

Planning Reference No:	09/0481C
Application Address:	Oaklands Medical Centre, St Anns Walk, Middlewich, Cheshire, CW10 9FG
Proposal:	Relocation of existing floodlit all weather sports facility, demolition of existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a three-storey medical centre with associated access and parking.
Applicant:	Mr Darren Oxley - Oakapple
Application Type:	Full
Ward:	Middlewich, Congleton
Earliest Determination Date:	17 July 2009
Expiry Dated:	16 August 2009
Date Report Prepared:	18 September 2009
Constraints:	None

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of a S106 Legal Agreement.

MAIN ISSUES

The key issues for Members to consider in determining this application are:

Principle of Development

Policy

Sustainability

Design

Amenity; a) noise; b) light; c) contamination

Highways & Parking

Ecology

Flood Risk

1 REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the site area is 1.53ha and is therefore a small-scale major development. The application was also deferred from the meeting on 7 October for a Committee site visit, and clarification on highway matters and phasing of the sports pitch.

2 DESCRIPTION OF SITE AND CONTEXT

The application site lies towards the south of Middlewich Town centre and is accessed off St Ann's Road, a small street serving the existing Oaklands Medical Centre as well as the Middlewich Leisure Centre and part of Middlewich County High School. The site comprises of an existing Astroturf football pitch belonging to and operated by the Middlewich High School as well as the existing Oaklands Medical Centre building and car park. The site also

includes a parcel of scrubland towards the east directly behind the site belonging to the former 'Niddries Coaches' on Lewin Street. The site includes 'White Horse Alley' to the north which provides a pedestrian link between Lewin Street, Civic Way and St Anns Road.

With regard to the surrounding development, the site is bounded by residential properties to the northeast and east while Bembridge Court retirement home and recreational grassed areas used by Middlewich High School bounds the site to the south. A car park associated with Middlewich High School and Leisure Centre bounds the site to the west. Beyond the immediate surrounds of the site, Middlewich High School and Leisure Centre and associated grounds including tennis courts are located to the west and Middlewich Medical Centre, the Wych Centre, Middlewich Fire Station and residential gardens of properties located on Civic Way and Queen Street are located beyond White Horse Alley to the north. Residential premises off Lewin Street are located beyond the open scrubland to the east with residential properties off Ventr Close, Bembridge Drive and Sandown Close located within proximity to the site to the south. Residential properties are also located beyond the existing school and leisure centre building on St. Anns Road.

3 DETAILS OF PROPOSAL

Full planning permission is sought for the relocation of an existing floodlit all weather sports facility, demolition of the existing Oaklands Medical Centre and the construction of 2 separate buildings comprising a two-storey dental facility with pharmacy and a part three-storey Primary Care medical centre with associated access and parking. The key underpinning aim of the proposal is to bring together key facilities and services on site to provide a central hub for healthcare within Middlewich.

As the proposed Primary Care building would occupy part of the existing Astroturf sports pitch, this loss would be compensated by shifting the pitch approximately 20 metres further to the east occupying what is at present vacant scrubland. The proposed 3 storey building would face south in the direction of the existing Leisure centre and car park. Additional car parking would extend across the frontage and would then turn 90-degrees wrapping around the side of the building. The site of the existing Oaklands Medical centre building would make way for the new 2 storey dental facility and additional car parking.

4 RELEVANT HISTORY

None

5 POLICIES

Regional Spatial Strategy (RSS)

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP 3 Promote Sustainable Economic Development

DP 4 Make the Best Use of Existing Resources and Infrastructure

DP 5 Manage Travel Demand; Reduce the Need to Travel

Local Plan Policy

PS4 Towns

GR1 New Development

GR2 Design
GR4 Landscaping
GR6&7 Amenity & Health
GR8 Pollution
GR9 Accessibility, servicing and parking provision
GR10 Managing Travel Needs
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpath, Bridleway and Cycleway Networks
GR17 Car Parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
NR1 Trees & Woodland
NR2 Wildlife & nature Conservation
RC1 Recreational Facilities
RC11 Community Uses

Other Material Considerations

PPS1 'Delivering Sustainable Development'
PPS9 'Biodiversity and Geological Conservation'
PPG13 'Transport'
PPG17 'Sport and Recreation'
PPS23 'Land Contamination'
PPG24 'Planning & Noise'
PPG25 'Development and Flood Risk'

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

6 CONSULTATIONS (External to Planning)

Environmental Health:

The Environmental Health Division recommends the imposition of conditions restricting hours of construction and piling, and limiting access by Heavy Goods Vehicles to day time hours as well as prohibiting overnight parking. EH also recommend a condition requiring the submission of a scheme to control the discharge of light emanating from the proposed sports pitch flood lighting.

