

Planning Reference No:	10/3554N
Application Address:	Land at Lockett Street, Crewe, Cheshire
Proposal:	Erection of Temporary Foodstore (Class A1)
Applicant:	Tesco Stores Ltd.
Application Type:	Full Planning Permission
Grid Reference:	370816 355158
Ward:	Crewe South
Earliest Determination Date:	20 th October 2010
Expiry Dated:	17 th December 2010
Constraints:	Settlement Boundary Main River Air Quality Landfill Contaminated Land

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES:

- Principle of development
- Highways
- Design
- Layout and Landscaping
- Ecology
- Sustainability
- Impact on Neighbour Amenities
- Impact on the Water Environment
- Land Contamination
- Air Quality

1. REASON FOR REFERRAL

The application has been referred to Committee because the proposal is for a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to a 0.97 hectare site comprising an area of vacant land as well as a bus depot, warehouse and an expanse of hard surfacing. It is bounded to the north and east by railway lines filtering into Crewe railway station, to the south by commercial properties and to the west by Mill Street.

The site is allocated, under Policy S.12.2 of the Borough of Crewe and Nantwich Local Plan, as a mixed use regeneration area and also forms part of the Mill Street/Pedley Street sub area within the Crewe Rail Gateway Adopted Development Brief.

3. DETAILS OF PROPOSAL

Outline planning permission was granted earlier this year for the demolition of the existing 2,740sq.m Tesco store, a short distance from the application site, in Vernon Way, and the erection for a replacement 5,500 sq.m store, which will be constructed over two levels. A reserved matters application is currently under consideration.

This application seeks consent for the erection of a temporary foodstore to allow business continuity whilst the rebuilding works are underway. The temporary store will have a total floor area of 1244sq.m and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.

4. RELEVANT HISTORY

P06/0876 – Outline application for Mixed Use Development Comprising Housing (Class C3), Employment (Class B1) and Retail (Class A1) uses, New Pedestrian/Cycle Link through the site and Associated Car Parking, Landscaping, Servicing and Access. - Withdrawn 26th October 2006.

P07/0639 - Outline application for Mixed Use Development Comprising Residential, Retail (Food and Non Food Uses), New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access. - Resolution to approve subject to signing of Section 106 Agreement 24th March 2010

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy RDF 1 Spatial Priorities

Policy W 1 Strengthening the Regional Economy

Policy W 5 Retail Development

Policy RT 1 Integrated Transport Networks

Policy RT 2 Managing Travel Demand

Policy RT 3 Public Transport Framework

Policy RT 9 Walking and Cycling

Policy EM9 Secondary and Recycled Aggregates

Policy EM 11 Waste Management Principles

Policy EM 12 Locational Principles

Policy EM 15 A Framework For Sustainable Energy In The North West

Policy EM 16 Energy Conservation & Efficiency

Policy EM 17 Renewable Energy

Policy EM18 Decentralised Energy Supply

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)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development
PPS 4: Planning for Sustainable Economic Growth
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets
Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Highways Authority

- A right turn lane will be required to accommodate this proposal. The developer and LPS/HA have agreed for a right turn lane to be provided along Mill Street. Therefore recommend the following conditions:

- No development shall take place until detailed drawings outlining the site's access; visibility splays, right turn lane, parking provision and road layout have been submitted to and approved by the LPA/HA, and no part of the development shall be occupied until the right turn lane off Mill Street has been constructed in accordance with approved drawings and to CEC specification.
- This permission will be subject to a section 278 agreement of the Highways Act 1990.

Network Rail

- Network Rail Town Planning have no objection in principle to the development, however due to its close proximity to the operational railway we would strongly recommend that the following points below are issued as conditions if granting the application.

- At no point will the Network Rail access point be blocked by cars parking at the temporary store or by vehicles loading and unloading at said same store and that no items such as refuse bins or containers block access to railway land. The access point and road

must be kept clear 24/7 as Network Rail will need to maintain the adjacent railway as well as tend to any emergencies.

- The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land,
- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail.
- In view of the nature of this commercial development, it is essential that the developer provide and thereafter maintain a substantial, trespass proof fence along the boundary to a minimum height of 2 metres.
- Any of the temporary stores lighting schemes, within 10 metres of Network Rail's boundary, for illumination of new roads, parking and garage areas etc., must be submitted for prior approval.
- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such
- The applicant should ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building shall be situated at least 5 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.
- Where new roads, turning spaces or parking areas are to be situated adjacent to the railway, which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.
- Network Rail is required to recover all reasonable costs associated with facilitating these works

Environment Agency

Based on the reviewed information, the site is associated with potentially contaminative historic land uses, such as a gas works and railway sidings. Valley Brook is culverted beneath the site and the condition of the culvert has not been provided. We therefore cannot rule out a pollutant linkage to Valley Brook and disagree with the recommendations given in the Desk Study that the site poses a low risk to controlled waters at this stage.

