

Strategic Planning Board

Agenda

Date:	Wednesday, 11th November, 2009
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 4)

To approve the minutes as a correct record.

4. **Public Speaking**

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
Tel: 01270 529786
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A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

5. **09/1582W - The following Proposals are in addition to the present Planning Permission for the A34 Alderley Edge and Nether Alderley Bypass (5/03/1846P) (1) Mitigation Earthworks Mounding (2) Re-profiling Fields Adjacent to the Bypass in the vicinity of Wilton Crescent (3) Amendments to Bridge Details (4) Drainage Pumping Stations (5) Relocation of Ponds (6) Amendments to Carriageway Levels (7) Footbridge over Bypass to Connect Footpath 33 (Nether Alderley); Land to the West of Alderley Edge and Nether Alderley (Alderley Edge and Nether Alderley Bypass) for Cheshire East Borough Council (Pages 5 - 26)**

To consider the above application.

6. **P09/0126 - Erection of Replacement Store with Associated Café, Servicing Arrangements and Plant Following Demolition of Existing Store and Industrial Unit; Formation of New and Upgraded Car Parking Facilities with Alterations to Pedestrian Access and Upgrading of Landscaping to Site; Sainsbury's Store/Fairway Suithouse, Middlewich Road, Nantwich, Cheshire, CW5 6PH for Sainsbury's Supermarkets Ltd. (Pages 27 - 60)**

To consider the above application.

7. **09/3066C - Proposed B1 Office Building, Henry Alty, Knutsford Road, Cranage, Holmes Chapel for Cheshire Prop (Cranage) 1LTD & 2LTD (Pages 61 - 70)**

To consider the above application.

8. **Appeal Summaries (Pages 71 - 82)**

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 21st October, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Gaddum (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors A Arnold, D Brown, M Hollins, D Hough, J Macrae, B Moran,
G M Walton and J Wray

OFFICERS PRESENT

Miss A Aspinall (Planning Officer), Mr A Buckley (Design & Construction
Operational Manager), Ms S Dillon (Senior Solicitor), Mr J Knight (Head of
Planning and Policy), Ms P Lowe (Development Manager), Mr N Turpin
(Principal Planning Officer) and Miss B Wilders (Principal Planning Officer)

117 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rachel Bailey, D Brown
and S Wilkinson.

118 DECLARATIONS OF INTEREST

Councillor D Brown declared a pre-determination in respect of application
09/1582W-Planning Permission for A34 Alderley Edge and Nether Alderley
Bypass (Application No 5/03/1846P) on the basis of his involvement as a Cabinet
Member involved in the decision to give approval to the by-pass and in
accordance with the Code of Conduct he moved away from the table and did not
speak or vote upon the application.

Councillor W J Macrae declared a pre-determination in respect of the same
application on the basis of him being a promoter of the scheme due to the fact
that he was a former Cabinet Member for Macclesfield Borough Council and now
as a current Cabinet Member for Cheshire East Borough Council. He spoke on
behalf of the Applicant then moved away from the table and did not vote upon the
application.

119 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

120 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

- 121 **09/1300M-PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME; A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE BUILDING OF 3,599 SQ M; 15NO. 2.5 STOREY TOWNHOUSES IN 7 BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS & OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT PROPOSED FIRST FLOOR DECK, (OUTLINE APPLICATION), MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD F**

(This application was considered after application 09/1869M).

Consideration was given to the above application.

At a meeting of the Strategic Planning Board on 29th July 2009 the Board delegated power to the Head of Policy & Planning to approve the above application, in consultation with the Chairman of the Board and Ward Councillor A Arnold, once satisfied regarding conditions and a completed s106 Legal Agreement. The delegation was made so that the Head of Policy & Planning could resolve outstanding issues relating to conservation and listed building matters and impose suitable conditions in addition to those listed in the report.

Before exercising his delegated power the Head of Policy & Planning referred two matters to the Board

- (i) a minor amendment of the application to include D1 use on the ground floor of the office block. The time period for representations following renotification of the amendment had not yet expired.
- (ii) Composition of the commuted sum payment to be secured in the s106 Agreement in respect of amenity and playspace.

RESOLVED

- (1) Having no objection to a minor amendment of the proposals to allow D1 use on the ground floor of the office block, the Board re-affirmed delegation of power to the Head of Policy and Planning, following expiry of the consultation period, to approve the amended application subject to satisfactory conditions and a prior appropriate Legal Agreement.
- (2) Without waiver of obligations due in respect of amenity and playspace, the Board had no objection to those obligations being met by a combination of direct works and financial payments, provided that any direct works were specified and valued to the satisfaction of the Leisure Service Manager.

(The meeting was adjourned at 3.50pm and reconvened at 4.00pm.

- 122 **09/1869M-USE OF FORMER AIRFIELD AND ASSOCIATED BUILDINGS AS A MOTORSPORTS AND ADVANCED DRIVING ACADEMY INCLUDING THE CREATION OF NEW ACCESS, CONFERENCE BUILDING, PARKING, LANDSCAPING AND WETLAND HABITAT, APPLETON AIRFIELD, CROWLEY LANE, HIGH LEGH, KNUTSFORD, CHESHIRE FOR MR RICHARD COE, APPLETON AUTODROME LTD**

(The application was considered prior to application 09/1300M).

Consideration was given to the above application.

(Parish Councillor J Tuck a representative from High Legh Parish Council, Mr C Thomson a representative of Friends of Whitley Reed, Members, Open Spaces Society, Mr S Owen, an objector and Mr Neumark, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused because vehicle noise generated by the development would significantly harm local residential amenity contrary to Policy DC3 of the Macclesfield Borough Local Plan.

- 123 **09/1582W-THE FOLLOWING PROPOSALS ARE IN ADDITION TO THE PRESENT PLANNING PERMISSION FOR A34 ALDERLEY EDGE AND NETHER ALDERLEY BYPASS (APPLICATION NO 5/03/1846P) 1) MITIGATION EARTHWORKS MOUNDING, 2) REPROFILING ADJACENT FIELDS, 3) AMENDMENTS TO BRIDGE DETAILS, 4) DRAINAGE PUMPING STATIONS, 5) RELOCATION OF PONDS, 6) AMENDMENTS TO CARRIAGEWAY LEVELS, LAND WEST OF ALDERLEY EDGE AND NETHER ALDERLEY, A34 ALDERLEY EDGE/NETHER ALDERLEY BYPASS, ALDERLEY EDGE, CHESHIRE EAST FOR MR PHIL SHERRATT, ENVIRONMENTAL SERVICES**

Consideration was given to the above application.

(The Ward Councillor Miss C M Andrew, Mrs Russell a representative from Nether Alderley Parish Council, Mr Stammers a representative of Nether Alderley Rural Protection Association (NARPA) and Mr Saunders, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for a site visit in order to assess the landscaping issues.

- 124 **09/2341N-DEMOLITION OF 82 BARONY ROAD AND ERECTION OF 14 NUMBER TWO STOREY RESIDENTIAL DWELLINGS AND ASSOCIATED ACCESS, 82 BARONY ROAD, NANTWICH FOR THOMAS JONES & SONS LTD WINNINGTON HALL, WINNINGTON, NORTHWICH**

Consideration was given to the above application.

RESOLVED

That the application be approved subject to the following conditions:-

1. Standard 3 years
2. Materials
3. Surfacing materials
4. Boundary treatment
5. Car parking provision
6. Construction of access (no access from Clayton's Row)
7. Highway works along Barony Road frontage
8. Obscure glazing of windows
9. Landscape scheme to include front of The Nook
10. Landscape implementation
11. Removal of PD – hardstanding
12. Removal of PD – Extensions and detached structures
13. Drainage details
14. Contaminated land survey
15. Site/slab levels
16. Elevations of garages
17. Approved plans

In addition the following conditions were also included:-

1. Hours of working for construction.
2. Wheelwashing
3. Dust and noise
4. Construction compound parking

125 **APPEAL SUMMARIES**

Consideration was given to the report as submitted.

RESOLVED

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor H Gaddum (Chairman)

Planning Reference No:	09/1582W
Application Address:	Land to the West of Alderley Edge and Nether Alderley (Alderley Edge and Nether Alderley Bypass)
Proposal:	The following proposals are in addition to the present planning permission for the A34 Alderley Edge and Nether Alderley Bypass (5/03/1846P) (1) Mitigation earthworks mounding (2) Re-profiling fields adjacent to the bypass in the vicinity of Wilton Crescent (3) Amendments to bridge details (4) Drainage pumping stations (5) Relocation of ponds (6) Amendments to carriageway levels (7) Footbridge over bypass to connect Footpath 33 (Nether Alderley).
Applicant:	Cheshire East Borough Council
Application Type:	Full Planning Permission
Earliest Determination Date:	21 st October 2009
Expiry Dated:	23 rd September 2009
Date of Officer's Site Visit:	15 th July, 10 th October 2009
Date Report Prepared:	29 th October 2009

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Landscape and Visual Impact associated with changes to the approved scheme (5/03/1846P)
- Noise arising from additional works i.e. land re-profiling in proximity to Wilton Crescent, Alderley Edge
- Ecological impacts arising from proposed amendments to the approved scheme

1. REASON FOR REPORT

This application was deferred at Strategic Planning Board on 21st October 2009 in order for Members to undertake a site inspection.

2. BACKGROUND TO THE PROPOSALS

The current application relates to proposed amendments to the A34 Alderley Edge and Nether Alderley Bypass scheme which was granted planning approval in December 2003 (application 5/03/1846P). The application relates to changes to discrete elements of the approved scheme arising from firstly the 2005 Public Inquiry held into the compulsory purchase of land and the side road closure order at which recommendations were made to improve landscape mitigation and footbridge provision; and secondly the detailed

design process which indicated the need for additional allowance for drainage features including pumping stations and relocation of ponds.

3. DESCRIPTION OF SITE AND CONTEXT

The purpose of the bypass is to provide a new through route for A34 principal road traffic which will relieve traffic congestion on the existing A34 thereby improving environmental conditions in the villages of Alderley Edge and Nether Alderley. Upon completion (anticipated Summer 2011), the bypass will be a 5.1 km two lane single carriageway commencing at the existing A34 Wilmslow Road roundabout at Harden Park to the North of Alderley Edge, and ending at the proposed roundabout junction to rejoin the existing A34 Congleton Road, South of Nether Alderley.

4. DETAILS OF PROPOSAL

The proposals include the following:

(1) Mitigation earthworks mounding (2) Re-profiling fields adjacent to the bypass in the vicinity of Wilton Crescent (3) Amendments to bridge details (4) Drainage pumping stations (5) Relocation of ponds (6) Amendments to carriageway levels (7) Footbridge over bypass to connect Footpath 33 (Nether Alderley).

5. RELEVANT HISTORY

Implemented planning permission 5/03/1846P 'A34 Alderley Edge and Nether Alderley Bypass' which is currently under construction. All pre-commencement schemes were approved in November 2008.

6. POLICIES

Regional Spatial Strategy (NW)

DP1 Spatial Principles

RT1 Management of Highway Network

Macclesfield Borough Local Plan Policy

NE3 Landscape Protection and Enhancement

NE11 Nature Conservation

NE17 Nature Conservation

DC1 Design – New Build

GC1 Green Belt – New Buildings

GC2 Green Belt – Other Operations and Changes of Use

GC3 Green Belt – Visual Amenity

T7 Integrated Transport Policy

DC3 Amenity

DC9 Tree Protection

DC13 Noise

Other Material Considerations

PPS1 Delivering Sustainable Development
PPG2 Green Belt
PPS9 Biodiversity and Geological Conservation

7. CONSULTATIONS (External to Planning)

(Internal)

Highways (Development Control):

No objection - however the Highway Engineer is the applicant.

Environmental Health:

No objection

Environmental Protection:

Comments that the potential noise impacts due to the proposed changes in road alignment are counteracted by the corresponding changes in the mitigation mounding. The required acoustic barrier heights have been maintained. As a result, would not expect there to be any measurable changes in the road sourced noise levels at sensitive receptors and therefore no noise impacts. Any construction noise impacts are controlled by the existing conditions.

Landscape:

No objection

Ecology:

No objection.

No additional significant adverse impacts anticipated. Conditions recommended to ensure the appropriate management of the scheme and to protect breeding birds.

Forestry:

No objection.