With regards to land contamination, the submitted desktop study and phase 1 investigation satisfy the requirements of the planning process and as such no further investigation or remedial works are deemed necessary.

Strategic Highways Manager:

The Transport Assessment gives a comprehensive view of the development and offers trip rates which are agreed and provides traffic impact figures on the surrounding highway infrastructure to demonstrate junction performance and likely queue lengths due to traffic impact. The junctions immediately local to the site are shown to work within capacity, and the A54/A533 junction (St Michaels Way/Leadsmithy Street), is shown to receive small numbers of traffic in peak flow hours which fall substantially below the 5% threshold rendering them negligible in design terms. The Strategic Highways Manager has therefore concluded that the projected traffic impact is acceptable and will not have undue effect on queue lengths and capacity at existing junctions. Due to the fact that the proposed Primary Care Centre is to replace two existing facilities, it is acknowledged that some of the traffic generation from the new development is mitigated by traffic generated by the existing facilities already using the highway network.

Access and Parking Proposals

The Transport Assessment does suggest that there is capacity on the existing Civic Way car park which is close to and would support the proposed development. This is disputed as an option for parking, as Civic Way car park is observed to be well used and with the advent of parking charges by Cheshire East Council, it would be less attractive to people wishing to visit the proposed development. In any event, it is not considered acceptable that this development should rely on existing authority off-street parking facilities, especially where those parking facilities are limited.

Seemingly in response to this view, the applicants have recently provided, via their consultants, a revised layout for parking on the site that offers an increase in provision to a level seen to be acceptable for the development (Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E). On this basis the Strategic Highways Manager accepts the offered levels of parking (108 spaces + 5 driver with disability), however the plan quoted above shows a high degree of tandem spaces which are not readily available for regular parking use. This is not acceptable and an alternate parking layout should be proposed which provides parking at these offered levels but which is readily accessible.

General Layout/Design Issues

In terms of facility, this proposal for a Health Centre will bring together; 2 local doctors surgeries, a pharmacy, a dentist's surgery and the existing Primary Care Centre. This is seen by the Strategic Highways Manager as a positive development where sustainable travel and combined trips are considered, and supports the development in this respect. The use of White Horse Alley however, will be increased with this development and the need for quality pedestrian accessibility and confidence in security has not been addressed apparently, in the general design proposals for the site. There is also an issue, regarding the proposed development layout and its impact; good or otherwise, on the general site area and the cohesive qualities of the proposals considering neighbouring facilities and establishments.

Taking a broader, more holistic view, the Strategic Highways Manager would wish to express concern that the proposed layout and building positions do little to maintain a cohesive environment for school activities and actually break the firm link between the sports pitches and the school/leisure centre. These issues, together with a pedestrian link,

quality lighting and passive surveillance should be addressed and enhanced by the development layout, not diminished by it.

Conclusion

The Strategic Highways Manager has no objection to the proposed development subject to the Conditions and Informatives.

Senior Landscape & Tree Officer (SLO):

Trees

The submission includes a tree survey. Whilst none of the trees are subject to TPO protection, and the condition of certain specimens is poor, they are all visible to the public and contribute to the character of the area. The proposals would involve the loss of 10 trees, including 2 mature Oak trees located to the south of the car park to the existing medial centre, younger trees to the front and rear of the building and a mature Ash tree to the west of the existing sports pitch. The SLO has concerns that the proposed development requires the removal of so many trees, particularly trees which the applicant's tree survey indicates are healthy and assessed suitable for retention. Whilst replacement planting is proposed, it would take many years for new planting to mature and make a contribution to the landscape.

Hedgerow/scrub

The proposed development would require the removal of established sections of managed hedgerow to the south of the existing sports pitch and a longer, unmanaged length to the east. Areas of scrub would be removed from the eastern boundary of the site. Whilst replacement planting is proposed, the loss of these features would be regrettable.