Based on the provided information, they recommend the following condition to ensure that any risks posed to Valley Brook are suitably addressed:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority.

The following informatives should be included on the decision notice.

1. Valley Brook is designated "main river", which includes the culverted section through the site.

2. For any proposals above the culvert, or within a distance of 8 metres of a line taken vertically from the outer edge of the culvert sidewalls, the prior written consent of the Environment Agency will be required, in accordance with the Water Resources Act 1991 and the Land Drainage Byelaws. Any proposals such as buildings, structures, etc. above or adjacent to the line of the culvert, are unlikely to receive such consent.

Environmental Health

- The lighting scheme submitted with the application form should be implemented before the use commences.

- That the building is a temporary structure (<12 months) with the foundations consisting of stacked paving slabs placed at existing ground level.

- This Section determines the risk from any contamination in the soil will be during the construction phase of the building, therefore any construction workers should ensure they are protected by wearing appropriate PPE and dust from the site should be suppressed to ensure that no risk emits from the site within wind blown soil dust. Vehicles travelling to and from the site should not carry soils from the site onto the highway which will then develop into wind blown dust. Any material moved from the site should be done so in a covered vehicle.

- Soil gas monitoring should be undertaken prior to and during entry to any below ground excavations and confined spaces within the building should be ventilated.

- The temporary store will be open for less than 12 months and should therefore not have an impact on annual mean nitrogen dioxide concentrations in the area. In addition, traffic figures are expected to be reduced. An air quality impact assessment is therefore not required at this stage. I would recommend however that if the store was to be insitu for more than 12 months, an air quality impact assessment be undertaken.

United Utilities

Object to the proposal as the proposed development crosses the existing right of way to Mill Street Wastewater Pumping Station. If this issue were resolved then no objection subject to the following: -

- The drainage details stated within the FRA are adhered to rigidly.
- There is a strategic 600mm trunk main crossing the footprint of the proposed development site which will require adequate easement/access or diversion at the Developer's expense.
- The applicant must comply with their standard conditions,
- Any necessary mains reinforcement is carried out at the Developer's expense.
- The site may be on contaminated land - protectaline mains material may be required.
- Any development of over 2 storeys in height should have a separate, pumped storage system installed.
- This site is encumbered by a deed of grant dated 1st October 1942, reference S641 that has not yet been extinguished. If planning permission is granted the developer should negotiate and appropriate surrender of this deed prior to commencement of work

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

One letter of objection has been received which concludes that the development, temporary though it is, is to be welcomed, and shows a commitment by Tesco to maintain its trading position in the town whilst the new "superstore" is built.

There are however a number of public safety issues which have been overlooked which are discussed in detail above. In addition access to the site is concentrated on the vehicular, whilst the requirements of pedestrians and the mobility impaired outside the site are ignored.

Access to and from adjacent Bus Stops is found wanting together with any real correct analysis of Public Transport in the area. Certain details are unclear, including details of the alterations necessary to street lighting, services, etc in particular at the new "ghost island" junction of Lockitt Street with Mill Street.

Cheshire East Council needs to satisfy itself that the risks to Public Safety occasioned by this temporary development are reduced as far as reasonably practical and that access arrangements do not disadvantage in particular pedestrians and the less able members of society.

The Transport Assessment Document provides the foundation for the production of the Transport Plan which has not been submitted for consultation.

9. APPLICANT'S SUPPORTING INFORMATION:

Transport Assessment

- Outline Planning Consent (Application No: 09/2329N) was granted by Cheshire East Council (CEC) in December 2009 to replace the existing Tesco store on Vernon Way Crewe with a larger, modern and energy efficient store.
- During construction of the new store Tesco will trade from a temporary store. The temporary store will be of 1,244 m² GFA and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.
- A partly vacant site on Lockitt Street has been identified as a suitable location to provide the temporary store. This site is part of a larger site which currently benefits from Outline Planning Consent (Application No: P07/0639) for a Mixed Use Development comprising residential, employment and retail uses and associated car parking, landscaping and access.
- Figure 3 shows the proposed development consisting of a replacement foodstore of 1,244 m² GFA with associated car parking for 101 cars in addition to 8 spaces dedicated to drivers with disabilities and 4 parent and child spaces.
- The building will be of a temporary nature designed to be in place for less than 12 months during construction of the Tesco store on Vernon Way.
- Access to the store by customers and delivery vehicles will be from Lockitt Street, as shown in Figure 3, through a priority junction.
- Deliveries will take place in the service area located to the front of the store. This area will be separated by a wall and gates from the main parking area. CEC has highlighted an existing road safety concern on Mill Street. It was identified in the Transport Assessment carried out by WYG for the mixed use development that due to intensification of use a ghost island right turn from Mill Street to Lockitt Street would improve road safety in the area.
- In light of this, a ghost island right turn (as shown in Figure 3) will be a requirement of any planning permission. It is intended that these highway improvements will be secured through a Section 278 Agreement with the Local Planning Authority.
- The site is highly accessible for pedestrians, cyclists and those wishing to use public transport.
- It is considered that the site is satisfactory on highway safety and accessibility grounds.

