

Application No: 11/3613C

Location: OAKLANDS MEDICAL CENTRE, ST ANNS WALK, NEWTONIA, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 9FG

Proposal: Variation of Conditions 2,4,6,8,9,10,26,and 27 to Planning Approval 09/0481C for Relocation of existing floodlit all weather sports facility, demolition of Oaklands Medical Centre and construction of 2 separate buildings comprising a 2 storey dental facility and 3 storey Medical Centre with associated Access and Parking

Applicant: Oakappale Primary Care Developments Ltd

Expiry Date: 16-Nov-2011

**SUMMARY RECOMMENDATION:**

APPROVE

**MAIN ISSUES:**

- Principle of Development
- Changes to the Pharmacy Dental Facility
- Access Track
- Conditions
- Other Issues Raised by Representation

**1. REASON FOR REFERRAL**

This application seeks to vary conditions attached to a major development.

**2. DESCRIPTION AND SITE 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.

**3. DETAILS OF PROPOSAL**

Planning permission was granted by virtue of planning reference 09/0481C for the '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'.

This application seeks to vary condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 of this approval under Section 73 of the Town and Country Planning Act 1990. The applicant wishes to vary these conditions so that minor changes can be made to the size and the external appearance of the approved pharmacy/dental facility building and to provide a small access track to the football pitch for maintenance purposes.

#### **4. RELEVANT HISTORY**

09/0481C – 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.– Approved 22.09.2011

#### **5. POLICIES**

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'.

Interim Planning Statement on Affordable Housing Planning for Growth' Ministerial Statement

## **6. CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

No objection

### **Highways:**

No comments received at the time of report preparation. Any comments will be report to Members by way of an update.

## **7. VIEWS OF MIDDLEWICH TOWN COUNCIL**

No comments received

## **8. OTHER REPRESENTATIONS**

Letters were received from 2 neighbouring properties objecting to this application on the following grounds:

- 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**

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The previous approval established the acceptability in principle of the proposed new health care centre, pharmacy/dental facility and the relocation of the existing sports pitch. As a result, this application does not present an opportunity to re-examine those matters. The main issues in the consideration are the impact that the changes to the external appearance of the pharmacy/dental facility would have on the design and appearance of the scheme and the impact that the access track would have on the amenity afforded to nearest residents. Minor changes to condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 are also proposed to facilitate these changes and also to allow the commencement of development on the pharmacy/dental facility.

### **Changes to the Pharmacy Dental Facility**

The proposed dental facility has been reduced in size so that it can be constructed on the area currently occupied by the existing medical centre car park. A temporary glazed link would be provided between the building and the existing medical centre building until the 3 storey health care centre is completed and ready for use. Additionally solar panels would be fitted to the rear facing roofslope. The general style, appearance and materials of the building would remain unchanged and as such these amendments would not significantly alter the approved scheme and would not therefore materially harm the character or appearance of the area or the amenity afforded to the nearest neighbouring occupiers.

### **Access Track**

The proposed access track would link to the edge of the existing car park and would run around the perimeter of the proposed car park intended to serve the approved 3 storey health care centre. It would travel along the rear boundaries of the residential properties off Sandown Court to the south and then would turn towards the centre of the pitch to meet with the outdoor storage area. The proposed track is required so that maintenance vehicles can tend to the football pitch in the event that it needs repair or maintenance works. Consequently, the frequency of use would be extremely low and therefore any impact on neighbouring residential amenity would not be significant. It is recommended that a condition be imposed limiting its use to maintenance vehicles only. The appearance of the track would not harm the visual amenity of the area.

### **Conditions**

Condition number 4 requires details of phasing to be submitted and requires the football pitch to be completed and ready for use prior to the first occupation of the dental/ medical centre buildings. It is proposed that 'dental facility' is excluded from the wording so that this can be occupied. This would assist with the phasing of the development and would expedite the delivery of the new dental facility for the benefits of the local community. This would not preclude the delivery of the football pitch and would not therefore undermine the spirit of the condition.

Similarly, it is proposed to amend the wording of condition numbers 8, 9, 10, 25 and 26 to exclude the dental element which require details of removable bollards, cycle racks, cctv, details of bin storage and

a travel plan respectively. The dental facility is only a small element of the proposed scheme. These conditions were aimed primarily at the larger 3 storey building and sports pitch and therefore are not relevant to the dental facility. As such, the variation of these conditions to omit 'dental facility' would still meet with the tests of the conditions circular 11/95.

Condition number 6 deals with access and parking details and requires the approved parking levels to be available for use prior to first occupation of the buildings. As per the previous conditions it is proposed to remove reference to the dental facility. Without comments from the Strategic Highways Manager, it is not possible to determine whether this is acceptable at this stage. However, Members will be advised accordingly when these comments are received.

### **Other Issues Raised by Representation**

With respect to other issues raised by representation, these relate to the original scheme and are not affected by the proposed changes.

## **11. CONCLUSIONS AND REASONS FOR THE DECISION**

The principle of the development has already been accepted. The proposed changes to the pharmacy/dental building would not deviate significantly from the approved scheme and the provision of the access track would not materially harm neighbouring amenity. Notwithstanding condition number 6 (which relates to parking, the proposed variation of condition numbers 2, 4, 8, 9, 10, 25, and 26 would continue to meet the tests outlined within Circular 11/95 and as such would be deemed to be acceptable.

### **RECOMMENDATION:**

**Subject to highways comments, APPROVE the the variation of condition numbers 2, 4, 6, 8, 9, 10, 25, and 26 subject to the following conditions:**

1. Commencement of development (3 years)
2. Development in accordance with approved/amended plans
3. Submission / approval / implementation of a scheme for phasing and timescales for development works and provision of parking areas.
4. Sports Pitch to be completed prior to commencement of the healthcare centre unless any variation is agreed in writing.
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 medical and pharmacy 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 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. Submission / approval / implementation of details of bin/refuse storage. Implementation prior to first occupation of medical and pharmacy buildings.
26. Submission / approval / implementation of a Travel Plan prior to first use of medical and pharmacy building.
27. Access track used for maintenance vehicles serving the football pitch only.



