

## **SPB UPDATES & COMMENTS 6 July 2011**

**APPLICATION NO:** 11/0440C

**PROPOSAL:** Demolition of 170 & 172 Middlewich Road and formation of new access to serve residential development

**ADDRESS:** 170 & 172 Middlewich Road, Sandbach

### **REPRESENTATIONS**

Additional letters have been received, comments are summarised as follows:

- Neither sufficient time nor appropriate circulation of supporting documents, less than one weeks notice in a peak holiday period is grossly unfair.
- Introducing more traffic onto an already busy road with existing congestion at school times is dangerous. Safety Audit was not conducted at the appropriate time of day. Access will be dangerously close to Park Lane.
- The proposal for the relocation of the bus stop immediately outside 131 Middlewich Road has not been widely publicised and has only recently been made available. The bus stop will impact significantly on the front aspect of my property. We have recently applied for permission for a new boundary wall (which was initially refused) and fail to see how introducing a bus shelter will add to the surroundings. The existing bus stop was moved away from 131 to its current location due to proximity of Park Lane. Moving it back will exacerbate the existing problem.
- Area south of Middlewich Road high risk for natural ground subsidence, concern that existing properties will be adversely affected by the proposed works – would conditions be necessary?
- Ironical that the only tree with a TPO should be the one being removed to facilitate access, the loss of this tree will be significant as there are fewer mature trees in the locality to compensate. No approach has been made about trees on third party land.
- The latest plans referred to in the safety audit have not been available to the public.
- Previous statements have confirmed that the busy junction of Park Lane has not been surveyed as part of the TA. Once the focus shifted to Middlewich Road the Park Lane junction should have been assessed. Park Lane is heavily used throughout the day.
- The proposal to move the bus lay-by will impact on westerly traffic and Park Lane junction.

- The peak period of the TA did not include end of school day and associated pedestrian safety issues.
- Inconsistencies around the Highways responses do not provide confidence that due diligence has been exercised.
- There is little information on the proposed boundaries to the access.
- SPB is urged to consider with lack of robust detailed documentation, there is not enough evidence to provide a fully informed decision and should be refused, or at best postponed.

## **OFFICER COMMENTS**

### **Highways**

A revised plan (revision C) was submitted in response to the safety audit which is the plan as within the presentation. This showed a relocated bus stop to the front of 131 Middlewich Road, and the fact that the bus lay-by was not being removed. It is acknowledged that this makes some change to the original plan – particularly in respect of bus stops. However, changes that have been made are in response to safety concerns and to ensure the access is acceptable.

Concern over assessments of the Park Land junction have been slightly confused with the Statement of Common Ground for the appeal application which is a different application. This application specifically relates to the access and to assess its design and implementation. The process of assessment of this application has clearly been undertaken and a design achieved which meets highways requirements.

The bus lay-by is now not being removed as it is a requirement that it stays as per the latest drawing.

Peak traffic flows referred to in the TA relate to surveyed peak flow periods and are determined by the actual flows themselves. Times of school arrival and dispersal may not be the times of maximum flow. The application now proposes an upgrade of the puffin crossing to a toucan crossing. In addition there will be a pedestrian refuge as a less formal crossing facility.

The first response of the SHM on this application did recommend refusal due to lack of information. However, after negotiation and provision of additional information the second response confirmed the acceptability of the design and recommended approval. This is not inconsistent advice, but consistent with the information available at the time.

### **Protected Tree**

Acknowledged that the protected tree is being lost as part of this scheme – but as indicated in the main report there is considered to be mitigation associated with the community park which will off-set this loss.

## **RECOMMENDATION**

Important to emphasise that this will be subject to the an Undertaking that the proposed development will not be implemented unless the Abbey Fields appeal is allowed.

**APPROVE subject to**

(A) A prior appropriate Unilateral Undertaking restricting implementation of the proposed development unless the appeal referenced APP/R0660/A/10/2141564 for housing development is allowed

(B) 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 programme and a method of establishment

**Extra condition for implementation**

5. The tree planting scheme referred to in condition 4 above shall be implemented in full accordance with the approved scheme within the first planting season following the commencement of the development hereby approved, or in accordance with a program first agreed in writing with the Local Planning Authority. Any trees planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replace within the next planting season by trees of similar size and species to those originally required to be planted.

**APPLICATION NO:** 11/0899C

**PROPOSAL:** Extension of time to 07/0323/OUT (Midpoint 18 Phase 3, including B1, B2 and B8, appropriate leisure and tourism uses, hotel, and completion of southern section of Middlewich Eastern by pass and associated landscaping mitigation.

**ADDRESS:** Land south of Pochin Way and Cledford Lane, Middlewich

Extension of time app – Any changes in circumstances

Relationship to existing by pass and site

**Ecology**

Updates have been provided to the Strategic Ecological & Landscape Plan

**Phasing**

Unit 101 and bypass first phase, all other parts second phase.

5 year permission

10 years for implementation of phase 2

Planning for growth agenda

**CONDITIONS**

The scheme includes the original outline, and a subsequent reserved matters scheme for landscaping that has also been approved. The conditions therefore are varied to take account of the changes since the original approval, all other conditions remain as per the previous approval.

The conditions are therefore as indicated on the main report with the exception of conditions 2 and 5, which have been slightly amended to give a further degree of flexibility for the development – in accordance with recent guidance.

**Condition 3**

Alternatively, any further applications for the approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of this permission. The landscaping shall be carried out in accordance with the approved plans

**Condition 5**

Approval of the details of the layout, scale and appearance, of the buildings, the means of access thereto and the landscaping of the phase 2 development or part thereof (hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced