

<b>Planning Reference No:</b>	09/3400C
<b>Application Address:</b>	Council Depot, Newall Avenue, Sandbach CW11 4BH
<b>Proposal:</b>	New build development of 107 extra care apartments and associated extra care facilities and car parking
<b>Applicant:</b>	Nuala Keegan, Cheshire East Council
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	375652 360485
<b>Ward:</b>	Sandbach East & Rode
<b>Consultation Expiry Date:</b>	10 <sup>th</sup> December 2009
<b>Date for determination:</b>	19 <sup>th</sup> January 2010

## **SUMMARY RECOMMENDATION**

**APPROVE** subject to conditions.

### **MAIN ISSUES:**

- The acceptability of the development in principle
- Layout, design and street scene
- Sustainability
- Impact on neighbour amenity
- Landscape and Ecology
- Highways and parking
- Drainage and Flood Risk

## **REASON FOR REFERRAL**

Members may recall that, at it's meeting on Wednesday 23rd December 2009, Strategic Planning Board granted approval to an application by Cheshire East Borough Council to develop 107 extra care apartments and associated extra care facilities and car parking on the former depot site at Newhall Avenue, Sandbach.

Judicial Review proceedings were subsequently issued by a developer with an interest in adjacent land. It was contended that the Council:

1. failed to require the applicant to submit a Transport Assessment, which should have accompanied the planning application to accord with Department of Transport Guidance and the Council's own validation criteria
2. failed in its consultation obligations and
3. failed to consider the issue of overshadowing and loss of daylight / sunlight by the proposed development on their land.

Counsel provided advice to Cheshire East on the merits of the claim. She concluded that, on balance, the Claimants would succeed on the first ground, relating to the Transport Assessment, but not on the other two grounds. While the Council could

have continued with its opposition to this Claim, it was likely that the Claimants would be given Permission to proceed. Accordingly the Borough Solicitor concluded that the Council should not contest the claim but should submit to the judgment.

The effect of submitting to judgment is that the permission that was granted by Board in December 2009 is effectively quashed, and that the Council will have to determine the application with the benefit of a Transport Assessment.

That Transport Assessment has now been carried out and has been submitted to the Council. Re-consultation has taken place on the additional information, including consideration by the Strategic Highways Manager, and the revised report below has been brought before Strategic Planning Board, in order for the application to be re-determined.

## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises of two distinct elements, the former Congleton Borough Council works depot accessed off Newall Avenue which is still in use and a private football pitch with associated pavilion.

The site is roughly triangular in shape narrowing to the north and then widening out to the south. It is bounded to the north by a line of four sheltered housing bungalows which are accessed off Union Street whilst to the south; the site abuts a children's play area which comprises a small infants play area with play equipment and a larger area of open grass from informal sports and other activities. Further to the south are a number of properties which front onto Fairfield Avenue and overlook the site which lies to the north.

To the east is an area of cleared land which is currently being developed by Morris Homes to provide 43 houses. To the west, the site is currently bounded by a high concrete panel fence some 2.2m in height. Beyond this lies Flat Lane which is principally used as a footpath but also provides vehicular access to a small private residential site know as the Caravan and to the football pitch. The remainder of the western boundary of the site beyond Flat Lane is abutted by the side garden of 48 Newall Avenue. Both properties to the west benefit from hedges some 1.7 to 1.9 m high for their boundaries

In terms of its character, the site is level with no noticeable changes in levels. A mature Silver Birch is located to the rear of the depot whilst the only other planting of note on the site consists of a series of trees along the eastern boundary.

## **DETAILS OF PROPOSAL**

This application is for the development of 107 apartments divided into 52 no. 1 bed apartments and 55 no. 2 bed apartments. These will be available for a combination of 50% for rent, 25% for shared ownership and 25% for outright sale. The scheme is similar in nature to the recently approved scheme at Willowmere in Middlewich that was submitted by the former Cheshire County Council (ref. 06/1104/FUL).

The application is outline in nature with access, layout and scale initially being proposed for consideration and landscaping and appearance being held over for a reserved matters application.

The scheme is to be managed by an extra care company on behalf of the Council. Whilst some of the units are for private sale, they cannot be sold on the open market and will be retained for occupiers in need of extra care provision. This can be controlled through the use of conditions.