Comments that the two trees (TR113 and 004) identified for removal have already been felled. The redesigned Wilmslow/Alderley Edge roundabout in its elliptical form with associated hard-standing compromised the retention of both trees. To provide an identifiable net landscape gain for the loss of the two trees, additional landscaping should be implemented within the immediate area associated with the tree loss. This could be set back from any site lines and would require the involvement of the highway engineers. In terms of arboricultural conditions those identified and attached to the previously approved application should prevail.

Public Rights of Way

No objection

(External)

Environment Agency:

No objection to the stated application. However, would expect details of any amendments to work included in land drainage consents be submitted to the Environment Agency for approval.

Manchester Airport:

No objections subject to a condition minimising the potential for bird strike.

Network Rail:

No objection in principle to the development, however due to its close proximity to the operational railway requests a condition for the applicant to contact the OPE to ensure the safety, operational needs and integrity of the railway.

United Utilities:

No objection to the proposal in principle. Provides standard advice relating to development in close proximity to the water mains.

National Grid:

No objection to the proposal. Provides standard advice to the applicant regarding a major accident hazard pipeline and Intermediate Pressure apparatus in the vicinity.

Ramblers Association (East Cheshire Group):

Supportive of the planning application particularly the footbridge to carry Footpath 33 (Nether Alderley) over the bypass.

8. VIEWS OF THE PARISH COUNCIL

Alderley Edge Parish Council:

Issues raised in relation to noise, drainage detail and proposed restrictions on hours of work in proximity to Wilton Crescent.

Nether Alderley Parish Council:

The Parish Council objects to the application. Issues raised in relation to the landscaping scheme throughout Nether Alderley with particular reference to the Parish Council's request for: more offsite planting for Heawood Hall and use of acoustic fencing at the top of mounding; planting mix E to be provided between CH 2600 (west side) and the underpass (west side) and Sand Lane (east side), including planting compartments CE 30

& CE32. Concern raised regarding proposed footbridge in Green Belt location and the break in the mounding to provide access for Walton Farm – suggests staggered planting.

9. OTHER REPRESENTATIONS

As part of the consultation process the application was advertised by way of press notices, site notices, and neighbour notification letters within 400 metres of the application site. A number of letters of representation have been received from local residents and 13 objections. NARPA (Nether Alderley Rural Protection Association) has objected to the application. The majority of objections received relate to the landscaping scheme in proximity to Sand Lane.

Since the writing of the last report submitted to Strategic Planning Board, further representations have been received from NARPA and residences of Congleton Road. Comments from local residents of Congleton Road remain the same as those already addressed in the report, however NARPA has raised an additional concern. The main issues raised are summarised below and will be addressed in the section entitled 'Officer Appraisal'.

The following issues have been raised:

Plantings opposite Sand Lane:

The majority of objections received are from local residents of Sand Lane. The issues raised relate to the level of screening provided for these properties and the associated visual intrusion from HGVs and vehicle lighting. Particular reference is made to the proposed planting mixes in planting compartments CE 30 and CE 32 and the requested change to mix E.

Section of bypass between chainages CH3850.0 – 3910.0 (in proximity to Gately Green complex / Sand Lane

Request for the provision of an acoustic fence at the cyclepath between chainages CH 3850.0 – 3910.0 to mitigate Sand Lane and Gately Green properties.

Under-bridge Parapets:

Parapets should be changed from aluminium in colour to green.

Northern end of bypass towards Harden Park roundabout:

Impact of the carriageway realignment on traffic noise for nearby houses.

Section of bypass in vicinity of Brook Lane (Alderley Edge):

Several letters of representation have been received from local residents of Brook Lane and Wilton Crescent including 2 objections relating to specific elements of the application: relocated detention basin and lack of mitigation screening; amendments to carriageway levels and lack of mounding; realigned cycleway. Main issues raised relate to the impacts of additional noise, headlight intrusion, visual intrusion, loss of privacy and loss of quiet enjoyment.

Congleton Road

Representations have been received from residences along Congleton Road. The main issue raised is the visual impact of the bypass from Congleton Road and noise. It has also been suggested by one local resident that the conservation ponds in area 9 are relocated to the other side of the bypass

Section of bypass in vicinity of Heawood Hall properties

An objection has been raised to the amendments of the original plans due to lack of mounding, screening and planting. Requests consideration of acoustic fencing along the top of mounding.

Application is EIA development

A representation received considers that the application is EIA development and therefore should be accompanied by an Environmental Statement.

10. APPLICANT'S SUPPORTING INFORMATION

Supporting Statement

Drawings from the 2003 Application (for information purposes)

11. OFFICER APPRAISAL

Principle of Development

The principle of the A34 Alderley Edge and Nether Alderley bypass was accepted under planning permission 05/03/1846P which was granted in 2003. The aim of the proposal was to create an environmental bypass in order to offer a transport solution to the traffic problems in the two villages of Alderley Edge and Nether Alderley with the aim of reducing traffic, improving safety and reducing vehicle/pedestrian conflict whilst improving environmental conditions. Policy T4 of the Macclesfield Borough Local Plan supports the implementation of the bypass and safeguards the route as shown on the proposals map from development. The principle of the bypass in the Green Belt has been accepted and the proposals contained within the current application are intrinsically linked.

Changes to Carriageway Levels

Changes to carriageway levels have been proposed mainly as a result of detailed drainage design as described in the supporting statement which accompanies the application. There are five main sections along the route of the bypass where changes to the road level are proposed, these are identified by reference to the distance from the start of the northern section of the road. CH 0.0 – 200.0 therefore refers to the chainage between 0.0, i.e. the start of the road to chainage point CH 200.0 which is 200 metres from the start. The five sections lie between chainage points: (i) CH 0.0 – 200.0 (ii) CH 920.0 – 1750.0 (iii) CH 1850.0 – 2950.0 (iv) CH 2950.0 – 4010.0 (v) CH 4750.0 – 5000.0

(i) CH 0.0 – 200.0 The road levels change slightly along this short section to tie in with the roundabout and to achieve increased deflection on the approach to the give way. The changes in this area relate to the vertical alignment which is relatively minor and also to

the horizontal alignment which has moved eastwards slightly. Apart from the approved landscaping scheme and retention of noise fencing, no additional mitigation is proposed in the current application.

(ii) CH 920.0 – 1750.0 As the road comes out of cutting at Brook Lane CH 920.0) and approaches the Chelford Road cutting, the road level is steadily raised until it becomes a maximum of approximately 1 metre above the approved levels between CH 1500.0 and 1600.0, although this is below the existing ground level. Generally the level change up to CH 1500.0 is below 1 metre, which is considered to be relatively minor. In addition, mitigation mounding in this area has been raised accordingly so that the change will have a resultant negligible impact both visually and in terms of noise.

(iii) CH 1880.0 – 2950.0 It is proposed to lower the carriageway levels along this section below the approved levels in order to further reduce the impact of the road on surrounding properties / receptors. The maximum change is in the region of around 1.5 metres below approved levels, with CH 1850.0 – 2700.0 being below existing ground level. Lowering the road level in this area will significantly reduce the visual impact of the road, in addition to the new mitigation mounding provision in areas 10, 11 and 12. The approved scheme does not contain mounding in the aforementioned areas. It is considered that the lowering of the carriageway in along this section is desirable in the interests of providing an enhanced package of mitigation over and above the previously approved scheme which will significantly reduce the effects of noise and visual intrusion in this area.

(iv) CH 2950.0 – 4010.0 The road levels along this section are intended to be raised above the original approved levels. The level change reaches up to around 2 metres, but is variable along the length. From CH 2950.0 – 3300.0 the road level is raised above existing ground levels, but between CH 3300.0 -3900.0 remains below the existing ground level in cutting. The raised levels are due to detailed drainage design in the Welsh Row area and to pass over the culverts. From CH 2950.0 – 3300.0 where the road level will be raised above the approved levels and existing ground levels, new mitigation mounding has been provided in areas 11 and 12 which compensate for the increase in road level in terms of providing an acoustic barrier and visual mitigation. It is considered that the additional mounding and planting in this area will provide an appropriate level of mitigation.

(v) CH 4750.0 – 5000.0 The road levels have been raised slightly along this short section in order to tie in to the road levels on the existing A34. The change in level is relatively minor at around 0.5 metres and is likely to have a negligible impact given the provision of new mitigation mounding in areas 17 (on approach to Frog Lane roundabout) and 18 which will be a minimum of 2 metres in height. Additional mitigation would be afforded by the provision of screen planting also.

Impact on Noise

Concerns have been raised regarding the changes in road levels and the impact upon noise. These concerns mainly relate to the section of carriageway in the vicinity of Brook Lane. Alderley Edge Parish Council has commented about noise levels and asked if the levels committed to at the Public Inquiry will be achieved, including the specific detail of noise reduction. Within this area the raising of the carriageway is accompanied by raised mounding and therefore the changes to noise level will be negligible as opposed to being reduced. For background purposes the noise levels which were assessed as part of the

approved scheme were considered to be acceptable in line with the mitigation package proposed at the time. It is not anticipated that noise levels would increase as a result of the proposed amendments. The Council's Environmental Protection Officer has assessed the application in relation to noise and is satisfied that the required acoustic barrier heights have been maintained and therefore would not anticipate any measurable changes in road sourced noise at sensitive receptors. The amended mitigation scheme including increased heights in mounding, new mounding areas, and landscaping are reflective of the changes in road level along sections of the route and accordingly it is not anticipated that the changes would amount to any further significant adverse impacts associated with noise than those that will be experienced within the approved scheme.

At CH 0.0 – 200.0 the approach alignment of the road has been flattened out along this section. Concern has been raised that this would bring the bypass considerably closer to nearby properties which will experience an increase in noise levels. The change will bring the road approximately 6 metres closer to the property known as Brynwood, however this is still some 70 metres in distance from the road. A belt of screen planting and hedgerow will be provided here in addition to the retention of noise fencing at this point. The change will also bring the development closer to the row of houses adjacent to the roundabout junction along Wilmslow Road by approximately 20 metres. These properties will still be over 100 metres in distance from the bypass and are located on the opposite side of Wilmslow Road. It is however, anticipated that the new bypass will remove traffic from Wilmslow Road thus reducing the existing noise impact at the façade of these properties. In addition, the length of the bypass on the eastern side will be landscaped with screen planting which will provide mitigation against the adverse impacts of noise arising from the road. It is considered unlikely that changes to the road alignment along this section will significantly increase noise levels above the predicted levels at these properties.

Landscape Scheme and Visual Impact

Planting Compartments 30 & 32 and Sand Lane area

(For details of planting mixes please refer to appendix 5 of the Supporting Statement which accompanies the application)

Particular concern has been raised regarding planting compartments CE30 and CE32 which relate to areas 15 and 16 on plan PC/10096/02/44 (although CE32 is not fully within the current application area). The main issue relates to the planting mix currently proposed in area CE30 which is Mix B and area CE32 which is Mix H. A number of objections/representations have been received, particularly from the residences of Sand Lane, requesting that the planting mixes in these compartments are changed to Mix E which incorporates a 60% evergreen mix, in order to provide the best possible mitigation for Sand Lane in the winter/spring seasons. Reference has also been made that planting compartment CE33 proposes Mix E which will provide screening for just one property (Bentley House) whereas screening at Sand Lane is for 10 properties. Nether Alderley Parish Council has requested confirmation that a high percentage of Scots Pine is being used from the Frog Lane roundabout along the Nether Alderley route. The Parish Council requests that planting Mix E is required from CH 2600 to Sand Lane.

The landscape scheme, both as approved and as amended, has been developed within the constraints of screening need, landscape character, semi-natural habitat creation and anticipated growing conditions. The planting mixes proposed in each compartment of the scheme have been chosen based on the mitigation needs of the area, site conditions, and

to create visual interest and landscape variety. Mix E (mix with the greatest % of evergreen (including Scots Pine) compared to other mixes) has been introduced to targeted areas along the route (including offsite areas) where higher levels of visual intrusion exist. Planting compartments CE29 and CE31 have been amended in the current application (Memo received 1st July 2009) to incorporate planting mix E as a result of discussions with local residents. The applicant does not propose to alter the planting mixes of CE30 and CE32 due to a number of reasons which will be discussed below.

Compartment CE30 does not solely provide screening for Sand Lane, but is also the proposed location for the conservation ponds. As an area of conservation there is a requirement to create as natural an environment as possible to encourage wildlife into this area in line with the ecological and landscape mitigation plan. Mix E is not appropriate in this location for ecological reasons and would not be conducive to the creation of an ideal habitat for amphibians which is the main purpose of the conservation ponds. Accordingly, a more native broadleaved woodland mix is proposed here. Discussions have been held with the Landscape Officer in relation to the screening benefit of compartments CE30 and CE32 for Sand Lane properties and it has been resolved that they should remain as proposed. Furthermore, CE32 is not wholly within the current application area.