Landscape

The relationship between the re-located sports pitch and the eastern elevation of the proposed medical centre is questionable. No details have been provided regarding fencing to the pitch. Assuming that the pitch will have ball secure fencing, probably higher than the existing, the outlook from the ground floor of the building to the fence with only approximately 4.5 metres separation could be poor. Indicative external works proposals including soft landscape works are indicated on the submitted plan (reference 4051 A-2150C). Should the development be deemed acceptable, the proposals are reasonable.

Nature Conservation Officer (NCO):

The submitted surveys are acceptable. Whilst the potential occasional presence of small numbers of bats cannot be entirely ruled out this is normal with surveys of this type. The NCO advises that the LPA now has sufficient information to be reasonably satisfied that the proposed development will not have a significant adverse impact upon either bats or barn owls.

Sport England (SE):

The proposal has potential to provide further investment in an existing sports facility which because of its age will require further investment. However, in order to ensure that the facility will be sustainable in the longer term, SE recommends that a management and maintenance regime is put in place to cover the longer term running costs. Also because the existing facility is used outside of school hours during the evenings and weekends, in

order to ensure continuity of use, it will be imperative that the replacement facility is completed prior to any development associated with the new medical centre taking place on the existing pitch. The application also offers the opportunity to formalise community use arrangements by way of a Community Use Agreement. Subject to these arrangements, the proposal would not result in the loss of a playing field and therefore SE raises no objection.

Environment Agency (EA):

No objection to the development. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Further recommendations relate to the planting of solely native species as part of the landscaping, Sustainable Urban Drainage Systems (SUDS), and the attachment of informatives regarding bats and breeding birds.

Police Architectural Liaison Officer:

Various recommendations are made with regard to the internal layout of the building with particular regard to the GP practise areas that will be accessible to members of the public. Further recommendations include providing a barrier on the staff car park and providing speed bumps to prevent vehicle antisocial behaviour and the installation of CCTV to provide surveillance over the vulnerable areas are the buildings.

United Utilities (UU):

UU has no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. UU recommends that surface water should discharge to the soakaway/watercourse/surface water sewer. If surface water is to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate.

7 VIEWS OF THE MIDDLEWICH TOWN COUNCIL

Middlewich Town Council supports the proposed development in principle subject to the following concerns being addressed:

- There is concern that there will be an impact on the amenities of adjoining properties, particularly Bembridge Drive and Court and Rosemount by reason of noise and light pollution. This could be resolved if it was possible to reduce the size of the pitch and/or undertake noise reduction measures around the site and install floodlighting which reduces the impact of light pollution compared with the lighting on the existing pitch.
- It is suggested that there should be a s106 agreement to provide the installation of noise reduction measures such as double glazing to those properties bordering on to the all weather pitch.
- It is considered that a reduction in the operating hours of the all weather pitch would be desirable to reduce the impact on neighbours.
- Clarification is needed with regards to the methods of security to be adopted for the all weather pitch in view of its new location which will be hidden by the proposed medical centre.

8 OTHER REPRESENTATIONS

Letters have been received from the Manager of the nearby Brembridge Court Sheltered Housing, the owner of the site of the former Niddries Coaches, and residents from Rosemount Court. The main issues raised are:

- Potential noise nuisance generated from the relocation of the sports pitch.
- Potential light pollution from the proposed floodlighting.
- Stray balls ending up in neighbouring gardens.
- Vandalism & anti-social behaviour
- The size of the pitch will larger than the existing one and close to neighbouring boundaries.
- People may be encouraged to take shortcuts from Bembridge Court through to the sports pitches.

9 APPLICANT'S SUPPORTING INFORMATION

A full package of supporting information has been submitted with the applications including, Design and Access Statement, Noise Impact Assessment, Transport Assessment, Various Letters of Support, Flood Risk Assessment, Floodlighting Assessment, Phase 1B Geo-Environmental Risk Assessment and Ecological Report.