Phase 1 Environmental Assessment.

- The site is impacted by the following services:
 - Culverted watercourse runs beneath the site.
 - Sewage Pumping station to the north of the site.
 - Private services will be present within the site and should be identified prior to any excavations.
- An Environmental Risk Assessment has indicated that the site represents;
 - A **LOW** risk to human health from the potential pollution linkages.
 - A **LOW** risk to construction workers.
 - A **LOW** risk to controlled waters.
 - A **MODERATE** risk with regard to construction phase operations.
- In view of the identified low level of risk associated with the proposed temporary development, the historical land use and potential for site contaminants will not preclude development.

- The site comprises a temporary development which is implemented with minimal change to existing levels. In this manner earthworks and the potential exposure of contaminants is minimised thus maintaining a low risk of contact with end users, construction workers and the wider environment.
- Remedial works in relation to the site ground conditions should not be required for the temporary structure. However, the following measures should be implemented to ensure that the level of risk is maintained to a low level:
 - Where made ground is exposed construction workers should adopt appropriate PPE in accordance with Ref.2.
 - Dust suppression measures should be adopted to reduce the levels of fugitive dusts that may migrate from the site.
 - An asbestos survey should be carried out to the existing warehouse which is to be partially demolished in accordance with current guidelines.
 - Surface water control methods should be adopted during construction to prevent the silting up of existing drainage systems.
 - Soil gas monitoring should be undertaken prior to and during main entry to any below ground excavations.

Flood Risk Assessment.

- The site lies within Environment Agency Flood Zone 1 which means that the chance of flooding each year from rivers or the sea is 0.1% (1 in 1000) or less.
- The site can be considered not to be at risk from coastal and high tide flooding as the site does not lie near or adjacent to the coast.
- Due to the level of hard cover present across the site flooding from groundwater sources is not considered to affect the temporary development.
- Overland flow is unlikely to occur at the site subject to the adoption of car park gradients sloping away from the temporary store and installation of a temporary surface water drainage system.
- As there is no net change to the extent of hard cover the overall surface water will be maintained at current rates on a like for like basis. This will ensure that the development of the temporary store will not result in any increase of offsite surface water flows

Design and Access Statement

- The proposed temporary store is required to enable Tesco to serve its existing customers and meet the shopping needs of the local community and wider catchment whilst the existing store on Vernon Way is demolished and replaced with a larger, modern and energy efficient store.
- The design and layout of the proposed store relates well to its surroundings and is considered to be entirely appropriate in the context of the temporary nature of the proposal.
- The site is within close proximity of the existing Tesco store and its location, set back from Mill Street, within a mixed use area creates minimal visual intrusion and accords with planning policy. Therefore, this site is considered to be the most appropriate location for Tesco to provide a temporary store whilst the replacement Vernon Way store is under construction.

10. OFFICER APPRAISAL

Principle of Development

The site is allocated in the Adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 under Policy 12.2 as a mixed use regeneration area and also forms part of the area covered by the Crewe Rail Gateway Adopted Development Brief. The thrust of the Local Plan allocation is to encourage the regeneration of this site with a mixture of uses including employment (B1, B2 and B8), appropriate sui-generis uses and retail subject to the retailing complying with the requirements of Policy S.10 (Major Shopping Proposals). Major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m. As the proposed temporary foodstore falls below this threshold, there is no conflict with this policy.

Crewe and Nantwich Borough Council resolved in 2007 to grant outline planning permission for a mixed use development, originally comprising residential, retail (including a 1,300 sqm foodstore) and employment uses. However, this scheme proved to be unviable and as a result Strategic Planning Board resolved to approve a revised planning application on 24 March 2010, subject to the completion of a Section 106 Agreement, which included 5,975sqm of gross retail floorspace.

