

Planning Reference No:	10/1427N
Application Address:	South Cheshire College of Further Education, Dane Bank Avenue, Crewe
Proposal:	Variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow or the retention of excavated material on site which means altering site levels
Applicant:	Mr. Nigel Peet
Application Type:	Full Planning Permission
Grid Reference:	369640 354672
Ward:	Crewe West / Crewe South
Earliest Determination Date:	21 st May 2010
Expiry Dated:	9 th June 2010
Constraints:	Settlement Boundary Area of Protected Open Space

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

- The acceptability of the development in principle.
- Visual Impact
- Sustainability,
- Impact on neighbour amenity
- Drainage and flood risk
- Other matters

1. REASON FOR REFERRAL

The application has been called into Committee by Councillor Weatherill because it raises significant amenity issues which were not considered at the time of the original application.

The application was deferred at the Committee Meeting on 9th June 2010 for a further site inspection.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing South Cheshire College campus on Danebank Avenue in Crewe. Full planning permission (P07/1053) was granted in November 2007 for the demolition of all existing College buildings and the erection of a new College comprising a total of 26,520sq metres gross external floorspace arranged in a series of connected buildings.

The permission also gave consent for the erection of a detached nursery building as well as external works including the formation of a grass games pitch and a Multi Use Games

Area (MUGA) pitch on land to the front of the building. Work is now well underway to implement that permission.

A further planning permission (P09/0016) was granted in March 2009 to vary Condition 24 of the previous approval which stated that development must be carried out in accordance with the approved plans, in order to implement a number of modifications to the design. The revised design included 3 new elements: introduction of a stair enclosure and corridor link between 2 teaching buildings; a modified design for the glazed street facing the landscaped moat area, and roof to the construction compound to the north of the sports and arts building.

A minor non-material amendment to the existing permission was granted in October 2009 for inter alia, a slight increase in the size of the pitches. This was not considered to be a material amendment requiring a full planning application, on the basis that the pitches were being extended in the direction of the college building and away from the neighbouring dwellings. Furthermore, no change in ground levels was sought as part of that application.

3. DETAILS OF PROPOSAL

This is a retrospective application for the variation of conditions 8, 11, 15 and 16 of Planning Permission P07/1053 and Condition 4 of P09/0016 to allow or the retention of excavated material, from the construction of the college building, on site by increasing the levels of the MUGA and football pitches.

The relevant conditions are specifically:

P07/1053

- | | |
|--------------|--|
| Condition 8 | Landscaping |
| Condition 11 | Finished ground levels to the Copse area |
| Condition 15 | Drainage Scheme |
| Condition 16 | Provision and implementation of Surface Water Regulations System |

P09/0016

- Condition 4 – Approved plans

4. RELEVANT HISTORY

P07/1053 Demolition of Existing Campus and Buildings and Erection of Replacement College – Approved November 2007

P09/0016 Variation of Condition 24 of planning permission P07/1053 relating to the approved plans – Approved March 2009

09/3489 Non-material amendments to move substation west by 2m, increase size of the MUGA pitch – 3m longer and 2m wider, amend elevations to Block A to incorporate openings to a second floor balcony. – Approved October 2009

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RT 2	Managing Travel Demand
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy MCR 4	South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RT1 (Protected Open Space)

National Policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 25: Development and Flood Risk
PPG 13: Transport

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objections

Environmental Health

Do not object to this application subject to the following comments

- Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns about noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site from previous uses.
- Before making final comments can the applicant please confirm the hours of use for the MUGA pitch.
- A suitably high close boarded acoustic fence should be erected along the southern boundary and continue part way up both the east and west boundary to help protect the local residents from noise, as well as safe guarding their privacy.

- Any proposed lighting of the development should be submitted to and approved by the Borough Council to protect the amenity of local residents.

Environment Agency

Have no objection to the variation of conditions relating to the stated application.

The following informatives should be included on the decision notice.