10 OFFICER APPRAISAL

Principle of Development

Policy PS4 of the development states that there is a general presumption in favour of development within settlement zones lines of provided that it is in keeping with the town's scale and character and does not conflict with other relevant local plan policies. Any development on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

The proposal would facilitate the expansion of the existing Oaklands health care centre as well as the upgrade and improvement of the existing all weather sports pitch belonging to Middlewich High School. In land use terms therefore, the uses are already established. With regard to the intensification of the use, the amalgamation of the existing healthcare centres would provide a centralisation of existing services that can be already be found within the Town and this centralisation would bring wider community benefits and would help to reduce present inequalities in health care service provision which is an agenda promoted by RSS policy DP2.

Policy

Policy GR1 of the development plan states that all development will be expected to be of a high standard, to conserve and enhance the distinctive character of the surrounding area and not detract from its environmental quality, and to have regard to the principles of sustainable development.

Additionally Local Plan Policy GR2 states that planning permission for development will only be granted where the proposal satisfies the following design criteria:

1. the proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of: the height, scale, form and grouping of the building(s); the choice of materials; external design features, including signage and street furniture; the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally;

2 where appropriate, the proposal provides for hard and soft landscaping as an integral part of the scheme which is satisfactory in terms of: the balance between the open space and built form of the development; the relationship of proposed areas of landscaping to the layout, setting and design of the development; the screening of adjoining uses; maximising opportunities for creating new wildlife/ nature conservation habitats where such features can reasonably be included as part of site layouts and landscaping works;

3 where appropriate, the proposal respects existing features and areas of nature conservation, historic, architectural and archaeological value and importance within the site;

4 where appropriate, the proposal incorporates measures to improve natural surveillance and reduce the risk of crime;

5 where appropriate, consideration is given to the use of public art and the creation of public spaces to benefit and enhance the development and the surrounding area; the proposal takes into account the need for energy conservation and efficiency by means of building type, orientation and layout, sustainable drainage systems and the use of landscaping.

The policy further lists a number of criteria which proposals will be assessed against including, inter alia, design, landscape, amenity, accessibility, servicing, parking provision and traffic generation. Proposals will only be permitted if considered to be acceptable in terms of these criteria.

Sustainability

The site is located within a sustainable location where it is within close walking distance of local services and public transport links serving the wider area. Most notably there is a nearby bus stop situated on Lewin Street that is serviced by regular busses carrying passengers from the nearby towns of Sandbach, Winsford, Northwich and Crewe as well as larger nearby villages such as Holmes Chapel. The site itself is well connected with existing pedestrian routes namely the White Horse Alley connecting Lewin Street with St Ann's walk intersected by links with Civic Way. Consequently, the site is well positioned in terms of its connectivity and accessibility and the proposal would promote use of the existing footpath network particularly the 'White Horse Alley' which at present appears underused.

Design

The proposed 3-storey medical centre building would be positioned side on to St Ann's Walk and would have a wide frontage spanning some metres to facilitate the relocation of the all weather sports pitch. Although the main building would be wide, the width of the frontage would be successfully broken up by staggering the building line with a number of projecting features. Moreover, this broken up massing would provide legibility and would help to define the main entrance area thereby drawing the eye to the focal point of the building. The use of differing materials and the general character and appearance of the building would help to provide a landmark building. Although the building would be 3-storey in part, the majority would be 2 storeys helping it sit comfortably within its surroundings whilst

respecting the surrounding open spaces and achieving a sense of prominence that this civic building deserves.

The general character of the building would be carried through to the proposed dental facility by incorporating similar design features and materials as that proposed on the main healthcare centre building. However, owing to its modest size and two-storey form, the dental facility would be read as a secondary building and also its lower height and positioning would help provide a hierarchy and would provide a step down adjacent to the southern site boundary.

Following discussions with the agent and architect, the proposed dental facility has been rotated on its axis by 90-degrees so that the area in front of the building is more open and so that the building does not interrupt views of the main 3 storey healthcare centre. This has two benefits, the first that it allow the principal building to establish its dominance thereby increasing view of its and making it more legible for the user, and secondly, the additional space has opened up the pedestrianised areas allowing for greater permeability.

Trees & Landscaping

The proposals would involve the loss of 10 trees, including 2 mature Oak trees located to the south of the car park to the existing medical centre, younger trees to the front and rear of the building and a mature Ash tree to the west of the existing sports pitch. Whilst none of the trees are subject to TPO protection, and the condition of certain specimens is poor, they are all visible to the public and contribute to the character of the area.

