

Application No: 11/3608N

Location: TESCO STORES, LOCKITT STREET, CREWE, CW1 7BB

Proposal: Variation of Condition 2 of Planning Approval 10/3554N to Extend the Time Limit of Temporary Store to 17 June 2012

Applicant: TESCO STORES LTD

Expiry Date: 17-Nov-2011

**SUMMARY RECOMMENDATION:**

- **APPROVE** subject to conditions

**MAIN ISSUES:**

**Principle of development**  
**Highways**  
**Design**  
**Layout and Landscaping**  
**Ecology**  
**Sustainability**  
**Impact on Neighbour Amenity**  
**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, which is currently occupied by a temporary foodstore, which has been erected to allow business continuity whilst the rebuilding works are underway at the Tesco store, a short distance from the application site, in Vernon Way. The temporary store has a total floor area of 1244sq.m and 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

Planning permission was granted for the temporary store in December 2010 (application 10/3554N refers). The store will only trade during the closure of the existing store at Vernon Way, which was originally intended to be less than 12 months. Consequently a condition was imposed on the planning permission stating that the permission shall expire on 17<sup>th</sup> December 2011. The condition goes to to stated that *“The foodstore hereby permitted shall be removed from the site and the land restored to its former condition (or as otherwise agreed in writing with the Local Planning Authority) on or before that date unless a further planning permission for the retention of the foodstore has first been granted on application to the Local Planning Authority.”*

Development works at the permanent site in Vernon Way are well advanced, but due to some delays in the pre-construction phase, Tesco did not open the temporary store until 16th May 2011 and it has therefore only traded for a period of 4 months to date. The temporary store is required until the replacement store is operational. The replacement store at Vernon Way is currently timetabled to open at the end of January 2012, following which the temporary store will close

This application therefore seeks a variation to Condition 2 to extend the expiry date of the permission by a period for 6 months to ensure that the temporary store will remain open until the replacement store at Vernon Way is operational. Although it is currently anticipated that the temporary store will cease trading at the end of January 2012 (in line with the opening of the new store at Vernon Way), a 6 month extension period is sought by this application to take account of any potential delay to the opening of the replacement store and to allow time of the dismantling of the unit and its removal to an alternative site, following the identification of a suitable location. The temporary store will cease trading as soon as the replacement store is open even if the expiry date of the permission has not been reached. Tesco are therefore seeking to extend to the permission until 17<sup>th</sup> June 2012.

### 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 24<sup>th</sup> March 2010

**10/3554N** - Erection of Temporary Foodstore (Class A1) – Approved 17th December 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

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

### **Environmental Health**

Environmental Health has no objection to the above application subject to the following comment with regards to air quality:

If the temporary store is still to be open for less than 12 months (as discussed during application 10/3554N), there should not be an impact on annual mean nitrogen dioxide concentrations in the area. Environmental Health would recommend however that if the store was to be in situ for more than 12 months, an air quality impact assessment should be undertaken.

## **7. OTHER REPRESENTATIONS:**

None received at the time of report preparation.

## **8. APPLICANT'S SUPPORTING INFORMATION:**

- Covering Letter

## **9. 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 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 developer has yet to sign the Section 106 Agreement, although negotiations are ongoing. At its meeting in November 2011, Strategic Planning Board, considered a report relating to a number of proposed changes to the terms of the Agreement. However, at present it remains unsigned and therefore permission has yet to be issued.

The principle of substantial retail development on this site is therefore firmly established by the previous resolutions. Whilst the temporary Tesco store does not deliver the regenerative benefits referred to above, the floor area of 1244sq.m is considerably less than that accepted in March 2010, 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 is located is the area would be occupied by the residential element (phase 2) of the comprehensive redevelopment scheme which Members resolved to approved in March 2010. 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.

Given that the Section 106 Agreement remains unsigned, and that the proposed residential development would be part of the second phase of the comprehensive redevelopment of this site, it is not considered that the proposed extension to the time limit from December 2011 to June 2012, would jeopardise this development coming forward and it is therefore considered to be acceptable in principle.

### **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 has been used from Mill Street and the existing line of Lockett Street has been maintained to provide access to the development. 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 was therefore requested to be incorporated into the Mill Street access to reduce queuing traffic waiting to enter the site. This has been provided and will be retained.