- This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. For more specific advice please see our available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>
- In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

An objection on behalf of the residents of 19 – 31 Danebank Avenue, has been received from Molyneux Planning making the following points:

- The residents of Dane Bank Avenue, having viewed the planning application at an early stage and watched the building being erected were unaware that the land immediately adjacent to their homes was being raised until the tall solid timber fence surrounding the building site started to be removed.
- In addition, once the supports for the fencing of the playing surface were erected and it became apparent that not only had the land been significantly raised, but that this was in such close proximity to the houses fronting Dane Bank Avenue that the fencing would have a significant impact on their homes and gardens.
- Prior to the construction of the new college building, the single football pitch was located at surrounding ground level behind the houses fronting Dane Bank Avenue. This resulted in games being played east to west with the goal mouths set at right angles to the nearby houses. Clearly the number of times balls were kicked into the adjoining gardens was very small. However, the current layout, with two pitches squeezed into a space where one previously existed, results in poorly directed attempts at goal being directed into the adjacent gardens. The fencing required to ensure only the more wayward stay in the grounds is so high as to be excessively obtrusive to the neighbouring residents. This is stated to be 5m high to the north and south boundaries acknowledging the point that higher fencing is needed on these boundaries
- They have not had the opportunity to check the measurements on site but are of the opinion that the impact on the residents is greater than represented in the submitted plans.
- The planning permission for the replacement college includes the sports pitches and incorporated a levels plan and no amended plan has since been submitted. There can

therefore be no question that the significantly raised playing surface requires planning permission and that it is inappropriate in such close proximity to neighbouring dwellings.

- It is unacceptable that the enlargement of the playing surface was treated as a minor amendment and was therefore not given the full weight of publicity or the full impact on neighbouring residents considered. However, even at this time no mention was made in the submission of the raising of the land to elevate the pitch. This is further reinforced by the fact the gabions required to provide stability of the playing surface are not included in the hard landscaping details.

- The application includes the provision of an acoustic screen, which to be effective, would have to be a solid composition. This would be excessively intrusive and oppressive to neighbouring dwellings, particularly in the raised situation, on top of the elevated grounds. Whilst the need for mitigation measures is accepted, the use of an acoustic screened does not meet the need, which is for the pitch to be lowered to ground level.

- The introduction of a large area of impermeable surfacing is inconsistent with the Government's aims to reduce surface water run off and to manage flood risk. This issue should have been subject to proper consideration and a well managed sustainable urban drainage solution provided.

- To introduce the surface water run off from such a large area into the drainage system, will result in a serious reduction in the capacity of the system and a greater tendency for flood risk elsewhere within the locality. The introduction of the moat will not alleviate this matter as, when the moat is full, it will not provide any further benefit in terms of flood capacity.

- The D&A states that it is proposed to raise the pitch by 800mm thus retaining 15,000 cu metres of spoil and this is argued to be of both environmental benefit and in terms of the impact on neighbours by reducing vehicle movements by approximately 1900. This is not a proposal, the works have already been carried out and the serious impact on the adjacent residents can be seen. However, any savings in vehicle movements, whilst possibly beneficial to the environment as a whole would not benefit the neighbours as they would not be on the haul route the vehicles would take. Furthermore, any vehicle movements are of a temporary nature and cease once the work is completed. The impact of the land raising on the neighbours is permanent and excessive

- The calculation of 1900 vehicles is based on 8 cu tonne vehicles, whereas it would be expected that 12 cu. tonne vehicles would be used reducing the vehicle numbers by 30%. However, the serious impacts on neighbours are primarily at the expensive of a substantial financial saving by the contractors. With a gate price of £54 per tonne (including landfill tax) there has been a saving of £800,000 at the cost of the neighbour's enjoyment of their homes and gardens. This cost must have been allowed for in the initial contract and the land raising is an attempt to maximise profitability at environmental expense.

- The ground will be graded at approximately 1:3 "where space permits". Unfortunately this is not within the areas close to the houses fronting Dane Bank Avenue, where gabions will be required.

- These give a hard edge with wire and stone being an unattractive replacement for the wide open space of the "at level" grassed pitch previously on the site. Whether the gabions match the moat area is irrelevant to nearby residents who will not see this aspect, rather the introduction of a brutal feature as an end stop to their gardens.