The additional retailing provision was considered to be justified as a way of delivering the key regenerative benefits identified in the adopted Development Brief and also the social benefits in the form of affordable housing and crucially delivering the majority of the pedestrian and cycle links between the town centre and the railway station which is a key objective of the Crewe Rail Gateway Development Brief. For this reason the development represented a departure from the Local Plan. However, it was considered that the benefits would outweigh any harm to the vitality and viability of the town centre which may result from the additional retail floorspace.

The principle of substantial retail development on this site is therefore firmly established by the previous resolutions. Whilst the temporary Tesco store would not deliver the regenerative benefits referred to above, the floor area of 1244sq.m is considerably less than that accepted in March, and is comparable to the amount put forward in the 2007 scheme, which accorded with the provisions of the Local Plan and the SPD. Therefore the development is considered to be acceptable in principle.

However, the part of the site on which the temporary Tesco store would be located is the area occupied by the residential element (phase 2) of the comprehensive redevelopment scheme which Members resolved to approve in March. It is therefore vital that the Tesco foodstore is subject to conditions to ensure that it is a temporary feature and that it is removed as soon as the new facility is completed. Retention of the store would result in the loss of the residential element of the comprehensive redevelopment and a further substantial increase in overall retail floor space across the site.

Highway Considerations

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing junctions. The impact of the additional traffic generated on the wider highway network must also be taken into account.

The existing vehicular access will be used from Mill Street and the existing line of Lockett Street will be maintained to provide access to the development. The existing access is to be improved to incorporate a ghost island right turn lane on Mill Street with central pedestrian refuges to assist crossing.

In respect of previous proposals on this site the Strategic Highways Manager has highlighted a high accident record along Mill Street which it is understood relates predominantly to rear end collisions. A right turn lane is therefore requested to be incorporated into the Mill Street access which will reduce queuing traffic waiting to enter the site. A detailed plan to show the right turn lane will need to be submitted and agreed and a Section 278 Agreement will be required to secure the right turn.

With regard to traffic generation, the developer has submitted a Traffic Impact Assessment which concludes that the site is in a highly accessible location and that the traffic impact of the proposed development would be no greater than that of the previously approved development. Given that the temporary store will only operate whilst the main Tesco site is out of commission, the traffic impact on the surrounding roads and junctions is unlikely to be significantly different than at present.

The maximum parking provision for A1 retail stores as set out in the Local Plan is 1 space per 9sq.m, which generates a maximum requirement of 138 spaces. The submitted plans show parking areas containing 101 spaces along with HGV turning and unloading facilities. In the absence of any objection from the Strategic Highways Manager, this level of provision is considered to be acceptable.

In summary, this is a temporary store, located a short distance from the existing Tesco site, in an accessible location midway between the railway station and the town centre. Any additional traffic generation will be off-set by a reduction resulting from the closure of the existing store. Improvements will be made to Mill Street to ensure that safe vehicular access can be achieved and adequate parking provision will be made available within the site boundary. Therefore whilst the comments of the third party objector are noted, in light of the above, and in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highways grounds could be sustained.

Design

The proposed store would be a single storey, flat roofed modular building, with an overall height of 4m and a brown plastisol finish. It would be sited adjacent to the north side of the existing bus depot. In this location it would be largely screened from Mill Street and other public vantage points by the depot building and the adjacent Wickes Store. As a result it would only be visible from within the site or from passing trains on the railway line to the east.

Consequently, whilst the proposed building would not be of any merit in design terms, due to its low overall height and its location to the rear of the site, it would not detract from the overall character and appearance of the area. Furthermore, given its temporary nature, any impact on the long term efforts to enhance the quality of the development in this area would be limited. It is therefore, subject to conditions to ensure that it is a temporary structure, considered to be acceptable in terms of design.

Layout and Landscaping

The site is largely brownfield, with trees being constrained to the north-western corner of the site. The development could be carried out without significant loss of vegetation on the site. Two small trees are to be removed as part of the access arrangements into the car park. In the context of the provision of the additional planting this is acceptable. It is not considered necessary for replacement trees to be planted that will themselves have to be removed at a later date if they are not to restrict future development of this site.

The proposed temporary store will be located on the northern part of the site. The existing access to the bus depot will be utilised to give access to a parking area to the front and side of the store. A compound will be formed at the northern end of the site using temporary fencing to serve as a service yard and delivery area to the store. A new access will be formed to an area of retained hardstanding to the south of the site which will serve as a yard area to the bus depot. This will enable users of the store and car park to be safely separated from the vehicle movements associated with the bus depot. The car park and surrounding pedestrian areas will be appropriately surfaced and some new landscaping, including trees and low growing shrubs, will be provided to the perimeter of the site.