The relationship between the re-located sports pitch and the eastern elevation of the proposed medical centre is close. Assuming that the pitch will have ball secure fencing, probably higher than the existing, the outlook from the ground floor of the building to the fence with only approximately 4.5 metres separation could be poor. Nevertheless, on balance and after careful consideration, the harm in terms of nature conservation and public amenity would be outweighed by the community benefits resulting from a new healthcare facility and football pitch. However, conditions are recommended, including the submission, approval and implementation of a tree protection scheme as well as further details of landscaping including provision of replacement planting for those specimens to be removed.

Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion.

With regard to the issue of residential amenity, the site is surrounded by residential premises to the northeast, east and the south. Distances in excess of the recommended 21.3m, advocated in Supplementary Planning Guidance Note 2 will be maintained between the proposed buildings and all of the neighbouring dwellings, and therefore any impact on privacy or sunlight would not be sufficient to justify a refusal. With regard to noise and light generated from the proposed relocation of the sports pitches, neighbours have expressed concern.

Noise

Given that there is an existing sports facility on the site, it is not considered that the proposed use would give rise to further material harm by reason of noise. Whilst the pitch is being moved slightly closer to some residential properties, the distances would not be significantly different from those that already exist. However, it is suggested that the hours of use are conditioned to prevent any undue harm late in the evenings. The Environmental Health Officer has examined the application including the noise impact assessment that was submitted more recently. In the absence of any objection, it is not considered that the existing noises levels would be exacerbated to a degree that would cause a significant reduction in the amenities currently afforded to the nearest residential uses.

Middlewich Town Council are generally supportive of the principle of the proposed development, however, they have suggested the use of a legal agreement or conditions aimed at securing the installation of double-glazing within the residential properties bordering the site to help attenuate any noise generated from the sports pitches. Whilst such measures can be implemented where *new* residential uses are being introduced within close proximity to uses generating noise, national planning policy advises that it is unreasonable to do so. "This is because the planning system can be used to impose conditions to protect incoming residential development from an existing noise source but, in general, developers are under no statutory obligation to offer noise protection measures to *existing dwellings* which will be affected by a proposed new noise source. Moreover, there would be no obligation on individuals with an interest in each dwelling affected to take up such an offer, and therefore no guarantee that all necessary noise protection measures would be put in place" (PPG24 Annex 1). In effect as the dwellings already exist, it would not be sustainable to impose conditions/legal agreement to require works to be done to those existing dwellings. The impact of the new pitch itself must be considered, and where appropriate controlled, having regard to those dwellings as is.

Light

The application is accompanied by a light impact assessment. Whilst this demonstrates that the light spillage from the proposed flood lighting will not exceed 5 lux at the rear of the nearest neighbouring dwellings and 50 lux for the adjacent Bembridge Court, conditions requiring a scheme to be submitted to further reduce this spillage could offer betterment over those levels proposed and the levels generated from the existing floodlighting. The Environmental Officer has viewed the application and has no objections to the lighting proposals subject to conditions aimed at minimising light spillage. These would specify the angle and position of lights to ensure no light spillage (zero lux) and the use of asymmetrical beams. Subject to conditions, the light emanating from the pitch could be controlled to reduce and improve existing levels.

Contamination

The contaminated land survey submitted with the application identified that a number of contaminants exist on the site. It confirms however that none of the levels identified exceed the thresholds within the CLEA guidelines before making a number of recommendations as to possible options for remediation. Following an assessment of this document, Environmental Health has confirmed that subject to the imposition of a condition to secure further information, they have no objection to the proposed development. It is therefore considered that the proposed development can satisfy the requirements of PPS23 'Planning and Pollution Control' along with local plan policy GR7.

Highways & Parking

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The site would be accessed via St Ann's Walk and would support the access and vehicle movements associated with the proposed health care centre, dental facility and pharmacy. In terms of capacity, the Transport Assessment demonstrates that the junctions near to the site and the A54/A533 junction (St Michaels Way/Leadsmyth Street) would receive small numbers of traffic in peak flow hours. The Strategic Highways Manager has therefore concluded that the projected traffic impact is acceptable and will not have undue effect on queue lengths and capacity at existing junctions. It is also important to note that some of the traffic generation from the new development is mitigated by traffic generated by the existing facilities already using the highway network within the Town.