From a visual perspective, the properties along Sand Lane were identified as having a 'Slight to Negligible' level of visual intrusion as a result of the approved bypass scheme, as determined by the Visual Impact Assessment in the Environmental Statement which accompanied the original application (5/03/1846P). Sand Lane benefits from substantial screening measures including an offsite woodland belt containing a percentage of Scots Pine; a native hedgerow along the south bank of Sand Lane; enhanced/new mitigation mounding; and screen planting. It is considered that the landscape proposals contained within this application will provide appropriate screening for the properties located along Sand Lane. The enhanced screening benefit for properties along Sand Lane associated with changing the planting mix in CE30 and CE32 to Mix E is seen to be minimal when considering the presence of other mitigation measures which will have a much greater mitigating effect. Compartment CE30 will also contain integrated mounding which is shown to reach a height of 3.03 metres at CH 4050 which will provide an immediate form of mitigation in addition to the presence of screening along most of the length of the road in this area. It is therefore not considered that the perceived screening benefit of planting compartment CE30 outweighs the ecological aims of area 15.

With reference to Bentley House, this property is substantially closer to the bypass and therefore the effects of the road are likely to be far more significant than those experienced at Sand Lane. Additional mounding has been provided in area 18 in response to recommendations from the Public Inquiry and also due to the conservation ponds that were originally proposed here being relocated to area 15 and thus creating adequate land provision. The mounding in this area and the extent of planting containing Mix E (including CE35) is a targeted area which will also provide screening for The Lodge and views from Chelford Road.

In response to the comments from Nether Alderley Parish Council to confirm that a high percentage of Scots Pine is being used from the Frog Lane roundabout along the Nether Alderley route and their request that planting Mix E is required from CH 2600 to Sand Lane; the plans clearly identify the planting mixes proposed in the amended areas which form part of this application. Plans PC10096/21/42 (3 of 4) and PC/10096/21/42 (4 of 4) show that the proposed planting mixes comprise of Mix H, M, C, B, G and E along this

section of the route throughout Nether Alderley. These mixes will function to deliver the most appropriate mitigation and native woodland resource along the route and therefore this does not entail that a high percentage of Scots Pine will be used in all planting mixes. Mix E is used in targeted screening areas and to introduce this planting mix along the length of the route throughout Nether Alderley would be inappropriate and would not achieve the overall design objectives of the landscape scheme. Mix E contains 45 % Scots Pine which is not a locally indigenous species, and therefore its overuse must be avoided so as not to appear alien and obtrusive in the landscape once it becomes established. The widespread use of Mix E throughout the bypass route would reduce the environmental and ecological benefits of the scheme. The Council's Landscape Officer or Ecologist would not support a scheme which intensifies the presence of non indigenous species in the Nether Alderley landscape. Policy NE3 of the Macclesfield Borough Local Plan also provides that preference will be given to the use of native species and it is considered that the current proposals accord with this policy.

Section of bypass between chainages CH3850.0 – 3910.0 (in proximity to Gately Green complex / Sand Lane

Since the submission of the last report to Strategic Planning Board (21/10/09) a further representation has been received from NARPA (Nether Alderley Rural Protection Association) which raises an additional concern in relation to the section of the road to the east between CH 3850.0-3910.0 and the request for an acoustic fence to be provided in this area to mitigate Sand Lane and Gately Green properties. This is the location of the cycleway and the section of road as the bypass emerges from the cutting under Welsh Row. The change in this vicinity is that the cutting under Welsh Row and the railway does not need to be as deep as the approved levels; however it is still a significant cutting reaching around 6 metres below existing ground level. The mitigation package consists of approximately 10 -15 metre wide screen planting (with Mix E which has a higher content of evergreen) which will surround the cycleway and a hedgerow to the boundary. In addition there will also be a woodland belt (approximately 20 metres wide) which is located offsite between the Sand Lane/Gately Green properties and this specific section of the bypass (this has already been planted in advance). It is considered that the level of mitigation provided is acceptable and that the provision of an acoustic fence between CH 3850.0 – 3910.0 would not be effective in providing noise mitigation to these properties which are over 110 metres (Gately Green properties) to 300 metres (Sand Lane properties) in distance from the road at this point. In terms of providing a fence to mitigate the visual impact of traffic from day one, it is considered that the existing level of mitigation is acceptable in this area. The landscaping scheme has been developed in accordance with the landscape and visual assessments contained in the original Environmental Statement and it is not considered that the changes in this area are of a level that would warrant additional mitigation other than those currently approved. As the road emerges from the cutting and reaches above existing ground level to the approved levels, mounding is provided to the east side of the bypass.

Heawood Hall area

Comments have also been received which raise concern about the detail of the landscaping scheme in the proximity to Heawood Hall residences due to the lack of mounding, screening and planting. It has also been suggested that further off-site planting is required to protect Heawood Houses to a similar level to that being provided for Sand Lane properties and that fencing needs to be provided along the top of the mounding. Within the Heawood Hall area there is very little change proposed in terms of the vertical

alignment of the road. Additional mounding is however proposed in areas 14 and 17 including changes to planting mix, which will provide enhanced mitigation for these properties. Off site planting is not proposed and cannot be considered as part of this application. In spite of this the Landscape Officer does not consider further offsite planting to be necessary. In addition, acoustic fencing is not proposed along the top of the approved mounding in proximity to the Heawood Hall complex or the new mounding further south. The provision of acoustic fencing will be in accordance with the approved scheme (5/03/1846P) and will be located in those targeted areas which were identified in the original Environmental Statement as being within noise intervention levels. The noise levels at the Heawood Hall complex were assessed as being below the intervention levels and as such acoustic fencing is not warranted in this location.

In relation to the provision of new mounding in area 17, a height of around 2 - 2.7 metres is achieved along this length. Where the road level is raised slightly (generally 0.5 metres) on its approach to Frog Lane roundabout, this is compensated by the mitigation mounding. The approved scheme does not contain any mounding in this area. It is considered that the mounding proposed is acceptable and will offer a greater level of mitigation to sensitive receptors in the locality compared to the original scheme.

Access provided for Walton Farm

An access is provided to the bypass for Walton Farm as part of the approved scheme due to the road severing this holding. In order to maintain this access a gap is provided in the new mounding. Nether Alderley Parish Council has suggested that staggered tree planting would be appropriate to provide screening in this area as a result of the break in the mounding. It is acknowledged that the approach of the road is raised in this area however mounding has been provided to mitigate any impacts of noise and visual intrusion. This would result in the omission of a small area of landscaping which is considered to be relatively minor given the distance to surrounding properties and the requirement to provide a safe entry/exit from the bypass.

Brook Lane area

Comments have been received with regard to the landscaping scheme in the proximity of Brook Lane and the impact on residences such as visual intrusion and noise, in relation to the current proposals. In view of the changes to the road levels in this area it has been suggested that further banking should be provided on the North side of the road in the location of the pond. The reasoning behind the detention basin in this area is due to a locational requirement to be in close proximity to the pumping station. This will be discussed further in the section titled 'drainage'. The mounding in the current application generally follows that contained in the approved scheme. For example, a 3 metre high mound is maintained on the east side of the carriageway and a 1 metre high mound is maintained on the west. In addition to the approved landscaping scheme, this level of mitigation was considered to be acceptable in the original application when assessing the impacts of the road upon neighbouring properties. Where the road levels have been increased in the current proposals, mounding has been raised accordingly so as to ensure a negligible change in noise and visual impact. Additional mounding has also been provided on the West side of the road where it passes under Brook Lane.

An access road is however provided from the bypass through the mounding to the detention basin for maintenance purposes. Due to this the landscaping scheme has been

amended to screen the access and the re-located detention basin as affectively as possible given site constraints. An objection has been received regarding this detail and has commented that the current proposals will show a lot of water/road in this area which should be blended in further. When considering the presence of existing screening and proposed mitigation in the form of planting and mounding it is not considered that the current application would present a significant disadvantage to residents along Brook Lane in terms of visual intrusion from the road when compared to the approved scheme. With regards to the presence of water bodies to the south of Brook Lane, an existing pond is already present in this location although it will be moved slightly west due to it being too close to the road cutting, and a detention basin was part of the original scheme, although again this has been relocated further south (approximately 40 metres). The principle of a detention basin in proximity to Brook Lane has already been accepted and it is not considered that the new location and available views of the ponds would present an unacceptable detrimental impact on visual amenity for residents along Brook Lane. When compared to the approved scheme of landscaping, the proposed amendments in this area are not significant.

Congleton Road

Four email representations have been received from local residents of Congleton Road. Comments relate to the visual impact of the bypass compared with views currently enjoyed and also concerns of noise. It has also been suggested by one local resident that the conservation ponds in area 9 are relocated to the other side of the bypass.

It should be noted that within this area along the section of the bypass from CH 1850.0 – 2950.0 (PC/10096/02/43) the road level has been lowered from the approved levels. Mitigation mounding is provided in area 9 which is integrated between the conservation ponds, and also between CH2550.0 – 3370.0. There are however areas to the north of Field's Farm which do not have any mounding. Where mounding is absent generally the road is in cutting for much of this area and in the main, a planting strip is provided which ranges from 10-20 metres wide. Other than the lowering of the carriageway levels which would further reduce the impacts of the road, there are no significant changes to the approved scheme in this area and therefore the mitigation package provided should prevail. The location of the conservation ponds in area 9 relates to the approved scheme and there would be no justification in relocating them to the other side of the road. Furthermore, the properties located along the northern part of Congleton Road are over some 900 metres in distance from the bypass. The impact of the road on these properties is not considered to be significant and in any case the current proposals would offer an improvement in this area when compared to the approved scheme.

General

Changes to the approved landscaping scheme are proposed to reflect the current proposals and to provide an acceptable level of mitigation. The Council's Landscape Officer has assessed the application and would offer no objection to the proposals in terms of landscape and visual impact. It is considered that the landscaping proposals contained within the current application (and those previously approved) meet the design objectives of the scheme and allow the current proposals to be accommodated into the landscape successfully. It is accepted that initially the development will have a greater impact on some areas more than others due to proximity to the proposals. This is a point which was accepted in the original application and therefore remains relevant to the

current application also. The landscaping scheme has been designed to provide an appropriate level of visual mitigation which would be reinforced over time as vegetation matures and the scheme blends in with the landscape.

Drainage

Pumping Stations and relocated Detention Basins

The application contains proposals for three pumping stations. The pumping stations are required for the purposes of surface water drainage and existing United Utilities sewer drainage.

In respect of highways drainage, detailed design has resolved that where the bypass passes beneath Brook Lane and Welsh Row, pumping stations are now required. This is due to the cuttings being below existing ground level which means that surface water will need to be pumped up to the detention basins before being discharged into the local watercourses. The pumps to facilitate this operation will be below ground and within the carriageway verge; however the controls will be housed in a kiosk which will be visible above ground. The proposals also include the relocation of two detention basins which were approved under the original application (5/03/1846P) as part of the original drainage design philosophy. Detailed design, in addition to other matters, has resulted in the location of these detention basins being amended. The detention basin at Brook Lane has been moved further south due to the presence of a more recently constructed pond and to more easily facilitate discharging the water into the local watercourse; and the detention basin at Welsh Row has been moved to the east side of the carriageway also for the above latter reason.

During the consultation process an objection has been raised in relation to the location of the detention basin at Brook Lane. It has been commented that this should be given over to additional mitigation landscaping and mounding in order to reduce the visual impact of the bypass scheme on properties along Brook Lane. As discussed above, the detention basin is a fundamental element of the drainage philosophy of the road scheme and there is a locational requirement for the basin to be in close proximity to the pumping stations, which in turn need to be located near to where the road passes 'in cutting'. Area 5 (as annotated on plan PC/10096/02/43) is highly constrained given the location of an existing pond and the suitability of land adjacent to the Brook Lane cutting / underpass. The amendments to the landscaping scheme in the current application provide a higher level of screening in this area than the original approved scheme; screen planting with a 60% evergreen content is proposed here which is considered to provide appropriate mitigation in this targeted area.