Considering the temporary nature of the proposal, the quick establishment predominantly native landscape scheme is acceptable. Conditions are required to secure additional planting specification and actual numbers of plants on the planting schedule. This information can be provided in the form of notes on the drawing.

Details of surfacing are required to ensure that this is of a complimentary standard to the planting scheme. It needs to be appropriate to purpose. Due to the temporary nature of the store, consideration should be given to the sustainability of using expensive paving materials from unsustainable sources. It is strongly recommended that the developer uses recycled or reconstituted materials.

Whilst the layout and landscaping do not reflect the Council's future aspirations for the regeneration of the site, which should include high quality public realm, public art and a high quality pedestrian / cycle link through the site, these works are temporary, and will constitute an improvement over the derelict and vacant land which occupy the site at present.

Ecology

Given the brownfield nature of the site it is considered that there would be no adverse impact on protected species.

Sustainability

Policy EM18 of North West England Plan Regional Spatial Strategy (RSS) outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply, at least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable.

Whilst the proposal has sufficient floor area to fall within the Policy EM18 requirement for renewable energy, given the temporary nature of the building, and the fact that the new

store to be constructed in Vernon Way will include many energy saving and sustainable features, it is not considered to be reasonable or viable to insist on the incorporation of sustainable features within this temporary development.

The proposal will be sited on an underused part of the site, and will not involve any demolition. As a result there is no requirement for a Waste Management Plan and no conflict with policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles), EM11 of the RSS which relate to waste management principles and Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Impact on neighbour amenity

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, impact on neighbour amenity is not considered to be a significant issue in this case.

Impact upon Water Environment

The Valley Brook is culverted beneath a large part of the site. However, the Environment Agency has raised no objections subject to the imposition of appropriate conditions.

An objection has been raised by United Utilities as the development affects a right of way which they have across the site. However, this is considered to be a private legal matter between the developer and United Utilities and Tesco's agents have advised that they are in discussions with a view to resolving it. Notwithstanding this issue, United Utilities also have no objection subject to conditions and the proposal is therefore considered to be acceptable in terms of its impact on the water environment.

Land Contamination

The site has a history of use as a Gas Works and Railway Engine Sheds and has the potential for the land being contaminated. Both the Environment Agency and the Environmental Health Department, however, have raised no objection subject to the imposition of appropriate conditions.

Air Quality

Environmental Health is satisfied that the proposed development would have little or no impact on the air quality in the surrounding area or the Nantwich Road Air Quality Management Area given its temporary nature.

Other Matters

Network Rail has raised a number of issues, some of which are material planning considerations. Drainage, lighting and boundary treatment can be dealt with by way of condition and the issues raised in terms of maintaining the safety of the railway during construction works can be added to the decision notice as informative. However, matters relating to access and encroachment are private issues between Network Rail and the developer as neighbouring land owners.

11. CONCLUSION

The proposal seeks to create a temporary Tesco store of 1244sq.m and will only trade during the closure of the existing store at Vernon Way, which will be less than 12 months.

The site is allocated for a mixed use scheme, which includes an element of retail and previous Committee resolutions have established the acceptability in principle of retail development on the site. The amount of retail development proposed is less than the more recently accepted scheme and is comparable to the scheme which Committee resolved to approve in 2007. However, as the temporary store will be located on the part of the site shown for residential development in the outline scheme, in order to avoid an overall increase in retail development on the site, it is necessary to impose conditions to ensure that it is removed following completion of the permanent store.

It has also been adequately demonstrated that, the proposed development will not have an adverse effect on traffic levels or highway safety within the vicinity and that it will be acceptable in terms of design, layout and landscaping, ecology, sustainability, impact on neighbour amenity, impact on the water environment, land contamination and air quality, providing that it is retained only on a temporary basis.

Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Temporary for 12 months**
- 3. Approved Plans**
- 4. Materials to be in accordance with those shown in the application**
- 5. Submission, approval of Landscape Scheme**
- 6. Implementation of Landscaping**
- 7. Surfacing Materials**
- 8. Submission, approval and implementation of right turn lane**
- 9. Submission, approval and implementation of Lighting Scheme**
- 10. Submission, approval and implementation of Contaminated land report**
- 11. Foundations shall consist of stacked paving slabs placed at existing ground level.**
- 12. Submission, approval and implementation of method statement to ensure that no dust emits from the site**
- 13. Soil gas monitoring to be undertaken prior to and during entry to any below ground excavations and confined spaces within the building should be ventilated.**
- 14. No Development within 8m of side walls of culvert**
- 15. Submission, approval and implementation of scheme of drainage**

Location Plan : Licence No 100049045