In terms of the physical character of the development, the main part of the building is to be three storey in nature but on the northern and western ends where the building comes close to neighbouring dwellings, the building is brought down to a traditional two storey level.

Although the application is outline only, the applicants have provided indicative elevation details of the main elevation to the front of the building. The overall character and appearance of the building is of a building with prominent levels of glazing interspersed with forward projecting gables and verandas. Where there is a risk of overlooking, for example on the elevations facing neighbours, the applicants have indicated that these elevations would be blank to maintain privacy. The final details would however be addressed through a reserved matters application if this outline scheme were to be approved.

Access is to be gained off Newall Avenue in approximately the same position as the existing access into the Council Depot and the parking area for 52 vehicles is to be situated at the front of the development.

Secure garden areas for the residents are also to be provided around the building to the north and east. Additional landscaping is also to be provided.

## **RELEVANT HISTORY**

The use of the site for a depot and football pitch has been in place for many years. The planning history for the site therefore relates more to incremental changes in the character of the site.

Notable applications include 13712/3 and 13218/3 both approved in 1981, for the expansion of the site and alterations to the configuration of the adjacent play space and also 24604/3 approved in October 1992

## **POLICIES**

### **National Policy**

PPS 1: Delivering Sustainable Development  
PPG 13: Transport  
PPS17: Planning for Open Space, Sport And Recreation  
Department for Transport – Manual for Streets

### **North West of England Plan - Regional Spatial Strategy to 2011**

DP1 Spatial Principles  
DP7 Environmental Quality

## **Cheshire Replacement Waste Local Plan**

Policy 11 (Development and Waste Recycling)

## **Congleton Borough Local Plan First Review 2005**

PS4 Towns  
H4 Residential Development in Towns  
H13 Affordable and Low Cost Housing  
GR1 General Criteria  
GR2 Design  
GR6 Amenity and Health  
GR9 Accessibility, servicing, and parking provision  
RC1 Recreation and community facilities – General

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

### **Environmental Health**

No objection to the development proposed although conditions in respect of the following are proposed:

- A contaminated land Phase 1 report shall be submitted to, and approved in writing by the Local Planning Authority with a Phase 2 report and, if necessary remediation works to be undertaken.
- The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
- Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.
- No development shall commence until an assessment of traffic noise [and vibration] has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted. The assessment must also incorporate the potential impact on the proposed properties from the surrounding industrial premises.
- No development shall take place until an air quality impact assessment has been submitted to and approved by the Local Planning Authority. The impact assessment shall address the following issues;
  - o Current air pollution levels around the development site;
  - o Details of potential sources of air pollutants as a result of development activities;

- Measurable changes (increase and/or decrease) to air pollution concentrations as a result of development activities;
  - Comparison of predicted changes in air pollution concentration to current air quality standards;
  - Precise details of any methodology/guidance used in the assessment of air quality impact;
  - Proactive measures to address potential air quality issues where appropriate.
- Heavy goods vehicles should be restricted and shall only access the site from 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday.

### **Nature Conservation Officer**

The officer has commented to note that no evidence of protected species was recorded and accordingly they are satisfied that there are no significant adverse ecological impacts associated with the proposed development.

It was noted however note that there may be some removal of trees from the site and so it is recommend that two conditions are attached to any permission granted to ensure that breeding birds are not disturbed during site clearance work and to ensure that some additional provision is made for breeding birds as part of the development of the site

### **Senior Landscape & Tree Officer**

Although stated on the application proforma that there are no trees and shrubs on the site, and no tree survey has been provided, there are some shrubs and a Silver Birch located within the council depot area and trees on the eastern boundary of the site. Whilst apparently healthy, the Silver Birch tree is not exceptional. The belt of trees to the east would be removed in order to implement approved residential development on adjoining land. None of the trees are subject to TPO protection and if the development is deemed acceptable, replacement planting could be secured in mitigation

The proposed layout would appear to provide reasonable scope for landscape treatment to the west and within the resident's garden areas. The location of the bin store has a poor relationship with the public footpath. To the north, south and east, where the building extends close to the boundaries, there would be less scope for landscape treatment and this could be an issue. To the south, I anticipate that there would need to be a secure boundary with the POS and I would not want a situation to arise whereby ground floor properties had a poor quality outlook - say to a tall security fence or wall with little scope for landscape treatment at pinch points.