It has also been raised that the detention basin would have a detrimental impact on the character and appearance of the surrounding area. Whilst the development of the bypass would result in two ponds being located adjacent to each other, it is considered that the visual impact will be short term, and will lessen once the landscaping scheme becomes established. A plan has been provided by a local resident indicating an area which encompasses the basin for further mounding and tree planting, however there is an operational requirement for the Environment Agency to have access to this area for maintenance purposes and therefore there is limited opportunity to enhance the landscaping scheme in this area further. It must also be noted that discussions have been

held with the Landscape Officer who has commented that the scheme as proposed is acceptable in terms of landscape and visual impact.

Kiosks

Three pumping station kiosks are required as part of the drainage scheme for the bypass in order to house the controls. The kiosks will be 5 m long by 3 m wide by 3 m high and will be constructed from Glass Reinforced Plastic (GRP) coloured green. At Brook Lane the kiosk will be located within the highway verge and will be screened by the proposed landscaping scheme in this area. The remaining kiosks will be located at Welsh Row. The United Utilities kiosk will be located within a compound which is a requirement of the operator; and the other will be situated adjacent to the detention basin (refer to plans PC/10096/13/50 'Brook Lane & Welsh Row Pumping Station and Pond Location Plan').

PPG2 provides that buildings are inappropriate development in the Green Belt unless they fall within the criteria as laid out in this policy. The kiosks do not meet the criteria and are therefore inappropriate development in the Green Belt. However it is considered that very special circumstances can be demonstrated as they are a fundamental part of the drainage scheme for the bypass. In respect of the impact of the proposal on visual amenity, the pumping stations and kiosks have a locational requirement to be in close proximity to the specific road cuttings (Brook Lane and Welsh Row) and the foul sewer diversion (Welsh Row). The pumping stations at Welsh Row will have a greater impact on the visual amenity of the Green belt given that the Brook Lane kiosk will be located within the highway verge; and at Welsh Row the developable area will extend in closer proximity to the Gately Green farm complex. The reasoning behind the drainage proposals however presents very special circumstances which are considered to outweigh the harm to the Green Belt. The boundary to the compound area will be planted to provide screening for nearby properties and to reduce the visual impact of the development. The design and appearance of the kiosks is considered to be acceptable with reference to policy DC1 of the Macclesfield Borough Local Plan.

General

Alderley Edge Parish Council has raised a number of concerns relating to drainage and flooding. In response to these concerns it should be noted that the applicant (Cheshire East Council) has satisfied the relevant statutory consultees in respect of the above and that the drainage scheme as a whole has been designed with, and met the approval of the Environment Agency. With reference to Aldford Place and Wilton Crescent, a land drain will be provided by the applicant as part of bypass construction phase where future maintenance responsibilities will rest with the land owner, which in this case is Cheshire East Council (as edged in blue on plan PC/10096/02/45 'Planning Application and Land Boundaries').

Re-profiling agricultural fields in vicinity of Wilton crescent

The current application proposes to improve an area of agricultural land adjacent to the bypass identified as areas 6 and 7 on plan PC/10096/02/43. The reasoning behind the re-profiling of these fields is to allow excess material generated in the construction of the bypass to be retained on site whilst enhancing the agricultural viability of the land. The proposal involves the grading of the land to the east of the road between the top of the 3 metre high mounding (above road level) towards the garden boundaries to the rear of

Wilton Crescent. To the east of the road, grading would occur from the top of the 1 metre high mounding and gradually feathered out into existing ground levels. The operations are referred to in the supporting statement which accompanies the application and will involve the following: stripping and stockpiling the topsoil; completing the fill to proposed levels; re-applying the topsoil; seeding in accordance with the landscaping scheme in order to return the area to pasture.

Alderley Edge Parish Council has commented that the current limitations on the hours of operation of the original permission in the proximity of Wilton Crescent are insufficient. The original permission (5/03/1846P) limits hours of operation (construction, engineering and earth moving operations) to 0730 – 1800 Monday to Friday and 0800-1300 Saturday with no activity on Sundays or Bank or Public Holidays. The Parish Council considers that work should not be permitted at weekends under any circumstances, and restricted to 0800 – 1700 on weekdays.

Although it is acknowledged that the construction works would have an impact on the amenity of adjacent properties on Wilton Crescent it is considered that regularised working hours in line with those of the approved scheme should prevail. It should however be noted that there is a contractual obligation for the contractor to work within maximum permitted noise levels and maximum vibration levels which are provided in Appendix 2 of the application entitled 'Control of Noise and Vibration'.

The re-profiling of the two fields adjacent to the bypass will reduce the visual impact of mitigation mounding in this area by blending the tops of the mounding with the surrounding land. The raising of contour levels here would provide a more even field surface when compared to the approved scheme and would allow the land to be returned to agriculture whilst improving field drainage. It is considered that the proposed development is acceptable.

Realigned Cycleway to connect to Bypass at Brook Lane

The current application proposes to realign the section of cycleway which provides a connection to the bypass at Brook Lane. A letter of objection has been received in relation to this aspect of the proposed development. Particular concern relates to the realigned section of cycleway sitting at a higher level than the original proposed location and its associated impacts. The applicant has stated that the reasoning behind the realignment is due to the existence of a mature tree which was identified as being retained under the original permission. However, it has since been discovered that it is no longer possible to construct the cycleway whilst retaining the tree and as such the route has been amended. The issues raised in relation to this element of the current application are the impact of the relocated cycleway on visual intrusion, noise, loss of privacy, loss of quiet enjoyment (to properties in vicinity along Brook Lane).

The principle of a cycleway link to the bypass in this area was accepted as part of the original scheme however the alignment has now changed. Site constraints in this area generally dictate the siting and it is accepted that initially the cycleway will have some degree of visual impact. The proposed mitigation package in this area however will provide an acceptable level of screening in the form of landscaping and screen planting. A number of properties to the south of Brook Lane benefit from an existing level of screening due to the presence of well established trees to the rear and side of the properties which would provide an immediate degree of screening from some aspects of the development.

There is however a gap in the existing vegetation to the side of the property known as Chesham Knoll which will mean that mitigation will be reliant on the proposed landscaping scheme in relation to views towards the cycleway from this property and the adjacent property also. This would also have been the case for the approved route; however it is acknowledged that the proposed location is in a more elevated position due to the provision of mounding at this point. In response to this a section of fencing will be provided along the cycleway to enable further mitigation in this area for adjacent properties along Brook Lane. The detail of the fencing will be required by condition. Once established, the revised landscaping proposals will provide an acceptable level of screening/mitigation to compensate for the changes in this area, although the benefits of such will only be fully realised once the planting scheme becomes established.

Ecology

The fundamental ecological issues associated with the A34 Alderley Edge and Nether Alderley Bypass were assessed in the original application (5/03/1846P). All the areas in the current application are within the site boundary and survey areas of the original application, and have therefore been addressed accordingly in respect of ecological issues and protected species. As such, mitigation measures have been implemented on site for example amphibian fencing, and others are well under way. However, as these surveys identified the presence of a European Protected Species (Great Crested Newt) within the study area it is necessary that they are considered in the context of the current application also. Relevant to this consideration is the Conservation (Natural Habitats) Regulations and the three tests contained within them.

The original scheme permitted under planning permission (5/03/1846P) satisfied the three tests in relation to: (i) *preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economical nature and beneficial consequences of primary importance for the environment* (ii) *no satisfactory alternative* and (iii) *will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*. The current application relates mainly to amendments and additions to the original scheme which are unlikely to further adversely impact upon protected species given that they fall with the application site of the original scheme and mitigation measures were put in place once construction commenced earlier this year. Ecological surveys associated with the bypass have also been updated throughout the last three years, which includes the areas contained within the current application.

In considering the three tests for the current application, the proposals relate to amendments to the original scheme which currently benefits from a Natural England licence in relation to European Protected Species. Given the direct relationship of the proposals to the bypass scheme as a whole and the reasoning behind them; for example, detailed drainage design in respect of Environment Agency standards and recommendations from the 2005 Public Inquiry for increased mitigation; it is considered that the purpose of the proposed development remains in the overriding public interest. Elements of the proposed development, for example the pumping stations, detention basins and raised carriageway levels, are imperative to the functioning of the bypass in terms of drainage and flooding. Detailed drainage design has been carried out in consultation with the Environment Agency who is satisfied with the scheme and has raised no objections to this application. Other aspects of the proposed development include changes to the approved landscaping scheme to incorporate additional/raised mounding

and screen planting to further mitigate against the adverse effects of the bypass, both as a result of changes to the road levels and also to respond to recommendations from the Public Inquiry. The alternative to the proposed amendments contained in this application would be to continue with the 2003 scheme (5/03/1846P) as approved without the amendments; however it is not considered that this would be a satisfactory alternative given the reasoning behind the proposals.

In terms of the conservation status of protected species, the issues addressed as part of the original scheme are relevant to this application in respect of survey area, mitigation and management. This includes major landscape improvement and nature conservation enhancement, with particular reference to habitat creation for Great Crested Newts. The current application proposes to relocate two conservation ponds from area 18 (previously approved) to area 15, in order to provide a more natural, low-lying habitat. The planting mix surrounding the two ponds is also reflective of the intention to provide a natural habitat as possible to encourage wildlife and to enhance its ecological potential. Given the ecological benefits of locating the conservation ponds in area 15; in addition to other issues such as the opportunity to provide better mitigation in area 18 for surrounding properties; the proposal is considered to be acceptable.

The Council's ecologist has not objected to the current proposals but has advised that conditions are required to ensure appropriate management of the scheme and to protect breeding birds. A landscape and ecological management plan has been approved as part of the original application, however given the proposed changes, a revised ecological management plan could be conditioned in relation to the amended elements. Although it is anticipated that most tree felling / hedgerow removal has already been carried out as the approved scheme is well underway, a condition to protect breeding birds could be attached to any permission as a precautionary measure.

In terms of ecological issues, it is considered that the current proposals do not give rise to any significant additional impacts to those identified in the approved bypass application and updated ecological surveys have not indicated that additional measures need to be undertaken. The proposals are directly linked to planning permission 5/03/1846P which provides an appropriate level of mitigation and management in relation to protected species and is therefore considered to be in compliance with policy NE11 of the Macclesfield Borough Local Plan.

Forestry

Arboricultural issues associated with the current application do not differ significantly from those assessed in the original application (5/03/1846P). Those trees initially identified for removal have been removed from site as construction works are well underway. The remaining trees for retention are subject to appropriate protection for the duration of construction works, the method of which was approved under a condition of the original permission. However, the current proposals necessitate the removal of two additional trees which have already been felled. These trees are located to the Northern end of the bypass in close proximity to Harden Park roundabout. Due to the loss, the Tree Officer has requested that additional landscaping should be provided in the immediate area in order to compensate for the loss of these two trees. The area immediately adjacent does however comprise of planting compartment CE1 which was approved as part of the landscaping scheme under the original permission (5/03/1846P). It is considered that this area has sufficient landscaping provision as a result of the approved landscaping scheme

and as such further compensatory landscaping is not necessary for the loss of the two trees.

Although tree protection has been secured under the original permission this could also be conditioned as part of the current application as a precautionary measure in line with policy DC9 of the Macclesfield Borough Local Plan.

Structures

Pedestrian Footbridge (Footpath 33 Nether Alderley)

A pedestrian footbridge is proposed in the vicinity of the Heawood Hall complex/area 16 to maintain a direct route for Footpath 33 (Nether Alderley). The bridge proposed is an open single span steel structure (green in colour) with concrete bank seats at each end which will be founded on the mitigation mounding so that earth ramps can be constructed down the sides of the mounds. The original application allows for this footpath to cross the bypass at grade, however following on from the 2005 Public Inquiry the Inspector concluded that it was desirable in the interests of good practice to save this footpath by providing a pedestrian footbridge. The provision of a footbridge over the road would also provide a safer route as opposed to waiting for gaps in the traffic and would enhance localised pedestrian linkages which have been severed by the bypass.

Nether Alderley Parish Council has commented that the footbridge is extremely obtrusive to adjacent properties in the Green Belt, and also questions the need for both a ramp and steps. The type of footbridge been chosen to be as less visually intrusive as possible in the rural setting. The design of the bridge is relatively open and will coloured green so as to blend in more with its surroundings. Although the structure will have some impact on the visual amenity of the Green Belt and nearby residences, this is not considered to be of a degree so significant to warrant refusal of this element. Furthermore the impact will lessen over time as the landscaping scheme becomes more established. The bypass scheme has already been accepted in the Green Belt and it is considered that the benefits of the footbridge outweigh any additional harm to the Green Belt. The provision of both a ramp and steps is part of the accessible design and the ramps will be constructed within the mounding.