- The black hard surfaced tarmac will not be a visual improvement over the grass pitches in winter as claimed in the D&A. It will be an unattractive feature by comparison

- The impact of the standing water on the grassed pitches would also have been minimal.

- All football pitches are expected to be laid to a sufficient fall to ensure that surface water runs off. This is not justification of building up the level of the pitch excessively, merely to

ensure that there is no standing water. The drainage scheme should be provided on a map base to enable the impact on the neighbouring properties to be assessed.

- The introduction of the French drain between the slope and the boundary to the south is an acknowledgement of the potential for the slope and the adjacent hard surface to result in flooding from surface water run off. Its requirement in this location is an acknowledgement of the unsuitable proximity of the raised ground to the existing gardens
- The need for such engineering works will have a further impact on the ability to provide any landscaping scheme, either within the site or by the adjacent neighbours. This together with the proposed gabions will prohibit the provision of the "naturalistic native buffer" which the D&A relies heavily upon. There is insufficient space to provide a dense mix of native shrubs which might allow "a diverse and robust yet attractive buffer". It would be unlikely that even a small shrub might be capable of growing within the very narrow area between the gabions and the neighbouring property.
- This narrow area between the proposed stone gabions and the neighbours fencing will result in a security risk and a hidden area available to children seeking to avoid school or supervision during breaks. It will become the classic opportunity for a smoking area, resulting the potential for casual vandalism and perhaps more serious security risks
- To state that the amount of water draining into the existing soakway system will be reduced by the hard surfacing and surface water drainage is spurious. The houses and gardens to the south were not adversely affected by the existing pitch which drained naturally to soak away.
- In conclusion, by trying to squeeze two pitches into the space previously occupied by a single pitch and by trying to save the cost and trouble involved in the removal of excavation material from the site, the raising of the football pitch and the proposed fencing would have serious and unacceptable impact on the residents to the south of the site. Taking into account the ground raising, the fencing would be almost 7m above the level of their gardens, at some points within a metre of the boundary of their properties
- The orientation of the pitches would result in increase noise disturbance to nearby dwellings. The players would be running and shouting towards the goal mouths, frequently at time when bad, language occurs as the enthusiasm of the game takes over
- This ground raising has resulted in an unacceptable loss of privacy to neighbours whose homes are either bungalows or chalet bungalows. Players on the pitch would be able to look into ground and first floor bedrooms and when balls were kicked into gardens would be likely to trespass into private space to collect them.
- To mitigate the harm already caused by this unacceptable land raising, the ground must be fully restored to natural ground level, or the raised area reduced back into the site by a minimum of 40m to provide the currently unacceptable overbearing character of the pitches and fencing.
- In addition, any use of the pitches in this area must be controlled to use only during school hours and during daylight. The close proximity of the pitches to adjacent dwellings would make it wholly inappropriate for any form of lighting or for any use during evenings, weekends or bank holidays. Any permission should be strictly controlled
- Proper attention should be given to remediation of the currently unacceptable situation, which has been exacerbated by the relocation of the pitch closer to the homes
- Failure to address this correctly will result in a complaint to the Local Government Ombudsman. It is likely that such a complaint would be upheld and compensation ordered for the significant harm, intrusion and loss of enjoyment of their homes.

2 further letters of objection have been received making the following points

- To the ordinary lay person the plans are very difficult and vague to read and it is difficult to understand what the intentions of the proposal are.

- Anyone who is at work fulltime and who does not have the opportunity to access the planning department within working hours cannot have the plans explained
- As a result people do not have the opportunity to raise or voice any concerns that they may have regarding the changes
- The local residents have no confidence in the current procedure to register concerns and the whole agenda of South Cheshire College has decimated the whole area with absolutely no respite for the residents
- The retention of material on site was not anticipated at the start of this project and is causing a great deal of concern to the residents affected.
- Surely at the start of this project the building contractors considered another means of disposing of this material, it would now appear that the easiest way has been chosen. This course of action is intrusive and unreasonable and has been taken without it would appear due consideration being given to the impact it makes to the residents affected. Also it would appear it was done without relevant Planning permission