From the east, where residential development is approved, and the north where there are bungalows on adjoining land, the building could appear overbearing- a situation which could not be mitigated by landscape treatment.

A comprehensive detailed landscape proposal would be required in due course.

## **Highways Authority (updated)**

The Strategic Highways Manager has viewed this application and considered the proposals and accompanying Transport Assessment required for an application of this scale. Significant pre-application discussions have taken place between the S.H.M. and the applicants highway consultant: Mott Macdonald regarding the necessary analysis and content of the Transport Assessment. In addition, Mott Macdonald have provided a Travel Plan Framework which describes the principles by which the proposed facility will manage it's travel options for staff and residents.

### ***Transport Assessment***

The TA has been produced with the inclusion of the necessary elements of the guidance in the DfT document: 'Guidance on Transport Assessments' and is deemed to provide acceptable data in respect of the proposed development. The S.H.M. has agreed the method by which vehicular trip rates should be equated for the site, both in terms of the existing use-class and its potential traffic generation, and for the proposed use-class. The traffic generation numbers from the proposed development have then been compared to the existing numbers and it shows an increase in traffic generation, spread across the twelve hour working day. This increase in traffic generation for the working day is 102 vehicles, primarily cars with a limited number of service vehicles such as: ambulances, refuse and other service vehicles. The impact in the peak flow hours will be approximately 10 vehicles over those 60 minute periods which on average would equate to 1 vehicle each 6 minute period. The S.H.M. considers this to be a negligible impact with no material impact on local junction performance.

### ***Sustainable Transport options.***

The TA examines the sustainable transport options for the site and shows clearly that there are very good links to bus services with reasonable links to Crewe and Sandbach rail stations. Locally there is an excellent system of footway links. In particular, Flat Lane links directly to the town centre some 350 metres away via a dedicated footpath which is well surfaced and lit. This link benefits from a Pelican crossing where it is necessary to cross Old Mill Road, and this gives pedestrians control to negotiate this road safely. Cycle links are available along Crewe Road which distribute to a wider local cycle network. The Strategic Highways Manager considers that this evidence robustly demonstrates that this site can be considered to be sustainable in its modal choices for travel.

### ***Parking Provision.***

The TA provides 3 parking surveys from existing and similar developments, one from a site chosen by the S.H.M. This gives a strong evidence base for the necessary parking provision for the development. The proposal intends to provide 52 car spaces within the development, in a parking layout which provides sufficient room for service vehicles to turn and leave in a forward gear, and also provides a satisfactory dropping off area for visitors. The S.H.M. accepts that in this sustainable location, this is an acceptable level of parking provision. The proposed development also provides 10 secure and covered cycle racks.

### ***Traffic generation and impact.***

The Transport Assessment gives robust evidence regarding the traffic generation from the site which has been calculated from agreed and robust trip rates. The impact of the limited additional traffic that the development would produce is spread broadly across the twelve hour working day and develops only 10 additional trips in the peak flow hours. This level of traffic impact is negligible and will have no material impact on the local highway infrastructure or local road capacity.

### ***Access.***

The site will be accessed through the existing point of access to the highway depot, though the access will receive an upgrade in design. Historically there has been an expression of concern that with an increase in traffic there would be impediment to the safe passage of pedestrians using Flat Lane, when crossing the end of Newall Avenue. The Design and Access Statement for the development states that an upgraded access will be provided for the development and the S.H.M. will advise the Local Planning Authority on requirements for a detailed design plan for the revised access that will acknowledge the pedestrian desire line for Flat Lane. The Strategic Highways Manager considers that whilst there is a small increase in traffic generation, an appropriate re-design of the access can offer better inter-visibility between pedestrians and access vehicles and reduce vehicle speed. This will help mitigate concerns over pedestrian/vehicular conflict and subject to an agreed design, the S.H.M. considers there would be no reasonable grounds to resist development, particularly as the existing use that could generate more heavy commercial vehicles and a greater percentage of its traffic in the peak flow hours.

### ***Travel Plan.***

The proposed development offers a Travel Plan Framework for the development proposals which includes an appropriate list of measures for this type of development.

### ***Conclusion.***

This proposal for development offers a balanced and appropriate level of access and parking provision to adequately serve the proposal. The Transport Assessment demonstrates that the traffic generation would have negligible impact on the surrounding highway infrastructure and this has been analysed and accepted by the Strategic Highways Manager. The S.H.M. recommends that the following conditions be attached to any permission which may be granted for this development proposal.