Following concerns regarding the provision of parking, and the applicant's assertion that the local Civic Way car park could be relied on as providing additional parking, a revised parking layout has been received. The offered levels of on-site parking shown by the revised layout would deliver 108 spaces plus 5 disabled bays. The Strategic Highways Manager considers this level of provision to be acceptable for the development; however, the revised layout shows a high degree of tandem spaces which are not readily available for regular parking use. As such, Highways have recommended a condition be imposed requiring submission of revised car parking layout to show the provisions already identified (i.e. 108 spaces plus 5 disabled). It is clearly not an ideal situation to have tandem spaces, and represents a compromise to provide the desired number of spaces within what is a constrained site. It has however been indicated that the tandem spaces will be used solely for staff, which has been accepted by the practices and the PCT. Therefore, while a condition can be imposed to see if further tweaking can be achieved to the parking layout, Members should be aware that it may not change significantly from what has been proposed.

Turning to the requirements of pedestrians, as previously discussed the site is well connected with 'White Horse Alley'. Given that the proposed development would increase the number of users along this local footpath network, the highways division requires improvement works to be carried out to this network of paths. Having regard to the scale of development, and the increased demand that would be placed on White Horse Alley, it is considered that this would meet the tests of Circular 11/1995. Although concern has been expressed locally about the existing nature of White Horse Alley, it is considered that the improvements proposed (lighting, resurfacing and tidying/pruning of hedgerows) could offer significant benefits and make the path more user-friendly.

Elsewhere, the proposal includes two areas of cycle storage, the first directly in front (east) of the dental/pharmacy building and the second on the opposite of White Horse Alley alongside the north side elevation of the main health care centre. Whilst the latter cycle storage would be sensitively sited, the storage area proposed directly in front of the dental facility would impede pedestrian flow and would present make movement towards through the site towards the entrance of the main health care centre building less direct and potentially hazardous to those with mobility problems (i.e. wheelchair users, partially sighted etc.). Nonetheless, the positions of the cycle storage could be secured by condition.

Ecology

In view of the fact that the development would involve demolition, the removal of some trees specimens and scrubland, the existence of protected species needs consideration. In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

In an initial survey, the ecologist identified few habitats of priority interest on site and suggested that the loss of habitats such as scrub and hedges could be mitigated. Nonetheless, the report stated that it was not possible to determine the ecological value of the site, without further survey. In response to these conclusions, further surveys have been carried out and reported to the Council's Ecological Officer. The findings confirm that none of the trees or buildings to be removed support bat species or other species protected by law. However, some of the features of the building exhibited ideal potentially for supporting such species and as such precautionary recommendations are made. Subject to these being implemented, the requirements of PPS9 and the EC Habitats Directive are satisfied.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. Based on the information provided in the report it appears that the risk of flooding and the risk to controlled waters are low. The environmental setting of the site appears to be of low sensitivity with the underlying geology designated as non-aquifer. On this basis the Environment Agency raises no objections and it is considered that the proposal adequately addresses Flood Risk.

Phasing of Development

Understandably concerns have been raised about the phasing and timing of the development, and particularly the need to minimise the loss of the sports facility during construction. The developers have advised that as part of the land contract there will be an obligation for them to complete the pitch within 15 weeks of commencement of works on the site. However, the land contract is a completely separate matter from consideration of planning matters. Notwithstanding this, it is considered that a 'Grampian' condition can be imposed on any approval to ensure that prior to any work commencing on site that a scheme for the phasing of the development is submitted to and agreed with the Local Planning Authority. This will require the new sports pitch to be completed within the first element of the development thereby minimising the time that it is not available for use.

11 CONCLUSIONS

The proposed development does include some compromises as highlighted above. However, it should be noted that development would facilitate the amalgamation of 3 existing healthcare centres into one new modern facility and the provision of a new sports pitch. Both these would replace poor/ageing facilities with a development that would provide significant benefit to the local community. The scheme therefore would help to promote the health and educational interests of Middlewich and as such would bring wider community benefit. Whilst other parcels of land could be incorporated into the site area to provide a better relationship between the proposed sports facility and the health care centre building, these sites are not available and cannot be delivered. More generally there are no other suitable or alternative sites available within Middlewich, and as such the proposed

development and the proposed site is the most effective solution to providing this new state of the art facility.