Under-bridge Parapets

The applicant has confirmed that the colour of the parapets will be green in colour to match other structures within the scheme and to blend in with surroundings more appropriately. The change in colour of the parapets from an aluminium colour to green is a welcomed amendment.

Amendments to approved bridges

The proposed changes to the bridges are considered to be acceptable in terms of materials and design.

EIA Development

During the consultation process it was raised that the application is EIA development and therefore should be accompanied by an Environmental Statement. Prior to submission of the application the Planning Authority carried out a screening opinion and determined that the amendments to the scheme were not significant to warrant an Environmental Statement or an addendum to the original Environmental Statement which accompanied the approved application (5/03/1846P).

The approved development was considered when determining the significance of the proposed amendments and their potential cumulative impacts. The construction impacts in terms of operations and the requirement for materials is considered to be more or less balanced in comparison to the existing scheme and therefore additional impacts are not considered significant. Road usage in operation, traffic levels and emissions are not anticipated to vary. Localised impacts have been assessed within this report, and it is considered that these are not of a significance that would, viewed either in isolation or cumulatively as an amendment to the approved scheme, warrant the need for an EIA. External advice has also been taken on this aspect.

12. CONCLUSIONS AND REASON(S) FOR THE DECISION

The current application proposes amendments to the original approved scheme which have arisen from the detailed design process and recommendations from the 2005 Public Inquiry since the grant of permission in 2003. The most significant change to the scheme is the revised vertical alignment of the road in various sections along the route where mitigation levels have either been maintained or enhanced. Issues raised in representations have been addressed in the report and relevant issues have been considered. The principle of the bypass has been accepted and it is regarded that the proposals contained in this application are fundamental to the delivery of the scheme. The recommendation to the Strategic Planning Board is to approve the proposed development, subject to conditions.

13. RECOMMENDATION

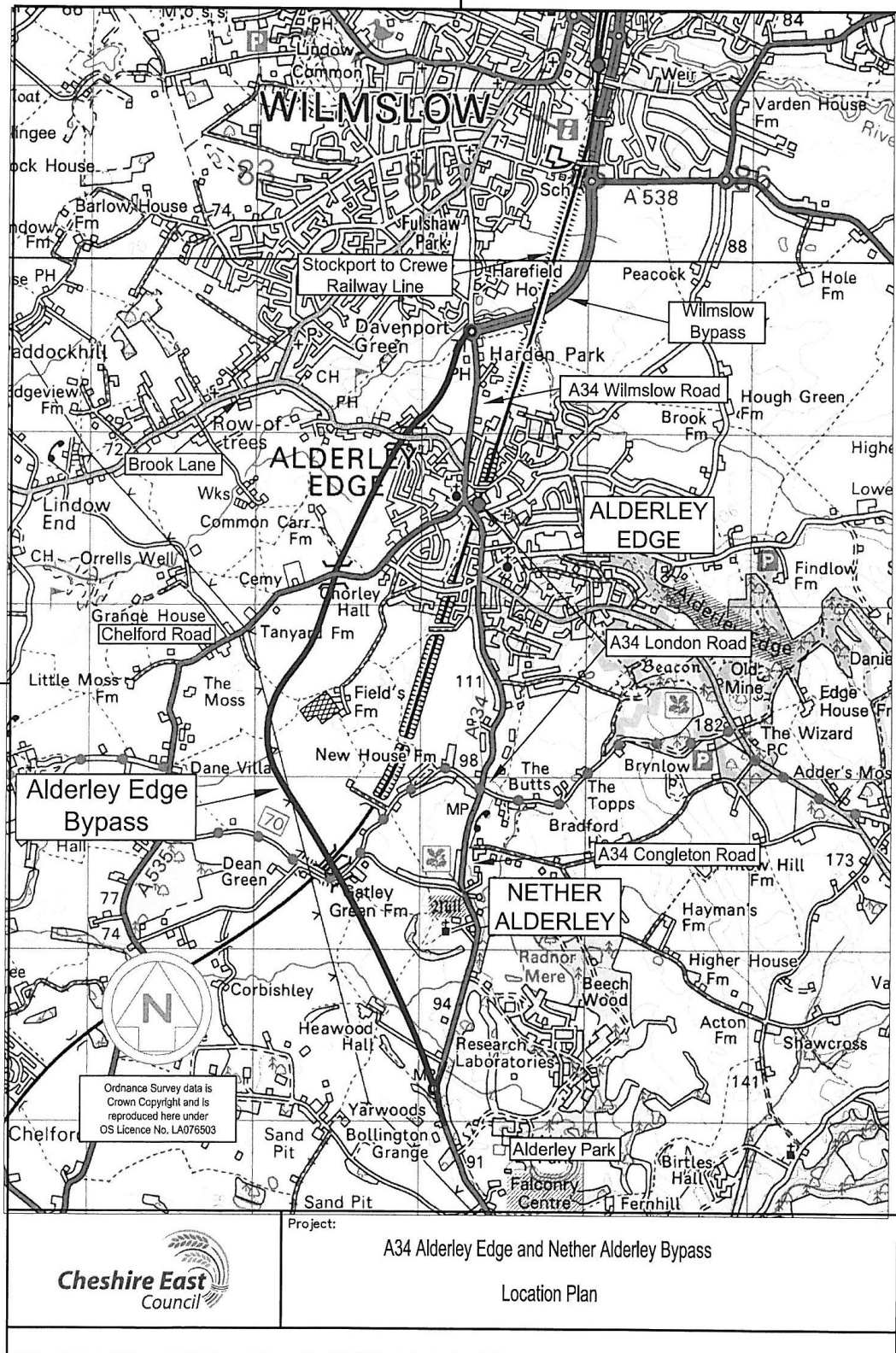
Approve subject to Conditions

- 1. Commencement of development**
- 2. In accordance with approved plans**
- 3. Protection for breeding birds**
- 4. Enhancement features for roosting bats**
- 5. Conservation ponds - details**
- 6. Landscape and ecological management plan**
- 7. Landscape - Planting Compartments CE29 and CE31**
- 8. Landscape aftercare**
- 9. Tree protection**
- 10. Hours of operation - construction, engineering and earthmoving operations**
- 11. Hours of operation - pile driving or use of percussion equipment**
- 12. Noise – to comply with guidance**
- 13. Dust**
- 14. Highways - protection of highway from mud and debris**
- 15. Highways – transport of loose materials**

16. Bridge detail

17. Details of fencing

LOCATION PLAN : Cheshire East Council Licence No. 100018515



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Planning Reference No:	P09/0126
Application Address:	Sainsbury's Store/Fairway Suithouse, Middlewich Road, Nantwich, Cheshire, CW5 6PH
Proposal:	Erection of Replacement Store with Associated Café, Servicing Arrangements and Plant Following Demolition of Existing Store and Industrial Unit; Formation of New and Upgraded Car Parking Facilities with Alterations to Pedestrian Access and Upgrading of Landscaping to Site
Applicant:	Sainsbury's Supermarkets Ltd.
Application Type:	Full Planning Permission
Grid Reference:	353570 365632
Ward:	Nantwich
Earliest Determination Date:	18 th March 2009
Expiry Dated:	15 th May 2009
Date of Officer's Site Visit:	19 th March 2009
Date Report Prepared:	26 th October 2009
Constraints:	Settlement Boundary Hazardous Installations Consultation Zone

SUMMARY RECOMMENDATION:

APPROVE subject to completion of S106 Agreement and conditions.

MAIN ISSUES:

- The acceptability of the development in principle and its impact on the vitality and viability of Crewe and Nantwich town centres
- Layout, design and street scene
- Sustainability,
- Impact on neighbour amenity
- Landscape and Ecology
- Crime and Disorder
- Public Consultation
- Highway Considerations
- Drainage and flood risk

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area. Members may recall that at it's meeting on 8th July 2009 the Strategic Planning Board resolved that the application be deferred to allow officers to continue their discussion with the applicants in relation to the retail impact and sustainability and for the Board to make a site visit to assess the impact of the development on the surrounding area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing Sainsbury's Store (6,702sqm gross external area) and a surface customer car park accommodating 397 spaces and a customer recycling area. The existing building is predominantly single storey, with gable roof features and is constructed of red brick with pitched tiled roofs around the perimeter. The shop front elevation has an extended gable roof entrance feature with shop front ATM units and trolley storage areas.

There is an existing petrol filling station adjacent to the site entrance road, which is accessed via a roundabout junction from Middlewich Road.

The application site also includes the former Fairway Suithouse industrial unit, to the west of the existing store, which is of portal framed construction and clad in red brick with grey corrugated sheeting above.

The site is bounded to the north by the A500 Nantwich Bypass, to the south by Nantwich Trade Yard, to the West by the Vauxhall Masterfit Centre and to the East by residential properties on the opposite side of Middlewich Road.

3. DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing store and the adjacent warehouse unit and the erection of a new food store (providing a total of 9,407sqm of gross external floor space on two levels) with associated car parking, access, service yard and landscaping. As originally submitted the proposal also included a restaurant / café unit on the site frontage. However, in response to residents concerns, this has now been omitted by way of amended plans.

The car park will be re-laid and extended to increase the number and size of spaces and new covered trolley storage shelters will be provided. The existing petrol filling station will not be affected.

4. RELEVANT HISTORY

P93/0016 - Retail store, petrol station, car park and service area. Approved on Appeal
P98/0586- Extension to store. Approved 17th September 1998

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 6: Planning for Town Centres
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)

Environmental Health

Environmental Health has looked at the application and have concerns regarding noise, odour and light from the premises. Therefore they request that the following conditions be attached:-

- Before the use commences the building together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the Borough Council.
- Before the use commences a lighting scheme for the whole site should be submitted to and approved by the Borough Council due to the close proximity of local residents. The car park should be closed to all vehicles (except for staff vehicles) outside store opening times so as to protect the amenity of local residents. The recycling centre should be relocated to the opposite side of the car park to prevent loss of amenity to local residents due to noise from glass etc being dropped into the recycling banks.

Environment Agency

The Flood Risk Assessment explains that the surface water drainage system is to remain as for the existing development, which is acceptable in principle. The FRA demonstrates that attenuation can be included in the surface water drainage system that allows for future climate change. As a result there is no objection subject to the following conditions:-

- Scheme for the regulation of surface water to be submitted and approved;
- Scheme for the management of overland flow from surcharging of the site's surface water drainage system is submitted and approved;
- The scheme shall include how safe access and egress to the site is to be provided in the event of flooding;
- The schemes shall be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the schemes or within any other period as may subsequently agreed in writing by the Local Planning Authority.

Highways Authority

Will support the application if the following is constructed as part of a section 106 agreement. The justification for this is the potential increase in vehicular movements that will result from this development and how that could adversely impact on pedestrian and cycle movements as a direct result of the Connect 2 scheme and the surrounding area.

- Two Toucan crossings, X1 at the (formerly) A500 and X1 on the (formerly)A530 Middlewich Road;
- A pedestrian refuge island between Sainsbury's entrance and the Barony traffic signals along Middlewich Road, with a footway link to tie in with Cheshire East Council's Connect 2 route at this location;
- A Traffic Regulation Order at Beam Heath Way to control the queuing of delivery vehicles;
- The existing footway along Middlewich Road to the side of the petrol filling station, will need to be widened to allow both pedestrians and cyclists to share this space and access Middlewich Road from the Connect 2 route and surrounding area;
- The expected cost for the above works is around 200k, and Cheshire East Council is asking for Sainsburys to carry out this works under a section 278 agreement.
- As well as the above, the Highways Authority recommends that cycling facilities are increased from 10 Sheffield stands at the corner of the site, to at least 20 secured and covered facilities at the location of the previously proposed café facility. This will allow cyclists easier access into the site and make them less vulnerable within the site curtilage.

Sustrans:

The site lies on the outskirts of the Nantwich urban area, 1.5km from the town centre, 3km from the southern edge of Nantwich and 2.5km from the nearest residential area in Crewe. It also lies adjacent to the proposed Connect2 route between Crewe-Nantwich, which is intended to create a high quality, attractive greenway between Queens Park and Nantwich riverside, as an alternative to the busy Middlewich Road. The Connect2 scheme has already raised £1 million towards the estimated 1.5m cost but they and the partner Local Authorities are seeking additional funds to ensure that it is built within the timescale of March 2013.