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

- The college operates a fully inclusive policy for users of all facilities and so the access to the all weather MUGA pitch is via a shallow DDA compliant ramp which is linked via level access to all other parts of the campus.
- The pedestrian areas are lit to the relevant British standards.
- The MUGA is to be constructed with a shallow slope from west to east to allow the surface to drain. The water is collected via land drains below the surfaces and discharges into the moat to the northeast of the pitch. Similarly the football pitch is to have a shallow slope from south to north to aid drainage of the surface which will again mean that rainwater is shed from the surface towards the moat to the north. Water will collect in the moat until it reaches the level of the outlet and will then discharge via the hydro brake into the main surface water drainage system
- Surrounding the MUGA is a ball fence of coated steel mesh 3.0m high to the east and west boundary and 5.0m high to the north and south boundaries to prevent stray balls crossing the site boundary behind the goals. An acoustic screen 1.8m high will also be added to the southern boundary fence and will return along the east and west boundary for the first three panels to minimise the sound transfer towards the properties to the south.
- In order to retain on site arisings from the general construction works on the campus (as encouraged under the Planning Policy Guidelines), and to minimize the disruption to residents and highways, it is proposed to raise the level of the MUGA and football pitch by approximately 800mm from the original proposals. This will retain approximately 15,000 cubic metres of earth on the site and reduce the amount of heavy goods vehicle movements in and out of the area by approximately 1900 vehicles. This proposal would remove from the construction process the generation of 63 tons of carbon emissions.
- The ground levels around the pitches will then be graded at approximately 1 in 3 back into the existing levels where space permits. In the areas where there is insufficient space to grade the earth, gabion retaining walls are to be used as shown on the plans. These are designed to compliment the overall aesthetic of the landscaping scheme and match those used within the moat area.
- Another benefit is that there will be no standing water on the football pitch during inclement weather which will therefore be of benefit to both the college and community by increased availability of the pitches. Also the visual improvement of the grass pitches in

winter by having the drainage will reduce the likelihood of damage to the playing surface, requiring less maintenance.

- In order to minimize the possibility of surface water from the slope migrating towards the properties to the south, a length of French drain is proposed along the boundary at the foot of the graded ground which will be linked into an existing catch pit in the area which in turn drains into existing soakaways for the playing fields.

- Due to the drainage constructed specifically for the MUGA pitch, the amount of water being shed into the existing soakaway system in this area will be considerably reduced from that which previously discharged into it.

- A naturalistic native buffer mix will be planted between the MUGA pitch and the southern boundary which will create a dense all year round visual and acoustic screen to conceal the MUGA pitch from view of the adjacent houses.

- The planting will also provide a valuable habitat for local fauna and help to increase the bio-diversity of the campus. A row of large ash trees will further increase the density of the screen and add height to minimize the effects of the pitch on the neighbouring gardens. The shrubs within the mix contain native species such as hawthorn, hazel and holly which are large dense shrubs which will create a diverse and robust yet attractive buffer along this boundary.

- For clarity of the information provided within this submission the MUGA is not flood lit and will only be used in daylight hours.

Supporting Letter

A letter has been received from a planning consultant acting on behalf of the applicant – making the following points:

Further to receipt of a number of objections to the application and the decision to take the application to Committee, Arup was instructed by BAM Construction to carry out a planning review the proposal and concerns raised.

South Cheshire College and BAM Construction appreciate that local residents will have concerns regarding the works and the applicant is keen to ensure that all relevant information is clearly presented to provide an explanation and reassurance to local residents.

The purpose of this letter therefore is to provide further clarification regarding the reasoning for retaining excavated soils on site. Further to this, Jefferson Sheard architects will provide an illustrative visualisation of the boundary treatment adjacent to residents' properties. The intention of the letter and illustration are to provide clarity on the implications of the raised levels.

Retaining materials on site

The immediate concern raised relates to the retention of excavated material on site resulting in elevated site levels of 800mm above original levels in the area of the multi use games area (MUGA) and football pitch to which this application relates. Please note that the final layer of the pitch has not been laid at present. This will be artificial grass that is on a sand bed which will considerably reduce both potential noise and visual impacts.