With regard to traffic generation, the developer previously submitted a Traffic Impact Assessment which concluded 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. It was considered previously that 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. This will continue to be the case if the permission is extended.

Tesco envisage that the new store will be available at the end of January 2012 but have requested an extension of the temporary store permission until June 2012 to allow for contingencies. It is recommended, however, that the condition is worded to require early closure of the temporary store in the event that the permanent Tesco opens prior to June 2012.

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. At the time of the previous application the Strategic Highways Manager, considered this level of provision to be acceptable and this continues to be the case.

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 have been made to Mill Street to ensure that safe vehicular access can be achieved and adequate parking provision has been made available within the site boundary. In light of the above, and in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal of the proposed extension of time on highways grounds could be sustained.

## **Design**

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

Consequently, whilst the proposed building is not of any merit in design terms, due to its low overall height and its location to the rear of the site, it does 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 are limited. It is not considered that increasing the temporary time limit by six months will prejudice these long term plans for the improvement of the site, or would be sufficiently detrimental to the overall appearance of the area in the short term to warrant refusal. Therefore, subject to conditions to ensure that it remains a temporary structure, it is considered to be acceptable in terms of design.

## **Layout and Landscaping**

The site was largely brownfield, with trees being constrained to the north-western corner of the site. The development has been carried out without significant loss of vegetation on the site. Two small trees were removed as part of the access arrangements into the car park. In the context of the provision of the additional planting this was considered to be 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 is located on the northern part of the site. The existing access to the bus depot has been utilised to give access to a parking area to the front and side of the store. A compound has been 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 has been formed to an area of retained hardstanding to the south of the site which serves as a yard area to the bus depot. This enables 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 are appropriately surfaced and some new landscaping, including trees and low growing shrubs, has been provided to the perimeter of the site.

Considering the temporary nature of the proposal, a quick establishment predominantly native landscape scheme was considered to be acceptable. This landscaping will continue to be maintained for the remainder of the temporary period.

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 was not previously considered to be reasonable or viable to

insist on the incorporation of sustainable features within this temporary development. This continues to be the case as the building will not become a permanent feature.

As the building is now in place, and no further physical works are proposed there is no requirement for a Construction 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 raised no objections to the original application subject to the imposition of appropriate conditions. An objection was raised by United Utilities as the development affected a right of way which they have across the site. However, this has since been resolved privately between the developer and United Utilities.

### **Land Contamination**

The site has a history of use as a Gas Works and Railway Engine Sheds and has the potential for the land to be contaminated. Both the Environment Agency and the Environmental Health Department, however, raised no objection to the original application 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. Environmental Health would recommend however that if the store was to be in situ for more than 12 months, an air quality impact assessment should be undertaken. However, the store should be closed within 12 months of its original opening in May 2011 and conditions will be imposed to ensure that it is removed by 17<sup>th</sup> June 2012.

### **Other Matters**

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



## **10. CONCLUSION**

The proposal seeks to extend to time limit of the consent for a temporary Tesco store of 1244sq.m which will only trade during the closure of the existing store at Vernon Way, which will be until the end of January 2012, or, allowing for unforeseen contingencies, June 2012, at the latest.

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 is not having an adverse effect on traffic levels or highway safety within the vicinity and that it will continue to 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.

## **11. RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

- 1. Standard**
- 2. Temporary until 17<sup>th</sup> June 2012, or opening of the new store, whichever is sooner.**
- 3. Approved Plans**
- 4. Materials to be in accordance with those shown in the application**
- 5. Implementation / Maintenance of Landscaping in accordance with previously approved details.**
- 6. Surfacing Materials to be in accordance with those shown in the application**
- 7. No lighting other than that previously approved.**
- 8. No works to take place except in completed accordance with previously approved contaminated land report**
- 9. Foundations shall consist of stacked paving slabs placed at existing ground level.**
- 10. No works to take place except in completed accordance with previously approved method statement to ensure than no dust emits from the site**

- 11. No works to take place except in completed accordance with previously approved soil gas monitoring and confined spaces within the building should be ventilated.**
- 12. No Development within 8m of side walls of culvert**
- 13. No works to take place except in completed accordance with previously approved scheme of drainage**