### ***Conditions:***

1. Prior to first development, a detailed design plan for the proposed access improvement will be provided to the satisfaction of the Highway Authority and the L.P.A. This design will demonstrate improved inter-visibility between pedestrians on Flat Lane and the development access and associated methods for vehicle speed reduction at the access itself.

2. Prior to first occupation, the development will provide the approved parking layout for 52 car spaces and associated access, turning and drop-off areas.
3. Within 6 months of occupation, the Travel Plan Framework will be formalised into a full Travel Plan with appointed Travel Plan Co-ordinator, to the satisfaction of the Local Planning Authority.

### **Sport England (updated)**

Sport England does not wish to raise an objection to the planning application subject to the following condition being imposed requiring a replacement football pitch to be constructed prior to commencement of development.

### **VIEWS OF THE PARISH / TOWN COUNCIL (updated)**

Sandbach Town Council has the following concerns with regard to the amended plans received:-

- No alternative access, other than the existing access via Newall Avenue, is being provided. Previous plans indicated that additional vehicular access could be attained through the development off Old Mill Road, thus giving two points of access and substantially lightening the potential traffic on the existing one-way route.
- Despite the implementation of a travel plan and other supporting information this Council still objects to this application on the grounds that Highway Safety in the adjoining areas will be compromised by the additional traffic generated by these proposals, thus contravening Policies GR9 – 10 and GR18 of the Congleton Borough Local Plan.

### **OTHER REPRESENTATIONS (updated)**

Letters of representation have been received from 3 and 48 Newhall Avenue; 4, 46 and 48 Fairfield Avenue; 30 Townfields; and The Caravan; making the following points:

#### ***Highways***

- Flat Lane is busy with traffic 7 days a week going to the caravans and not just weekends for the football as some non-residents might think.
- the street map of the estate shows there are nine roads all of which have to exit via Third Avenue to get onto Crewe Road
- It is by the entrance to a well used park, a path used frequently to walk to town and also there is a blind corner which has to be crossed when taking children to school.
- Council Wagons, are very infrequent. This would change dramatically if it were to become an access route for residential development.
- It is close to the school and children park
- The access should be from Old Mill Road via Homebase and the Morris Homes Development.
- There is concern about construction traffic passing the school.



- Concern about access on to Newhall Ave for the following reasons:
  - o It is a built up area with many families – danger to children
  - o Objection to double yellow lines as road is used for visitor parking
  - o Traffic will cause congestion

### ***Other Matters***

- Flats are 3 storey and not in keeping with adjoining 2 storey development
- The land slopes considerably from the west down to the east thereby emphasising the height difference between the approved dwellings to this side and the proposed three storey building.
- The development does not relate well to the adjoining open space. It provides a barrier to it rather than interacting with it.
- As proposed, the height and scale of a continuous three storey "wall" of flats close up to the northern edge of the boundary of the playing fields would have an enclosing, overpowering, dominating effect on the openness of the area.
- Residents outlook would be affected and this will affect property values
- There will be loss of privacy and amenity
- Residents will be disturbed by construction noise.
- The park is a focus for anti-social behaviour
- The development would be better located in the town centre where all the amenities and public transport are located. This is paramount in view of the Cheshire East review of public transport and social care.
- The caravans should be given the same consideration as other house dwellers.
- Overall, in its current form the proposed scheme does not satisfy design factors detailed in PPS1, paras 33, 34 and particularly para 35
- There are a great many plus factors for this proposal. However in its current form the scheme cannot be acceptable whilst the above failures have not been addressed.

A letter has also been received from Sandbach Community Primary School making the following points:

- The school is located at the top of Newall Avenue where it joins Crewe Road.
- 124 3-11 year old children attend the site each day.
- The roads around the site are busy from 8a.m, each day when the Breakfast Club opens, until 9.am. when the morning session begins and at 3.30 when the main school leave at the end of the school day.
- There is also a great deal of traffic to and from the school throughout the day
- The increased volume of traffic that the development will bring which will have to pass directly beside the entrances to the school site.
- Newall Avenue's entrance from Crewe Road is a narrow one way stretch of road with an extremely narrow footpath used by primary school pupils and also the two secondary school's and the newly opened Children's Centre.
- Cars and larger vehicles are often observed driving very close to or on the low kerb at the top of this road.
- This problem will be exacerbated by construction traffic which will be extremely dangerous for the children.