With regard to other material considerations, the design of the buildings would sit comfortably within their surroundings in terms of their scale and would help to create their own civic identity through its pavilion style and distinctive elevational treatment. The impact on neighbouring residential properties by reason of light and noise pollution would not be significantly increased and could be minimised through the use of appropriate conditions. The site is accessible by a choice of means of transport and is in a sustainable location.

Taking all of the above into account, the scheme is deemed to be acceptable and in compliance with relevant development plan policies, regional and national policies and therefore Members are recommended to approve this application.

12 RECOMMENDATION

APPROVE subject conditions and to the prior completion of a S106 legal agreement to secure £2000 for local traffic management issues arising from the increased use of St Ann's Walk and to support the decriminalised parking initiatives.

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved/amended plans**
- 3 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. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for**
 - the parking of vehicles of site operatives and visitors**
 - loading and unloading of plant and materials**
 - storage of plant and materials used in constructing the development**
 - the erection and maintenance of security hoarding**
 - measures to control the emission of dust and dirt during construction**
 - a scheme for recycling/disposing of waste resulting from demolition and construction works**
- 4. Prior to the commencement of any works on site a scheme for the phasing and timescales of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the new floodlit all weather sports facility (including surfacing, lighting and fencing) is constructed, completed and available for use within the first phase of development prior to first occupation of the dental facility/medical centre buildings. The scheme shall be implemented in full accordance with the approved details.**
- 5. Submission / approval and implementation of finished ground, floor and road levels, including cross sections and longitudinal sections.**
- 6 Submission / approval and implementation of suite of detailed design drawings for the proposed access and parking layouts, to be approved by the LPA. Parking provision will be provided at the levels offered on the Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E, though with a fully accessible layout and retained thereafter.**
- 7. Submission / approval and implementation of Scheme of Improvement works to be carried out to 'White Horse Alley' pursuant to condition no. 3.**
- 8. Submission / approval / implementation of removable bollards / gates to prevent unauthorised access to parking areas outside centre opening hours**

9. Submission / approval / implementation of design and position of cycle racks. Racks to be made available prior to first use of the buildings in accordance with the scheme of phasing to be agreed pursuant to condition no 3.
10. Submission / approval / implementation of any proposed CCTV installation
11. Submission / approval / implementation of details of landscaping to include replacement planting (Including replacements for 5 years and management method statement.
12. Submission / approval / implementation of scheme of tree protection measures during construction
13. Submission / approval / implementation of details of boundary treatments including gates and ball secure fencing, retaining walls.
14. Submission / approval / implementation of scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise.
15. Submission / approval / implementation of scheme of flood lighting detailing positions, angle of lights, type of beam, and zero lux spillage unless any variation is agreed.
16. Submission / approval / implementation of materials samples including surfacing of hardstandings.
17. Submission / approval / implementation of Sustainable Urban Drainage System (SUDS).
18. Submission / approval / implementation of refuse storage facilities.
19. Site to be drained on a separate system with only foul drainage connected into foul sewer
20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
21. Protection from noise during construction - hours of construction limited to:
Monday – Friday 08:00 hrs 18:00 hrs
Saturday 09:00 hrs 13:00 hrs
With no Sunday or Bank Holiday working.
22. Protection from Pile Driving – hours limited to:
Monday – Friday 08:30 hrs – 17:30 hrs
Saturday 09:30 hrs – 12:30 hrs
With no Sunday or Bank Holiday working.
23. No deliveries during construction shall be taken at or despatched from the site outside the hours of 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.
24. Hours of operation for all weather pitch shall be restricted to 8am-10pm Monday to Friday and 9am to 6pm Saturday, Sunday and Bank Holidays.
25. The roof void of the existing buildings to be removed shall be inspected during the removal of the roof coverings to check for the presence of any bat species by an ecologist with a Natural England bat survey licence. If bats are found at any stage of the work, then all works shall cease immediately and a scheme for their protection shall be submitted to the Local Planning Authority. The scheme shall include provisions for the timing of the approved development works, measures for the protection of bats during development and for the retention of the existing or the provision of an alternative habitat. The scheme will remain subject to the written approval of the Local Planning Authority. The approved scheme shall be

implemented in accordance with the approved details prior to any further works being carried out.

LOCATION PLAN: Cheshire East Council Licence No. 100049045