In respect of the removal of the material, we would refer to the considerable efforts already made to minimize disruption to local residents. Excavated material from the sports areas would have to be removed via Dane Bank Avenue as there will be no suitable access to Sommerville Street, once the main building is handed over.

You will be aware that the principle of retaining material on site is supported by the need to promote sustainable development. Planning Policy Statement 1: Delivering Sustainable Development (2005) supports using waste as a resource wherever possible and Planning Policy Statement 10: Planning for Sustainable Waste Management (2005) states that planning authorities should consider opportunities for on-site management of waste where it arises. Similarly, as you point out, RSS policy EM11, Waste Management Principles, states that every effort should be made to minimise waste, maximise re-use and maximise opportunities for use of recycled materials and Policy 11 (Development and Waste Recycling) of the Cheshire Replacement Waste

Local Plan encourages the re-use and recycling of construction waste on site, wherever possible.

As part of the approach to management of the site, provisions have been made for:

- The need to minimise the amount of waste being taken off site to landfill (15,000m³)
- Reduce the amount of heavy goods vehicles passing through residential areas, including Dane Bank
- Avenue
- Reduce the overall carbon footprint of the development by minimising movement of traffic and hence
- saving some approximately 63tonnes of CO₂
- Contribute to achieving BREAM buildings standards of 'very good'.

To have removed this material off site would have required 1,900 trips by 20ton HGVs over a period of 1-2 months. A suggestion has been made that large lorries could be used to speed up the process, however 38 ton articulated lorries cannot be used for the removal due to their size. Removal of material off site would have required extensive management of noise, dust and congestion throughout the removal period to minimise the direct negative impacts on residents living in the Dane Bank Avenue.

It is therefore considered that the regularisation of this breach of planning control (i.e. retaining the materials on-site and the revised site levels) in fact reflects all of the principles of best practice currently encouraged by national, regional and local policy and helps to avoid more direct environmental impacts on the wider local residential area during the construction phase.

Privacy and amenity

Whilst the minimisation of waste to landfill and vehicle trips is supported by planning policy, it is important to address the concerns raised by local residents in relation to the potential effects on privacy and amenity.

Given the nature of the concerns raised, BAM Construction will provide further illustrative plans to demonstrate the nature of screening and planting proposed and it is hoped that these illustrations will be helpful when describing the works at

Committee on the 9th June. However, for the purposes of this letter, I provide further clarification below.

It is currently intended that, in addition to a wire mesh acoustic fence, suitable mature trees would be planted to provide visual barrier between the residential properties and the sports areas. Further low level planting is also proposed to create an attractive boundary between the properties and to deter anti-social behaviour, in addition to secure perimeter fencing. It is my understanding that the provision of gabions will not compromise screening between the sports grounds and the residential properties in question.

The presence of the acoustic fencing and planting means will screen the views of the pitches from the residential properties. Similarly the acoustic fencing would minimise any potential disturbance caused by sporting activities on the college grounds.

I would also concur with your note that, as the gardens in question are oriented north south, with the proposed fence and planting to the north of the gardens, levels of direct light into the existing garden spaces would not be affected.

A further point raised relates to the direction of play on the sports areas. Whilst it is acknowledge that pitches are oriented north south, the provision of the acoustic fencing and landscape boundary will minimise any risk of balls being kicked into adjoining gardens.

Finally, it is stated in the submitted Design and Access Statement that the MUGA, adjacent to the five properties on Dane Bank Avenue will not be flood lit and will only be in use during daylight hours.

In the interests of ensuring that the proposed planting is acceptable to the residents, the applicant would be happy to work with the Council to agree and implement the details of the nature of the acoustic fence and planting scheme in the area prior to commencement of use of the sports pitches.

Drainage

Concerns have also been raised regarding surface water drainage. This matter has been addressed in full in your committee report and I do not propose to add anything further here.

Conclusion

Given the above I am of the view that there is planning policy support for the revised scheme (and tree/fence/landscape buffer) and that the proposals can be supported as an exemplar of sustainable construction management that responds effectively to the needs of the local community and to the principles of efficient use of scarce resources.