- The traffic generated by the development once completed will increase the risk of an accident to an unacceptable level.
- Approximately 70%, of pupils travel to school on foot
- Those brought to school by car or taxi use Newall Avenue as a drop off and pick up point.
- Parking outside the school is already a problem which requires constant policing. However the new proposals will remove any opportunities to park safely further down on Newall or Price Avenue as the proposal indicates it is extending the double yellow lines to these areas.
- This will exacerbate current parking issues which will have to be policed more regularly by Cheshire East or the police and will also cause difficulties between the school and neighbours
- There is also concerns for the safety of pupils who regularly walk to school and use the alley way at the end of Newall Avenue that links to Union Street.
- Newall Avenue's one way section is frequently used illegally to exit the estate by visitors to the area and this will rise with an increased volume of traffic.
- There are concerns for the young people on the Townfields Estate who use the park facilities at the end of Newall Avenue.
- Whilst there is no objection to the actual development they would urge Cheshire East planning department to look at alternative access roads for both contractors and residents

## **APPLICANT'S SUPPORTING INFORMATION**

### **Transport Assessment (updated)**

The main aims of the TA are as follows

- To predict travel demand for the development
- To demonstrate safe and effective multi modal accessibility to the development
- To identify assess and propose mitigation for any net transport related impacts likely to arise from the development

The main outcomes of the TA are as follows

- The location usage and density of the proposed development has been designed with current transport policy in mind
- The closest bus stops to the site are located approximately 320m from the site entrance on Crewe Road. Bus services from these stops stop at Sandbach railway station, Sandbach Town Centre, Crewe Railway Station and Crewe Bus Station in addition to other local destinations
- The development site is located adjacent to an existing residential development and therefore is well connected to the existing public footway network. Sandbach Town Centre is located approximately 650m from the site access
- Regional Cycle Route 74 (on-Road) is located to the west of the development site along Crewe Road and intersects National Route 5 to the south of the development site along Crewe Road and intersects National Route 5 to the south of the development. It is estimated that the proposed development will increase the number of vehicular trips at the existing site. The arrival and departure of these additional trips will be spread throughout the day and therefore have negligible effect on the operation of the existing highway network

- It is considered that the proposed parking provision is sufficient to meet the needs of the development and meets local development parking policy requirements.
- Five accidents have occurred in the study area over the last five years. Two of these accidents involved pedestrians; one involved a cyclist and the remaining two involved vehicles. It is considered that the presence of the development will not increase the accident rate in the area.
- A Travel Plan Framework has been produced setting out how the development is intended to be managed to encourage sustainable travel to and from the proposed development.

### **Consultation Statement**

Two consultation exercises were undertaken on 29 September 2009 and 1 October 2009 in Sandbach to gauge the public's impression of the development proposed. 20 comments were received which were mostly in favour of the scheme though some people expressed concern about the accessibility of the site to traffic and in one case about the loss of the football field.

### **Sustainability Statement**

A statement has been produced by the applicants indicating measures that will be adopted in seeking to develop the care home to meet Level 3 of the Code for Sustainable Homes.

### **Wildlife Surveys**

The applicant has commissioned a report from JW Ecological Ltd in respect of protected species that may be present on the site.

### **Design and Access Statement**

The applicants have produced a Design and Access statement which examines the viability of the proposal and the character of the surrounding area. The document also provides indicative details on how the final form of the development may be realised at the Reserved Matters Stage.

### **Flood Risk Assessment / Drainage Strategy**

As the site is over a hectare in size, a Flood Risk assessment has been produced. The assessment has established that the site is in Flood Zone 1 with a risk of flooding of less than 1 in 1000 years. A number of conditions have been proposed in respect of the details of the form of the building to enable it to withstand any flooding and for the provision of attenuation.

## **OFFICER APPRAISAL**

### **Principle of Development**

As the site is identified in the Congleton Local Plan as a site for housing development under Policy DP2 (S1), the development of this site for other uses within Use Class C (C2: Extra Care) is considered to be acceptable in principle.

Despite this allocation however, the site is also identified in the Local Plan as being a protected area of open space/ recreation facility.

