

Cheshire West & Chester Council

Refusal of Outline Planning Permission

GMV Eight Ltd C/O Commercial Estate Group
C/oIndigo Planning Ltd
Miss S Williams
Lowry House
17 Marble Street
Manchester
M2 3AW

Application Number:
X/08/02000/OUT

Building Control Ref:

29 September 2009

Town and Country Planning Act 1990

Proposal: Residential mixed use development comprising 375 dwellings, 5000sqm of employment development (B1) 500 sqm of ancillary uses (A1,A2,A3,A4,A5,D1) new primary school (D1) open space, parking and ancillary landscaping

Location: Site Of Former Saughton Camp, Sandy Lane, Huntington, Chester, Cheshire



In pursuance of their powers under the above Acts, the Council hereby **REFUSES** to grant outline planning permission in accordance with the application and plans submitted by you, for the following reasons:

1. The proposals, in utilising the local highway network to its capacity, would result in the inability of that network to accommodate any development of the remaining part of the previously-developed land at Saughton Camp for uses generating a significant amount of traffic and rendering that land unlikely to be developed, leaving it unused and likely to visually degenerate, and prejudicing it from contributing to the housing and other land use needs of the Borough. As such, the proposals would be contrary to the proper planning of the area, sustainable development principles and the visual amenities of the locality, contrary to the advice contained within PPS1, PPS3, PPS6 and the provisions of Policies ENV1 and ENV24 of the Chester District Local Plan.
2. The proposals would provide retail and employment uses outside of an existing centre without evidence being provided to demonstrate that there is a need for the additional floorspace, that it is of an appropriate scale of development, that there are no more sequentially-preferable sites, and that it would not adversely impact upon the vitality or viability of other local centres. As such, the proposals would be contrary to the advice contained within PPS6 and the provisions of Policies RET9, RET10 and EC9 of the Chester District Local Plan.



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3. Inadequate provisions have been submitted as part of the application proposals to meet the play and open space requirements of the development, contrary to the provisions of Policies SR5 of the Chester District Local Plan.
4. The proposals would have a detrimental impact on the safe and effective flow of traffic on the local highway network (in particular at the proposed Boughton Heath junction and the Sandy Lane approach to Sandy Lane gyratory), contrary to Policy TR19 of the Chester District Local Plan.
5. The construction of the proposed new junction at the Boughton Heath roundabout would, as a result of the major diversion and re-routing of traffic that would be required as part of the construction process, have a detrimental impact on the safe and effective operation of the highway network, contrary to policy TR19 of the Chester District Local Plan.

Notes

Signed:

Date: 29 September 2009



Chris Hindle
Head of Planning & Transport, Cheshire West and Chester Borough Council,
Planning Service, Wyvern House The Drummer Winsford CW7 1AH

Please read the notes on the following page; they will explain your rights and other important matters about this decision.



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NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from:

The Planning Inspectorate, 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN - (Tel: 0117 372 6372)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Any Environmental Statement submitted with the application, together with any related information, has been taken into account by the Council in arriving at this decision.

REOUTZ