Should the Sainsbury's proposal be granted planning permission, their particular comments are as follows:

- The current site is not easily accessible by Nantwich residents who would like to walk or cycle to the shop. There are, for example, no pedestrian or cycle crossing facilities on the town side of the store on Middlewich Road appropriate for the level of traffic carried on this road;
- The Nantwich store is not accessible to a Crewe residents wishing to cycle. The bypass is effectively a physical barrier and again there are no crossings by the store appropriate for the level and speed of traffic. The Middlewich Road itself toward Crewe carries high levels of fast moving traffic, is narrow, and only has a narrow footway. These are not conditions conducive to encouraging walking or cycling;
- The revised site has to comply with planning advice that it should be accessible on foot or bicycle. There is no evidence in this application that this subject has been considered in any depth. Sustrans suggest that it is more important to concentrate on improving local accesses within Nantwich with the following on-highway measures;
- A toucan crossing of the Nantwich bypass on the Connect2 network connecting the store to the Alvaston business park;
- A toucan over Middlewich Road on the Connect 2 network;
- A direct connection into the store from the Connect 2 network by the petrol station;
- Creating the peripheral greenway route at The Barony parallel to Middlewich Road and Barony Road;
- The Council should seek meaningful contributions to these works;
- Cycle parking should be based on the Sheffield stand under cover at a convenient location close to the store entrance.

United Utilities

No objection to the proposal provided that a condition can be put on the application stating:

- Prior to any development taking place on site a survey of the existing public sewer passing beneath the site shall be undertaken and the results provided to the local planning authority. Should the survey reveal that the sewer within the site serves other properties beyond the application site a suitable scheme of sewer diversion shall be prepared, submitted to and agreed with the local planning authority prior to construction commencing."

Regional Development Agency

RSS development principle policies DP2, DP3, DP4, DP5 and DP7 are relevant, including promoting sustainable communities, promoting sustainable economic development,

making best use of existing resources and infrastructure, increasing accessibility and promoting environmental quality.

DP4 directs development to existing built up areas, with a sequential approach directing development to previously developed land within settlements first, this proposal is in line with policy DP4 here as the site is occupied by a store at present. DP5 also states that development should be located so as to reduce the need to travel, and should be genuinely accessible by public transport, walking and cycling.

In relation to policy W5 in the RSS, 4NW note that the applicant has carried out an assessment of the impact of the development in terms of the PPS6 tests, including quantitative and qualitative need, impact of vitality and viability, sequential test etc. The applicant makes considerable use of the Cheshire Town Centre Study, which looks at the available capacity and development needs of centres within Cheshire. The study identifies a capacity for a further 3,540sq. m additional retail floorspace. It appears from the assessment that the applicant has ticked all the boxes in PPS6 terms. However a decision should be made by the Local Authority to determine the validity of the information and effects on neighbouring town centres. The effective doubling of retail floorspace size does appear considerable i.e. 3,392sqm to 5,778sqm, an increase of 2,386sqm. However this is still below the large scale extension as defined in Policy W5 as 2500sqm net floor space.

The existing store is within an out of centre location. Notwithstanding this, however, the principle for a development of this type has to an extent been agreed by the previous permission. The site is previously developed and even though not within the town centre is still within the urban area of Nantwich.

In relation to the loss of an existing employment site i.e. the vacant warehouse Policy W4 of RSS should be considered. From the applicants submission it is clear that the viability of the premises in their current form are no longer demanded by organisations of this sort and the site is viewed as being unsuitable. The applicant has undertaken a review of current commitments and concludes that there is a current employment land supply of 9 years based upon future land take up rates.

In terms of transport issues, the site is located adjacent to the A500, which has been identified as a route of regional importance. As such, it is important that the level of traffic generated by the development does not adversely affect this route. However, given that a store is already situated on this site we doubt this would be the case. The site is also located in the Nantwich urban area, so in line with policies DP5, RT2 and RT9 the development should be accessed by sustainable modes (i.e. walking/cycling/bus). A travel plan could be introduced to ensure this happens. However they note that there is not much detail on travel in terms of bus routes etc in the application documents. The amount of parking spaces provided also seems to be within the RSS standards.

Landscaping and open space are needed to contribute to a range of socio-economic objectives, as promoted in EM3. The NW Green Infrastructure Guide offers further guidance.

EM5, EM15, EM16 and EM18 establish a framework for sustainable design and construction, including water management, energy efficiency and use of decentralised, renewable or low carbon energy. It will be important to ensure that the sustainable design

measures are incorporated in the development. In addition the requirements of policy EM18 should be considered i.e. the development should secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant that this is not feasible or viable.

In response to the amended plans they comment that they have no further comments to make (as the size of development has not been enlarged or significantly amended.)

South Cheshire Chamber of Commerce

Expresses its concern about the negative impact that an extension to the Sainsburys Store at Nantwich would have on retail in Nantwich town centre particularly if this would result in the sale of more non food retail items.

Civic Society

- Are pleased to see that the revised application has made some significant changes in accordance with their comments and commend the applicants for that;
- Applaud the removal of the A3 unit, the re-location of the recycling facilities and the introduction of some trees in the car park;
- There is still a need to move towards more improvement of the building and surroundings in order for such a major application to meet a standard worthy of approval;
- The relocated recycling area makes sense from the point of view of the location, but further details would help in terms of the way the parking for vehicles dropping off materials for recycling will work. They also wonder if there is a chance to incorporate any further planting in this location;
- Welcome the tree planting, but consider one more line could be incorporated to the benefit of the overall scheme. Whilst pleased to see some trees added in to the scheme, there is still a need for more trees to be planted on the car park. There is a need for shade as local councils and national government readily promote for healthy living;
- The redesigned shop canopy shows considerable improvement on the facade facing the car-park than on the earlier scheme. However the whole area of this design requires the details to be agreed with the local authority as a series of conditions;
- This is such a large and modern building that its effect on the surroundings will be immense, despite being set back into the former clothing factory site. Its uncompromising simple shape needs to be broken down into more pleasing and smaller elements with some rhythm to them;
- Whilst large enough to set its own stamp on the area, the design does not give any relevant acknowledgements in its materials or design to the town of Nantwich. The architects should consider how they could do this, if necessary, not by a complete redesign but by the judicious use of materials and colours and some minor detail changes;
- Already there are large portions of cladding panels that will be white, so why use a cedar colour of wooden boarding. This is used ubiquitously now but not successfully in places that are historic Cheshire market towns like this. Such alien boarding has been used on two recent buildings in the town - the Health Centre and Castle Court flats - and they have attracted lots of disappointment and criticism from many residents. They could be buildings “dropped in” from just about anywhere else but Nantwich;
- Using some local timber like oak, whether natural or black, would instantly give a visual clue to the local town’s character and say: “this place is in Nantwich;”
- There should be consideration given to using this better colour scheme to delineate the panels and possibly reduce the amount of timber boarding;

- Indeed the understandable charge of “pastiche or Tudorbethan tweeens” by using colours of black and white for this design could not apply on such a large modern building;
- The CGI illustration indicates quite spindly “Y”-shaped supports. (The sketch of the entrance seems to illustrate the supports as more robust). The supports should look substantial as they are an important part of the improved visual element to this façade;
- It is not clear from the illustrations where the active frontage is, i.e. where there are windows through which the shop can be viewed. The CGI is at variance with the illustration in the amended Design and Access Statement. Windows and views into the store should form an important part of the design of this elevation. Again this will need to be agreed as a condition;
- All other materials on this facade should be subject to condition as their quality and weathering abilities will be most important to the finished building;
- The entrance landscape works are a welcome change from the former A3 unit. The illustrations so far show an appropriate quality of landscape design. However as this will be part of the frontage /gateway to Nantwich, it needs to be constructed of high quality materials and have an agreement for regular maintenance in place. The sloping beds should not be left with an assumption that Nantwich in Bloom will take these on board without the proper arrangements in place. The applicants should be prepared to make a commitment to sponsor annually this and hopefully other sites in the town for planting by Nantwich in Bloom. Can Sainsburys give a legal agreement or undertaking to this effect?
- This is the wrong place for a pedestrian entrance to the site. More helpful to customers who will walk to the store would be simple narrow paths (to prevent vehicular access!) where the current 2 or 3 unofficial paths have been trampled down through the perimeter landscaping;
- The roundabout adjacent to the new entrance could benefit from improvement in terms of edge materials and wonder if Sainsbury’s could be asked to include this in its overall landscape scheme, to provide continuity in materials etc at this entrance area?;
- The signage is very important element of the overall visual attractiveness of the scheme. It is understood that the signage will form the basis of a separate application for advertisement consent. However the Civic Society are strongly of the view that conditions relating to the signage should be included in the response to this planning application;
- The sustainability of the building is still not dealt with in sufficient detail. The architect talked only about the sustainability of prefabricated materials and potential to reach BREEAM rating of very good through refrigeration and internal details. Rainwater collection and re-use was hinted at, but not confirmed. Since then the spring issue of the in-house magazine “Fresh Ideas” has described the green store in Dartmouth and in fact this application’s referred to in the Design and Access Statement. The application is inconsistent with comments in the in-house magazine, where it states that a high % (95%) of people interviewed want to see “green” technology such as that at Dartmouth in their stores and the article implies (“*The green store revolution is coming to you*”) that other stores will have the same or some of the same features. Sainsbury’s should be encouraged to include many more features that will go towards a low carbon footprint for the building and that this should not just be about doing the minimum required to get a BREEAM very good rating, but should take the sustainable aspects of internal and external aspects of the building much further.

7. VIEWS OF THE TOWN COUNCIL

The Town Council are gravely concerned about this development and would urge refusal, as it considers that an enlarged supermarket, with free parking will have a detrimental effect on traders in Nantwich and the viability of businesses in the market town.

The Town Council would make the following observations:-

Cheshire East are urged to commission an independent study of the impact of the enlarged store on the retail businesses and traders in the town centre. The Town Council consider this essential because 170 extra free car parking spaces and substantially enlarged retail space, selling a wider range of products, is certain to have a detrimental effect on the viability and sustainability of the town. If such a study provides no justification for refusal, then:-

1. Layout of the car park invites problems of racing and misuse, especially at night.
2. Traffic impact on Middlewich Road – already a hazardous and busy road – especially with ‘on line’ ordering of goods – must be studied with great care.
3. Roundabout on the site itself, near the garage is already unsatisfactory and too small. Design needs investigating.
4. Recycling bins need to be relocated
5. The whole process of consultation and examination of the application seems to be hurried and “rushed through.”

8. OTHER REPRESENTATIONS

N.B. A number of objections related to the, roof mounted signage, A3 Unit and the original public art feature, which have now been removed from the scheme. Therefore these objections have been omitted from the updated report.

Objection

A letter has been received from Peacock and Smith Planning Consultants acting on behalf of Wm Morrisons Supermarkets making the following points:

- **Introduction** - The proposal would make the store one of the largest in Nantwich, further increasing its attraction as an out of centre retail location. The implications of allowing such a large increase in floorspace need to be very carefully considered against the aims and objectives of planning policy, which aim to promote and enhance town centres.
- **Quantitative Need** – Whilst there is existing quantitative capacity for the proposed extension, a need for additional retail floorspace does not, in itself justify further floorspace in an existing out of centre location.
- **Qualitative Need** - If this is to be addressed it should be within the town centre. Improving the quality of retail provision in an out of centre location will only serve to increase the popularity of the store and draw trade away from the town centre to the detriment of its vitality and viability. The effect of this is likely to be exacerbated further given the recent closure of Somerfield. Furthermore, the existing out of centre Sainsbury's has a much higher market share than Morrison's within the town centre. The current proposal will make it more attractive and increase further its market share. The need for convenience retailing should be met in the town centre to claw back the market share.
- **Scale** – The Sainsbury's store is already the largest and main food retailer in Nantwich, despite being out-of-centre. An extension would further strengthen its position as a destination in its own right to the disbenefit of the town centre. It is also already one of the largest stores in Crewe and Nantwich.
- **Sequential approach** – Sainsbury's has failed to thoroughly assess the potential of the Snowhill Area of Nantwich town centre as a possible site for development. In November

2008 the Council consulted with the public on potential development opportunities in this area which included a medium sized food supermarket. Sainsbury's should consider the scope for disaggregation of the development to more sequentially preferable, centrally located sites, despite being a single retail operator. Both Tesco and Asda operate standalone non-food format stores. However, Sainsbury's have shown no flexibility in their approach to consider alternative sites, as deemed necessary by PPS6.

- **Impact** – The retail impact assessment has failed to properly consider the effect of the proposal on development opportunities at Snowhill and given that the Council is still preparing its LDF which includes redevelopment proposals for Snowhill; it is premature to approve major out of centre retail development at the present time.