If this scheme was being brought forward in isolation from any other development in Sandbach, there would be a noticeable concern over the loss of the existing sports pitch. More recently however, the Council has granted approval for the development of 10 football fields and associated changing facilities on land off Hind Heath Road. (ref. 09/2058C).

Paragraph 13 of PPS 17 acknowledges that development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The key criteria though is that the new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. In addition, wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities.

It is felt that although this facility is away to the south west of the current site location, the greater quantity and improved quality of the provision including the provision of an all weather 3G pitch represents a more than appropriate alternative provision to off set the loss of the old pitch meeting the criteria set out in the PPS.

Discussions have been held with Sport England on this particular point and they have commented that the development of additional facilities in the Sandbach area is acceptable to offset the loss of this site.

Guidance is also given in PPS 17 that Local Authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

As the scheme at Hind Heath Road has now received planning approval and has funding in place through the Football Association together with the Council, the need for an obligation in this instance is not felt to be necessary.

### **Layout, Design and Street Scene**

Although outline only at this stage, the building has been designed predominantly as a three storey structure lowering to two storey only on the west and northern ends.

Many of the surrounding properties are two storey in nature or, in the case of the properties to the north, single storey. As a result this scheme will appear as a noticeable change in the character of the area. There are some larger properties in the local vicinity however including the Homebase centre off Old Mill Road and the Waitrose store, both to the north. In other directions though, there are few buildings of similar scale. The Sandbach School off Crewe Road is a significant sized building

but its impact on the character of the area is diminished by the separation of the various elements of the building and the distance of the building away from the public highway.

In principle, it is felt that the scale and form of development proposed will not have a severe impact on the character of the area. The stepping down of the built form at the peripheral edges helps to ensure that the immediate impression of the building will be one of a more domestic scale of architecture in keeping with the general development pattern surrounding the site. The transition from two through to three storey development will not then be a significant step change and the larger part of the building will not have a harsh impact on the street scheme which may be considered unacceptable.

The form and shape of the building is then proposed to be broken up through a number of architectural features such as the projecting balconies and the relatively high level of glazing which in turn results in a reduction in the amount of brickwork visible and so results in a less dominant and bulky form of architecture.

## **Sustainability**

Consideration has been given to the sustainability of the scheme particularly in light of the policies in the regional strategy. A Renewable Energy Statement has been provided by the applicants and this sets out that the development is intended to meet Level 3 of the Code for Sustainable Homes.

This is to be achieved through improved thermal efficiency of the building products and additional insulation, reducing air permeability and minimising requirements for mechanical ventilation. Improved heating sources are also to be used and care is to be taken in the detailed design to minimise thermal bridging.

Reduced water consumption and increased use of sustainable construction materials will also minimise the impact of the development on the environment.

The applicants have indicated some recycling facilities near to the front of the site and whilst the location of the buildings is somewhat close to the boundary of the site, the principle of provision is welcome and it is felt that this element of the scheme can be resolved at the reserved matters stage.

## **Amenity**

The relationship of the building to the neighbours on the northern and western boundaries is one of the key issues of concern.

The bungalows to the north already had a concrete panel fence approximately 2.0m high at the end of their gardens so do not have a completely open view. The northern gable wall of the building is proposed to be 14.0m away from the rear of the bungalows which slightly exceeds the 13.8m separation distance suggested in Local Plan Supplementary Planning Guidance.

At this close relationship, consideration is given to whether there are any factors which would require a greater separation distance. Given the existence of the existing fence it is not felt an objection could be sustained on issues of loss of light especially considering the proposed development will be two storeys at this point. The applicant has also confirmed that it is their intention that this elevation be free of windows to prevent overlooking. On this basis, it is felt that this element of the scheme is acceptable in outline and can adequately be controlled through conditions to manage any reserved matters application.

The Council's Supplementary Planning Guidance recommends that a minimum distance of 21.3m should be maintained between elevations containing principal windows. The distance between the development and the properties off Fairfield Avenue to the south is approximately 48m which is considerably in excess of this distance and will compensate for the fact that the development is to be three storey in nature with the possibility of balconies being provided. Furthermore, at the moment, the park to the rear of the properties in Fairfield Avenue allows close views of the rear of the existing houses especially the first floor windows.