10. OFFICER APPRAISAL

Principle

The land is designated within the Local Plan as Protected Open Space under Policy RT1, seeks to restrict development on such land, where it would result in the loss of sports pitches. However, as this proposal would result in the enhancement of sports facilities at the site, it is not considered that there is any conflict with policy RT1. Furthermore, the original planning approval established the acceptability in principle, of the construction of a MUGA pitch and a football pitch on this part of the site. The main issues in the consideration of this application, therefore are the affect of the increase in ground levels in terms of visual impact, sustainability, neighbour amenity and drainage and flood risk.

Neighbour amenity

The part of the campus occupied by the proposed pitches is bounded to the south by the properties fronting on to the north side of Dane Bank Avenue and to the west by school playing fields. To the north and east, the pitches are surrounded by the college campus development. The only residential properties affected by the construction of the pitches, are those located within Dane Bank Avenue. The principal concerns in terms of amenity implications for these properties are privacy, overshadowing, light pollution and noise.

The boundary treatments to the rear of the properties are varied and range from high conifer hedges, which prevent any overlooking gardens or principal windows from the pitch, to low chain link fencing, which provides no screening whatsoever. It should be noted, however, that this would have been the case, even if the ground levels had not been raised.

The developer has proposed to install 1.8m acoustic fencing along the edge of the pitch, which due to its solid nature would prevent any overlooking. In addition, screen planting would be provided between the perimeter of the pitches and the boundary with the residential properties. It is acknowledged, that where the goal area projects out towards the properties, there would be insufficient space for planting to be provided. However, the existing conifers provide good screening at this point and the acoustic fence would also prevent any overlooking. There was no requirement to provide similar acoustic fencing or planting as part of the approved scheme, and consequently the extent to which neighbouring properties are overlooked is likely to be reduced from the levels which would have been experienced under the approved scheme.

With regard to overshadowing, although the proposed mesh fencing around the pitches is 5m in height, light will still be able to pass through it. It is acknowledged that the 1.8m acoustic fencing would be solid and would stand at a ground level approximately 1.4m above that of the neighbouring dwellings. However, due to the fact that the pitches are located to the north of the properties, no loss of direct sunlight, at any time of the day, would occur in gardens or the dwellings themselves.

The applicants have made clear in their submissions that the pitches will not be flood lit and this can be ensured through conditions. This is also consistent with the recommendation of the Environmental Health Officer.

Due to the close proximity of the sports pitch to neighbouring properties, Environmental Health have concerns regarding noise from individuals using the facility affecting the local residents. The multi use games area will increase the use of the site over and above that of previous uses. However, there is an existing consent for a MUGA in this area and hours of use can be controlled via conditions, although they cannot be limited to college opening hours, as suggested by the residents, as the pitches are subject to a "Community Use Scheme" which was a condition of the original planning approval. This makes provision for the use of the pitches by teams from the wider community in the evenings and at weekends. Access is however, by appointment and they are not open to casual access by the public at large.

In the light of the above, in the absence of any objection from Environmental Health, and subject to the imposition of appropriate conditions, it is not considered that a refusal on amenity grounds could be sustained.

It is also necessary to consider the amenity implications of refusing the application, and the subsequent removal of the waste material. 1,900 vehicle movements would have a substantial amenity implication not only for residents living immediately adjacent to the site access but those along the entire route from the college to the landfill site. Even if the 30% lower figure suggested by the residents were applied to reflect the use of larger lorries, this would still amount to 1330 vehicle movements. Whilst it is acknowledged that this would be a temporary impact, it is still considered to be greater in magnitude than the affect on the row of dwellings in Dane Bank Avenue, resulting from the retention of the material on site, which could be adequately mitigated as described above.

Visual Impact

It is a firmly established planning principle, that occupiers of neighbouring properties have no right to a view over private land. Therefore, residents concerns about loss of outlook resulting from the grass pitch being replaced by a tarmac surface are not material considerations.