- **Accessibility.** The existing store has poor linkages to shopping facilities within the town centre. It will attract a much greater proportion of car borne shoppers than those using the town centre facilities.

Letters of objection have been received from the following addresses: Madam's Farm, Alvaston Villa, Nantwich; 4,6, 14, 20, 30 36, 38, 40 and 42 Middlewich Road, Nantwich; 90 Whitehouse Lane, Nantwich; 57 Coppice Road, Nantwich; 15 Mercer Way, Nantwich; 1 and 4 Sycamore Close, Nantwich; making the following points:

Amenity

- The re-cycling bins create significant noise problems when they are emptied out of store opening hours and should be located or screened and sound proofed to remove this issue. Residents are not convinced the new location will achieve this without improved screening.
- The recycling bank will also create a health hazard;
- The ATM has not been relocated to the petrol station as requested;
- Unloading and reversing HGVs at unsociable times will be damaging to the air quality and cause noise pollution;
- The whole development will result in increased litter which is already a huge problem – particularly carrier bags;
- The positioning of illuminated signage should show consideration for the properties in the immediate vicinity of the store to avoid light pollution and nuisance. The backs of peoples houses face the site, and residents feel that these would invade and restrict the use of their gardens;
- Noise from loading and unloading of HGV's and cages being moved around etc;
- Residents cannot open windows at night due to noise from traffic and HGV's;
- HGV's have caused structural damage to properties from vibration.;
- Whilst the building will be located further from Middlewich Road, it will be closer to residential properties at the rear.

Antisocial Behaviour

- The only people that would come from far and wide are the boy-racers who plague the unregulated car parks of the present Sainsbury's in the early hours;
- Boy Racers are a danger to pedestrians using the post box, cash machines and the recycling banks;
- Sainsbury's night shift management do nothing to prevent its occurrence. A physical barrier needs to be in place to prevent the car park being used after hours;
- One speed bump will not prevent late night activity;

- Speed tables are uncomfortable for drivers, cause damage to vehicles, increase pollution from acceleration / deceleration and inhibit emergency vehicles. They may also be seen as a challenge to boy racers;
- The landscape feature is designed in such a way that it will become a congregation point for local youth and a 'new street corner' which encourages anti social behavior. It should be redesigned.

Design

- When they designed the original store they took into consideration Nantwich being an historic town and the existing store is quite pleasing. It has a lot in its favour and uses brick and tile and other local materials to anchor it in its location and give it a connection to the surroundings. It is sacrilege to pull down the existing store;
- The design of the new building does not fit with the local landscape. It looks like an aircraft hanger, a large shed, or a distribution warehouse. What happened to bricks and mortar?
- It would be more appropriate on a science park or at a university not in a suburban area of Nantwich;
- The white colour is not attractive in this location and will cause nuisance to residents and motorists due to reflection;
- The design emphasizes the mass of the building;
- The current landscaping is already insufficient to soften the impact of the current building and traps carrier bags and other wind borne refuse which pollute the neighbouring residential area;
- Any new development needs to be screened by raised banking and landscaping to reduce the impact of the building on the local landscape;
- Sainsbury's removed an ancient hedge when they built the original store and blocked off a right of way despite being told that they must not. Also the landscaping on the frontage was supposed to be 2m high but is only 1m in places and very patch. Will they comply with landscaping conditions this time?;
- The expanse of car parking will overwhelm the landscape there is little proposed which would make it an attractive layout in compliance with Policy BE.2 of the Local Plan;
- The building has been placed in this position to maximize Sainsbury's use of the land and does not taken into account the need for energy efficiency;
- No consideration has been given to orientation to minimize energy use etc and materials are not locally made.

Need / Retail Impact

- There is no need for a larger store at this site as the current store is adequate;
- Has the new Sainsbury's store in Crewe been taken into consideration?
- With 700 new houses to be built at Stapeley why not put a Sainsbury's Store in another part of Nantwich thus taking traffic from the Middlewich Road;
- The plan offers expansion of the present facility at both economic and social costs to the town. Local businesses would suffer and this would have a detrimental effect on Nantwich Town Centre. The town centre is will be home only to estate agent's and charity shops;
- Sainsbury's are geographically everywhere, including an already expanded site in Crewe (do we need another expanded one in Nantwich?). Some aspects of the town are already slipping out of character...ex-Woolworths and another big low cost shop/s...they do nothing to enhance the town.sensible planning may have attracted a small Marks and Spencer for example? We need to be more economically and community proactive;

- Do not be seduced by so called jobs arguments, or other usual spin...for jobs will go in the town and the town will suffer even more. The economy being in a state that it is at present, it will not take much to tilt this already precarious socio-economic balance;
- Nantwich is a beautiful and unique town in that it has many small independent shops and traders. These aspects to the local economy must be retained or we will see their demise and give in to urban economic sprawl and the death of a nice town centre. Many people come from far and wide to visit, see its small shops and markets...they do not come for Sainsbury's;
- The demolition of two fairly modern buildings to make space for one new one is surely not good for the environment in terms of waste and resources to produce and transport new materials;
- The size of the shop and the free parking will harm the vitality of Nantwich town centre;
- In the light of this proposal Marks and Spencer have withdrawn their interest in Snow Hill.

Traffic

- Consideration needs to be given to the access to the store as the current access creates congestion and is clearly unsafe for pedestrians. The increased traffic at the entrance to the store will cause further congestion and delays on the Middlewich Road. The current volume of traffic means that exits on to Middlewich Road are already difficult to negotiate, especially at peak times because of the poorly designed access road;
- The proposal will exacerbate traffic congestion at the Coppice Road junction;
- Increasing the size of the store will generate additional heavy goods traffic. There are already a number of HGVs using the Middlewich Road throughout the night despite assurance from Sainsburys in the previous planning that this would not be the case;
- Plans do not make adequate provision for pedestrian and cycle access;
- Does the access (especially the delivery access) need to be off the A530 as at present or could it be moved to be off the A500 By-Pass or Beam Heath Way?
- Pedestrians, especially elderly people, have great difficulty crossing Middlewich Road safely even when using the central island adjacent to the White House Lane roundabout. Increased traffic means that the Middlewich Road would be even more dangerous to cross than present;
- It will take longer for residents to travel to and from work. The roads leading to the store will become congested due to the increased traffic not from Nantwich residents but from those living outside the town coming to do their shopping;
- Anyone who says the roads are not congested around the store in particular the roads leading to the A500/Middlewich Road roundabout during rush hour periods is being scarce with the truth. Any figures produced by experts that show that there is not a traffic problem require their methods to be examined;
- The growth areas in Nantwich are on the opposite side of town near Stapeley. Therefore the proposal will increase traffic on the bypass and through the town centre;
- There is inadequate cycle provision in an area where cycle use is above average;
- The A530 is a main route for emergency vehicles to Leighton Hospital;
- The painted circle should be raised to form a proper roundabout and the tight radius curve on the access road should be reviewed;
- Pedestrian routing round the site is not clearly indicated and a pelican crossing should be provided on Middlewich Road;
- The A530 is to be reclassified as the B5344 with a reduced speed limit and less road maintenance;

- There is a shortfall of 269 parking spaces when compared against standards in the local plan. Sainsbury's car park is also used by people using local bus services and the free parking should therefore be restricted;
- The rectangular shape of the service yard will force HGV's entering the store to reverse in which will cause conflict with similar vehicles in Beam Heath Way and Cobbs Lane which are accessing other businesses.

Support

Letters of support have been received from the following addresses: Builders Yard Cottage, Wrenbury Heath; 1 Barbridge Mews, Nantwich; 39 Birchin Lane, Nantwich; 52C Manor Road, Nantwich; 36 Swindale Drive, Crewe; 14 Malbank, The Orchard, Marbury Road, 4 Manor Court, 4 Mercer Way, Nantwich; and 26 Ashdale Close, Alsager; Mansion Cottage, London Road, Nantwich, 123 Crewe Road, Nantwich; 5 Beech tree Close, Willaston, 9 Windmill Close, Buerton; South View, Wrenbury Heath Road, Wrenbury; 223 Queens Drive, Nantwich; 377 Crewe Road, Wistaston, making the following points:

- The store is so busy that moving freely between the aisles is quite difficult;
- Sainsbury's is a first class store which has brought many people to the town to shop who then go on into the town centre;
- There were objections to the original store on noise grounds. This has not provided to the case. The new store is further from domestic dwellings and will cause even less trouble as loading etc. will be further away;
- People travel considerable distances to shop at the store because it is so pleasant. It is a great location and the staff are excellent;
- The proposed restaurant would be a great improvement on the current café;
- The larger store would have no greater effect on the shops in Nantwich than the current shop does;
- People who wish to shop in Nantwich will still do so and it may encourage more people in from other areas;
- More variety of goods will be available;
- The car parking will be better with more spaces. The existing parking is stretched at peak times;
- People travel to Crewe or Chester to avoid congestion. Expanding the store and car park would alleviate these problems while encouraging local shopping;
- The store can be screened with the existing landscaping;
- The redevelopment will provide employment in the building trades, currently suffering greatly from the credit restrictions;
- More staff will be employed in the new store;
- The redevelopment can only benefit the area. With the expansion of new homes over the past number of years the existing store no longer meets the needs of the population and an injection of new jobs is needed;
- It will create healthy business competition;
- Sainsbury's are a company who take care of customers and the standards are extremely high;
- It will not affect the town centre – especially specialist shops;
- It is one of the few places in Nantwich open on Sunday;
- The existing store is tired and old fashioned. An improved store would be an asset to the town;
- The store is friendly and clean;
- There is good public transport;
- Nantwich needs a decent sized store – Morrisons is congested.

9. APPLICANT'S SUPPORTING INFORMATION

Transport Assessment – Savill Bird and Axon

- The scope of the statement has been discussed with highways officers and Cheshire County Council;
- In conjunction with the development scheme it is proposed to increase the capacity of the existing car park to provide a total of 539 spaces including 22 parent and child spaces and 26 mobility impaired spaces;
- The proposed development would be accessible by non-car travel modes of walking, cycling and by public transport, in accordance with PPG13. The location of the proposed development would also facilitate both pass-by trips and diverted trips, again in line with objectives set out in national policy on reducing the need to travel;
- A travel plan will also be offered in conjunction with the development scheme;
- Consideration has been given to the likely changes in traffic that will occur on the local highway network as a result of the development proposals. Whilst the proposal is for a replacement store, the reason for the proposal is to provide enhancements more akin to a store extension. Therefore the traffic assumptions and impact assessed is based upon that of a Sainsbury's store extension rather than a new store, using a methodology for calculating the increase in traffic flows resulting from store extensions which has previously been accepted by Cheshire County Council;
- From this analysis, it has been concluded that whilst the development proposals would impact upon the site access roundabout with Middlewich Road, there would be no material increase in traffic at the other junctions included within the agreed study area;
- The site access roundabout has been assessed for 2009 and 2014 future year scenarios. The results of the assessments revealed that even allowing for a robust estimation of background traffic growth, as well as traffic relating to the development proposals, the junction would be able to operate within capacity and without significant queuing;
- It has also been demonstrated that the increased level of car parking proposed at the replacement store would be sufficient to cater for the increased demand resulting from the development proposals;
- It has also been stated that despite the increased store area there would be no material increase in service vehicle movements and therefore no impact on the adjacent highway network in this regard. Furthermore the introduction of goods on-line would have no impact on the operation of the local highway network;
- It can therefore be concluded that there are no highways and transportation reasons for refusal of the planning application.

Consultation Statement – Dialogue

- The applicant has carried out a consultation exercise which has involved contacting 100 local residents, 30 key stakeholders, a press release and a public exhibition.
- Key issues which have been raised as a result are as follows:
 - Concern that the proposed A3 unit would be a fast food restaurant
 - Problems with boy-racers using the car park at night. The extension of the car park would increase this problem
 - Trolleys abandoned outside the boundary of the store
 - Increase in traffic adding to congestion at the entrance
 - Illumination of the store and restaurant causing loss of amenity for residents
- Design amendments in response include

- Relocating the recycling areas
- Removal of the A3 unit
- Inclusion of public art feature and further landscaping
- Traffic calming and CCTV
- Elevational changes

Sustainability Statement – Sainsbury's

- Sainsbury's aim to demonstrate their continued commitment to building sustainability into each development they undertake. The report shows their commitment to carbon dioxide reduction at Nantwich;
- The Nantwich development will include the generation of an element of the site energy requirement from on-site renewable energy sources. During the design phase the project team will determine the predicted annual energy profile for the development, taking into account all incorporated energy efficiency measures and calculate the equivalent energy value to be provided from renewable sources;
- The selection of the renewable energy sources to be incorporated will be made through consideration of the available technologies and their sustainability for adoption on the Nantwich site within reasonable cost limits.

