relates to the provision of an access to serve a housing scheme which was heard at a Public Inquiry in April following the refusal of application 10/3471C (the decision for this application is likely to be made in September). Although there is a link between the applications, each application must be determined upon its own merits. In this case the development which is being considered is the demolition of 170 & 172 Middlewich Road and the formation of a new access.

Concerns have been raised with the applicant over the prematurity of this current application given that the housing scheme has been refused and the Secretary of State has not yet issued his decision. In response to this the applicant has indicated that they will submit a Unilateral Undertaking to the Council to state that they will not implement the proposed access unless the appeal for the housing development is allowed. This is considered to be a reasonable approach and would mean that the scenario of the access being constructed if the housing is dismissed at appeal would not arise.

### **Demolition of 170 & 172 Middlewich Road**

Although 170 & 172 Middlewich Road are attractive buildings they are not of an unusual style or of any special architectural or historic interest. Given that the applicant has indicated that they will enter into a Unilateral Undertaking to state that will not demolish the dwellings unless the appeal for the housing is allowed, it is not considered that the potential loss of these dwellings would warrant the refusal of this planning application.

### **Ecology**

The protected species which may be impacted upon as part of the construction of the access are Bats and Great Crested Newts.

#### Bats

As part of this application the applicant has commissioned a bat survey of the two properties which are to be demolished to determine whether they are in use or have been used as some form of bat roost. This survey concludes that *'the buildings only offer extremely limited potential to be used as a bat roost and the presence of a bat roost can reasonably be discounted'*. This survey has been considered by the Councils Ecologist and he is satisfied that the proposed demolition is not reasonable likely to result in an impact on roosting bats.

#### Great Crested Newts

As part of the housing application, a pond to the south of the site was surveyed and no evidence of Great Crested Newts was recorded. A second pond to the west of the current

application site which is located within the curtilage of 180 Middlewich Road did not form part of the original survey and this formed a reason for refusal for the housing development. Prior to the public inquiry a terrestrial survey for Great Crested Newts was carried out and this found no evidence of Great Crested Newts. This reason for refusal was then withdrawn and not defended at the public inquiry.

Given the findings of these surveys, it is concluded that the proposed development would not have a detrimental impact upon Great Crested Newts.

## **Trees**

There are trees on the boundaries of the application site including a Silver Lime which is subject to Middlewich Road, Sandbach TPO 1984.

Three trees and one group of trees which are located on or adjacent to the site have been surveyed as part of the submitted arboricultural report. This rates the TPO Lime tree at Category A and the two other trees and the group of trees as Category C. The TPO Lime tree would need to be removed to facilitate the access whilst the Category C trees may also need to be removed.

There is no objection to the removal of the Category C trees as these trees are of limited quality and value. However, there is concern from local residents and the Councils Landscape Architect over the loss of the TPO Lime tree. Whilst this concern is noted substantial benefits in terms of tree planting could be secured along Middlewich Road and within the proposed community park as part of the proposed housing scheme. It is considered that these benefits would outweigh the loss of one TPO tree and this issue would not warrant the refusal of this planning application.

## **Highway Safety and Traffic Generation**

The proposed junction design provides a simple priority junction with a ghost island right turn lane with pedestrian refuges within the splitter islands. The design caters for appropriate re-positioning of the bus stops in the vicinity of the site to bring them into positions which integrate with the new junction layout. Walking times to the bus stops are not materially affected.

The junction itself will have 3 lanes, one access and two egress, which allows improved capacity and turning movements.

It was necessary to ensure that the additional evidence submitted by the developer's highway consultant demonstrated that the proposed junction had sufficient traffic capacity for the suggested levels of development not only at the time of opening, but also in the future.

In addition, the junction needed to pass a Stage 1 safety audit which would ensure that the existing bus stops were appropriately catered for, along with pedestrian issues and general junction design in accordance with the guidance contained in the Design Manual for Roads and Bridges.



The Strategic Highways Manager has completed his assessment of the above information and found that the issues in relation to the junction design are now satisfactorily resolved and that it meets Highway Authority requirements.

The Transport Assessment states that the junction design is intended to serve up to 280 residential dwellings and the junction capacity is commensurate to this level of traffic generation. Highways agree that this junction is designed to serve a ceiling of 280 residential dwellings and that any increase in this number would require the junction design to be re-visited in order to produce a design with improved capacity, or an alternate access.

In addition, a Stage 1 Safety Audit has been completed and the junction design adjusted to make it acceptable.

The changes that have brought about a position where Highways agree that the details of the junction are acceptable, subject to the relevant highway legal agreements, and recommended conditions regarding the junction design which will be attached to any permission which may be granted for this proposal.

Given this assessment it is not considered that the access would cause such significant highway/pedestrian safety, traffic generation issues as to warrant the refusal of this application.

It should be noted that the suggested conditions require the applicant to enter into highways agreements and provide a suite of plans in relation to the construction of the access. It is considered that these would be more appropriate as informatives attached to the decision notice rather than planning conditions as these are dealt with under highways rather than planning legislation.

### **Amenity**

The main properties affected by the development would be 168 and 174 Middlewich Road which are located to either side of the proposed access.

The proposed access would include pavements to either side and wide grass verges or planting areas. In terms of noise and disturbance this is not considered to be an issue given the scale of the development which would involve the demolition of two dwellings. It is considered that the condition requested by Environmental Health in relation to an Environmental Management Plan is excessive for the proposed development and it is recommended that this is not attached to any approval.

In terms of privacy, there is adequate room to provide screen fencing or planting to protect the amenity of the adjacent dwellings and, as the access would be the only route to serve up to 280 dwellings, it is not considered that the access would be a magnet to anti-social behaviour.

### **Other issues**

Numerous points of objections which have been raised as part of the consultation process relate to the development of the Abbeyfields site for housing and not specifically to this access application. These points of objection were considered as part of the housing

application and these issues would not warrant the refusal of this application for an access to the site.

## **9. CONCLUSIONS**

In summary, the applicant has indicated that they will submit a Unilateral Undertaking to the Council to state that they will not implement the proposed access unless the appeal for the housing development is allowed. The proposed access is adequate in terms of its highway/pedestrian implications and it would not have a detrimental impact upon residential amenity. The proposed access would not have a detrimental impact upon the Great Crested Newts or Bats. Subject to a scheme of mitigation the loss of the TPO tree is accepted in this instance.

## **10. RECOMMENDATION**

**Approve subject to the following conditions;**

- 1. Standard time limit – 3 years**
- 2. The demolition of the dwellings to proceed in accordance with the recommendations of the Bat Survey Report dated 28<sup>th</sup> January 2011**
- 3. Submission of an Environmental Management Plan which shall be implemented and in force during the construction phase of the development.**
- 4. No development shall commence, until a scheme of tree planting to replace any trees felled outside the perimeter of the site as a result of the construction of any access has been submitted to and approved in writing by the Local Planning Authority. The tree planting scheme shall include details of schedules of trees noting species, plant sizes, container size, staking and protection, pit size, soil amelioration, the proposed numbers, location of planting (which shall be located on land adjacent to the highway) and an implementation program and a method of establishment.**