Notwithstanding this point, Policy BE.1 does state that proposals which compromise amenity due to visual intrusion will not be permitted. In this case, in view of the distance between the proposed pitches and associated retaining structures and fencing, and the intervening landscaping which is proposed, it is not considered that any visual intrusion would be sufficient to sustain a refusal. Particular concerns have been raised about the appearance of the gabion walls, and it is acknowledged that where these have been employed, the space for landscape planting is significantly more limited. However, these are also the points where existing boundary treatments to the properties in Dane Bank Avenue, are more substantial.

The pitches cannot be seen from the public domain, and therefore, there is no impact on the street scene or the character and appearance of the wider area.

Sustainability

The wider sustainability implications of the proposals also need to be considered. 1900 vehicle movements would generate a substantial carbon footprint, which the applicant

quantifies at around 63 tonnes. Although these figures are contested by the residents, it cannot be disputed that if the material is left on site no carbon emissions will be generated as a result of this element of the scheme.

Furthermore, by retaining the material on site, the need for land filling is reduced. Policy EM 11 (Waste Management Principles) of the Regional Spatial Strategy and Policy 11 (Development and Waste Recycling) of the Cheshire Replacement Waste Local Plan encourage the re-use and recycling of construction waste on site, wherever possible. Therefore to refuse the application would be contrary to the principles set down in these important Development Plan documents.

Drainage and Flood Risk

The original redevelopment proposals were subject to a comprehensive Flood Risk Assessment, and extensive attenuation measures were secured by condition, including Sustainable Urban Drainage schemes. These have been updated in the light of the proposed changes to the ground levels, hence the need to vary the drainage conditions attached to the original permission. The Environment Agency has been consulted and raised no objection.

Residents have stated that the increase in impermeable surfacing is inconsistent with government policies for dealing with flood risk. However, it must be stressed that as approval already exists for a MUGA of similar size in this location, and the extent of hard surfacing will not increase. Furthermore, as stated above, the original scheme was subject to a full Flood Risk Assessment with resulting mitigation measures.

Other Matters

Residents have expressed concern that the enlargement of the pitch was approved as a non material amendment. Consent was sought last year under the non material amendment procedure to increase the size of the MUGA by 3m in length and 2m in width. The extension to the length was in the direction of the college building and did not result in the pitch being any closer to the properties in Dane Bank Avenue. The increase in width resulted in the pitch extending a further 2m along the rear boundary of one of the properties in Danebank Avenue. However, it was considered that this change would have a minimal additional impact on the amenities of that property. It was therefore considered to be non material.

Concern has also been raised about the fact that previously the direction of game play had been east – west, whereas now it will be north-south, resulting in more stray balls landing in gardens. However, the pitches will not always be used in the north – south formation, it will depend upon the sport being played. Furthermore, fencing will be provided around the pitch which was not the case previously.

Neighbours have correctly pointed out that the area of landscaping between the pitch and the boundary of the site, provides a narrow, secluded “corridor” which could be a focus for anti-social behaviour. However, this area will be secured by the perimeter fencing to the MUGA to the north, the boundaries of the residential properties to the south, and gates will be provided to the east and west ends, to ensure that access is restricted to maintenance staff. This can be secured by condition.

11. CONCLUSION

The principle of a football pitch and MUGA in this area has been established by the previous permission. Whilst the raising of the ground levels has the potential to impact upon the amenity of neighbouring properties, it is considered this can be adequately mitigated through the use of appropriate conditions. The result would be that residents would be better protected from any negative externalities than would have been the case prior to the development taking place, or had it have been constructed in accordance with the approved plans.

Furthermore, to remove the material from the site would have greater amenity implications for the wider area, which although temporary, could not be mitigated to the same extent. It would also increase pressure on landfilling and would be contrary to development plan policy relating to re-use and recycling of construction materials.

Therefore, having considered the matter carefully and having due regard to all the other matters raised, it is concluded that the proposal is in accordance with the relevant development plan policies and accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Plans

2. Landscaping scheme

3. Implementation of landscaping

4. Provision of acoustic fencing

5. Hours of use limited to:

- 9am to 9.30pm Monday - Friday during college term time
- 9am to 6pm on Saturday and Sunday and Monday to Friday during college holidays
- No use on bank holidays

6. No floodlighting

7. Provision of gates to each end of the space between the pitch and the property boundaries.

Location