Although the rooms in the care home may allow some overlooking of the properties to the south, it is felt that the distances involved between not only the rear of the buildings but also the private garden areas is still considerable and in excess of what would normally be expected in a situation where domestic properties back on to each other in a normal residential area and there is overlooking from bedrooms into other surrounding properties.

## **Landscape and Ecology**

Consideration has been given to the EC Habitats Directive 1992 which 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 implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

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

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

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, consideration is given to the findings of the protected species survey undertaken on behalf of the applicant. This report has established that there are no species of note on the site and therefore a licence from Natural England is not required in this instance.

The Nature Conservation Officer has suggested two conditions in respect of controlling development during the breeding bird season and these are felt appropriate and are therefore recommended.

Public consultation

At the time of the preparation of the report, only two comments had been received directly in respect of this application. Both of these commented on the suitability of the access arrangements along Newhall Avenue and the subsequent impact on Crewe Road. Additional comments on a similar nature were also received during the developers consultation exercise and these are noted.

## **Highways and Parking**

The application seeks approval of the access, which is to be taken from Newhall Avenue. Concerns have been raised by local residents, the Town Council, and the primary school in respect of this aspect of the scheme. They argue that Newhall Avenue is narrow and congested, and that it has a dangerous junction with Crewe Road. There is also particular concern about the fact that the site access crosses Flat Lane, which provides pedestrian access between the town centre, adjacent park, the school and surrounding residential areas. As a consequence it is used heavily by local children. It also provides vehicular access to The Caravan.

The applicant has submitted a full Transport Assessment, which concludes that the proposal will not have any adverse effects in terms of highway safety, traffic congestion or on-street parking. The Strategic Highways Manager has carefully scrutinised this Assessment and endorsed its conclusions. He has commented that the site is also sustainably positioned within the built up area, within easy walking

distance of the town centre and bus route along Crewe Road. Consequently, he has raised no objections subject to appropriate conditions relating to the provision of a full travel plan, parking areas within the site and a detailed design for the proposed access which provides adequate inter-visibility and traffic calming measures, to prevent conflict between pedestrians using Flat Lane and vehicles entering and leaving the site.

Therefore, whilst the concerns of the local residents, Town Council and primary school are noted, in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety, parking or traffic generation grounds could be sustained.

### **Drainage and Flood Risk**

The applicants flood risk assessment has shown that the proposed development will not be at risk from flooding nor will it exacerbate flooding in other areas. As a matter of good practice, the applicants drainage consultant has put forward a series of conditions to make use of sustainable drainage techniques and these are welcomed by officers.

## **11. CONCLUSIONS**

Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

## **RECOMMENDATIONS**

**Approve subject to the following conditions:**

- 1. Time limit on outline permission**
- 2. Submission of reserved matters (access, landscaping and appearance)**
- 3. Details of materials to be submitted**
- 4. Drainage and surfacing of hard standing areas**
- 5. Landscaping - submission of details**
- 6. Landscaping conditions - implementation**
- 7. Submission of a scheme for the provision and implementation of a surface water regulation system (SUDS scheme)**
- 8. Submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system**
- 9. Submission of a scheme to dispose of foul and surface water**
- 10. Submission of a contaminated land investigation**
- 11. Submission of a scheme for the provision of affordable housing**
- 12. Notwithstanding the details shown on the approved plan a revised parking and turning layout to be submitted, approved and implemented.**
- 13. Construction site to be subject to the following hours of operations**
  - Monday – Friday 8.00hrs - 18.00hrs**
  - Saturday 8.00hrs - 13.00hrs**
  - With no Sunday or Bank Holiday working**



- 14. Details of the method, timing and duration of any pile driving operations to be approved in writing**
- 15. Submission of an assessment of traffic noise [and vibration]**
- 16. Restriction of heavy goods vehicles to between hours of 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday.**
- 17. Submission of an air quality impact assessment**
- 18. No windows in the north gable elevations unless fitted with obscured glazing and no opening lights.**
- 19. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds to be carried out**
- 20. Submission of detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.**
- 21. The Reserved Matters application to contain a detailed waste audit scheme**
- 22. Submission of a travel plan**
- 23. Reserved matters to include detailed design for the proposed access which provides adequate inter-visibility and traffic calming measures, to prevent conflict between pedestrians using Flat Lane and vehicles entering and leaving the site.**

Location Plan: Cheshire East Council Licence No. 100049045