Phase 1 Environmental Report – Wardell Armstrong

- The petrol station on site provides a potential source of contamination. The site already holds a LAPPC permit which will aim to minimise contamination. In addition to this it would be prudent to ensure that spillages are kept to a minimum with necessary precautions and mitigation measures in place should they occur (spill kits etc.). Furthermore, volumes of fuel should be monitored to ensure that any losses are noted and investigated as early as possible. It is likely that that any future purchaser of the site will require a site investigation to confirm that tanks have not leaked;
- Due to the presence of a land fill site within 250m of the site, it is possible that some gas monitoring or gas protection measures may be required as part of the planning process. Site investigation works may be needed to monitor ground gas at the site;
- The presence of saliferous beds beneath the site may have implications for building and foundation design of the new building and also for drainage. The design of the buildings and foundations should give consideration to the risk of future ground movement. Site investigation works will be required to assess the presence on saliferous deposits and determine ground strength and settlement characteristics;
- It is recommended that soakaways are not used within the drainage system on site. Soakaways may allow freshwater to infiltrate into any underground cavities which may result in further dissolution of the cavity and potentially lead to ground instability. Any drainage system on site should seek to minimise freshwater infiltration in the ground.

Planning and Retail Statement – Turley Associates

A Planning and Retail Statement has been provided which can be summarised as follows:

- The development is consistent with the key objectives of national and local planning policy to achieve sustainable mixed use development and to regenerate urban areas. In the context of retail development, this entails locating new shopping in the centre of the catchment that it seeks to serve, in areas that are easily accessible and well served by public transport.

- National and local planning policy are permissive of development outside town centres provided that a need for the development has been proven and it has been shown that need cannot be met by development on a sequentially preferable site. All potential sites within Nantwich town centre have been examined to ascertain whether they could meet the requirement and none are available.
- The retail assessment also addresses the issue of potential impact upon the viability and vitality of Crewe and Nantwich town centres. The principal trade diversions for competing stores will be from large supermarkets in the primary catchment area which are overtrading to a large degree. The levels of impact on the town centres is consequentially small and not material in terms of their potential affect on the vitality and viability of either Nantwich or Crewe town centre.
- The A3 unit is also acceptable in terms of design and format for its location and will not result in material harm to residential amenity.
- The proposals are also entirely acceptable in land use planning and policy in terms of design, accessibility / traffic levels; amenity; and environmental and ethical considerations and it does not conflict with the provisions of the development plan.

Design and Access Statement – Hadfield Cawkwell Davidson

Use

- The replacement store will provide an enlarged sales area to improve the customer offer and provide an improved café and toilets and on-line shopping facility;
- The number of parking spaces will be increase and the car park appearance improved and new trolley bays provided;
- The existing petrol station will be unaffected.

Amount

- The proposed store provides 9,047 sqm of gross external floor space on two levels. The majority is at ground floor with 966sqm staff area and café at first floor.

Layout

- The location of the store is at the rear of the site.
- This has been chosen for a number of reasons
 - No conflict between customer access and service access
 - Allows car parking to be provided in front of the store and to be accessed from a single point of entry
 - allows the new store to be built whilst the existing store continues to trade
 - avoids negative impact on properties in Middlewich Road
- Rectangular sales area provides a more spacious environment and improves customer circulation.;
- First floor café is in a visible position overlooking the sales area;
- Carpark extended and re-laid to improve circulation and number of spaces;
- Signage renewed in line with current Sainsbury's band;
- 26 disabled and 22 parent and child parking spaces close to entrance;
- Cycle parking and recycling centre;
- Retained and enhance perimeter landscaping. ;
- Service area enclosed on 4 sides and located below general ground level to minimise impact.

Scale

- Height of building and length of frontage is similar to the Nantwich trade Depot alongside

Appearance

- Visual interest added to front elevation – including covered walkway, entrance lobby and stair;
- Materials include white metal cladding, timber and brickwork;
- Large areas of glazing to be used to bring in natural light.

Landscaping

- Paved area in front of shop to be linked to pedestrian footpaths on Beam Heath Way and pedestrian routes throughout the car park allow easy access to the site;
- Currently the store sits within a strong landscape context including roadside planting along the A500, remnant woodland to the east and car park boundary mature planting within the highway verge. This will remain intact;
- As a consequence the proposal will have limited visual impact;
- The new scheme will retain most of the perimeter planting with new trees and shrubs planted in areas where opportunities arise;
- New soft landscape areas are proposed to the south of the new store and within the car park which compensate for vegetation lost due to the new development, in particular an area adjacent to the proposed car park entrance/ traffic island;
- Overall the landscape scheme will achieve visual improvement and enhancement.

Sustainability

- Sainsbury's are committed to reducing the environmental impact of the proposed store in Nantwich in its design and construction. This will be through sustainable sourcing of materials, reuse of redundant materials from the existing site, efficient use of energy and resources and site waste reduction programmes;
- Modern off-site construction techniques will be incorporated where possible. Any components that can be assembled in a factory will be. This will significantly cut down the build time on site;
- The main benefit of this will be minimising the disruption to nearby businesses and residential properties, whilst simultaneously reducing carbon emissions, vehicle movements and waste;
- Sainsbury's will encourage an environmental aware supply chain and aim to use construction supplies that have accreditation to a recognised Environmental Management system such as ISO 14001. A waste management hierarchy will be put in place as follows;
 - Eliminate waste at source wherever possible
 - Reduce waste on site by employing good management systems
 - Recycle waste on site wherever possible
- Water use will be minimised by harnessing rainwater and using more efficient appliances
- The following technologies will be considered
 - Daylight linked dimming control for lights
 - Energy efficient lighting
 - Economical ventilations systems
 - LED signage
 - Screens on refrigerators
 - Control systems to reflect building usage through the day
- Provision of on site recycling centre

Access

- Customer and service vehicle access are segregated;
- Pedestrian routes are clearly defined with flush kerbs and dropped kerbs at crossings with tactile paving;
- Compliance with Document M in terms of stairs and lifts;
- Bollards to protect pedestrian areas;
- Automatic doors;
- Clear circulation spaces between gondolas;
- Accessible tills and counters.

Flood Risk Assessment / Drainage Strategy – Hadfield Cawkwell Davidson

Storm Water Run-Off:

- The site is within Zone 1 (low probability ie: flooding event of < 0.1%) of the EA indicative floodmap and the end use has a “less vulnerable” classification in PPS 25;
- Overland Flow – Due to the topography of the site and surrounding areas, it is considered highly unlikely that overland flow from surrounding land would be directed towards the store building or that significant flooding could be generated within the car park;
- Groundwater – The possibility of ground water levels rising to the ground surface level is considered unlikely due to the topography/hydrology of the site/surrounding land and ground conditions;
- Local failure of off-site sewers – Due to the topography of the site relative to the surrounding areas, it is considered highly unlikely that significant flooding could be generated by overflow onto the site in the event of local failure of the sewers;
- Local failure of on-site drainage system – Due to the relative levels on site, it is considered highly unlikely that significant flooding could be generated to affect the store unit in the event of local failure of on-site surface water drainage systems;
- Surface Water run-off – Impermeable areas of the development are similar to that of the existing development and therefore total surface water run-off from the site will be unaffected. However in order to mitigate increased run-off from the development due to climate change, it is intended that attenuation will be incorporated into the on-site drainage system;
- Local surcharge of drainage systems – In the event of surcharging of on-site surface water drainage systems and highway drainage/sewer systems adjacent the site due to extreme events, it is considered that any overflow would be directed towards the car park prior to any risk of inundation to the store building. There will be no significantly low areas within the car park that would put persons or vehicles at unreasonable risk;
- Rainfall run off from the development will be managed similar to the previous development in that run-off will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers. Surface water from external paved areas will be taken through petrol interceptors prior to discharge from site;
- A Phase I Environmental Assessment undertaken for the site indicates that salt beds may be present below the site which could be affected by water infiltration resulting in dissolution and ground instability. Therefore the use of soakaways is considered unlikely to be viable in this particular case. This should be confirmed by intrusive site investigation and infiltration test;
- To allow for the effects of climate change, it is considered that a 20% increase in peak rainfall intensity should be catered for as a precautionary allowance. It is intended that this

increase will be factored into the design for the surface water drainage for the development. To allow for the effects of increased surface water run-off, it is intended that some attenuation will be incorporated prior to connection to the existing sewers.

- The design criteria for the storm drainage and attenuation will be as follows:

- 30 year design storm – No flooding on site (below ground storage)
- 100 year design storm – No flooding of building
- Flooding contained on external site areas
- Outfall from site restricted to flow calculated from existing impermeable drained surfaces based upon a rainfall intensity of 50mm/hr and using Modified Rational Method.
- Future rainfall design intensities increased by 20% to allow for climate change over the life

Foul Water:

- Foul water from the development will be managed in a similar manner to the previous development in that it will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers.

10. OFFICER APPRAISAL

Principle of Development

The application site is located outside the Primary Shopping Area and in accordance with Government guidance contained in PPS 6: Planning for Town Centres it is necessary to address the following tests

- a) the need for the development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

It is notable that PPS6 highlights (paragraph 3.5) that: *‘as a general rule, the development should satisfy all these considerations.’*

The Planning Statement prepared by Turley Associates, on behalf of the applicant seeks to address these issues, most notably quantitative need for the proposed development, and this has been summarised in Section 9 of this report.

The Council employed White Young Green (WYG) who were the authors of the Cheshire Retail Study 2006 to carry out a Retail Audit to assess the supporting information provided by the applicant. Their initial assessment concluded that the applicant had overstated the need for the proposal and in assessing its impact has failed to adequately take into account the cumulative effect with other existing and proposed developments. Furthermore insufficient regard had been given to sequentially preferable alternatives, in particular the area of Nantwich town centre, known as Snowhill, which has been identified for potential redevelopment.

In response, Turley Associates, provided a 'Supplementary Planning Statement' dated August 2009 in support of the application. WYG have now considered this additional information and their advice is summarised below:-

Need

Before considering 'need' for the proposed development, Turley Associates again refer to emerging planning policy, namely the new Planning Policy Statement 4 'Planning for Prosperous Economies' (PPS4), which seeks to remove the 'need' test.

The proposed removal of the need test is (as yet) not formal planning policy. Given this, although some regard should be given to emerging retail policy, the application should still be considered against current adopted policy (i.e. PPS6). In considering need, WYG accepts that there is a demonstrable need for the additional convenience goods floorspace proposed but not for the comparison goods.

Turnover of the Proposed Store

Turley Associates maintain that it is reasonable to assume that the additional floorspace created (whether as an extension or as a replacement store) would trade at 50% 'expected levels'. In considering this issue, Turley Associates have previously stated that the replacement store is designed primarily to improve customer experience and address the current overtrading.

The proposal seeks the creation of a modern new store rather than a modest extension to the existing store. However, the proposed replacement store seeks to increase the net sales area given over to the comparison goods sector by more than 260%. WYG do not consider that (given the level of increase in the comparison goods offer within the replacement store) the increase in floorspace is specifically designed to reduce overtrading as stated by Turley Associates (Supplementary Planning Statement - Paragraph 5.1).

WYG acknowledge that typically when extensions are required to enhance the shopping environment, the new retail floorspace will not trade at the same level as the existing store. However, given the improved product ranges that will be available within the proposed replacement store there appears no reasoned justification for assuming a lower sales density than might typically be expected for comparison goods floorspace. Indeed, the comparison goods offer within the store is identified to increase from only 791 sq m currently to 2,062 sq m following the proposed development. Therefore, they maintain the assumption that the additional comparison goods floorspace proposed will trade at 'expected' levels.

Expenditure Growth Rates

Turley Associates continue to question the robustness of the latest forecast growth rates, which were published in March 2009. In addition, Turley Associates refer to higher growth rates utilised by WYG in support of retail schemes in Trafford and at Kendal.

The correspondence referred to by Turley Associates between Trafford Council and WYG relates simply to clarifying to the Council where the various assumptions have been derived for the Retail Statement submitted in support of the application, which was

prepared prior to the publication of the latest growth rates. The retail analysis has not been updated as part of the application in Trafford.

However, the evidence provided in support of the application at Kendal (and subsequent evidence for the recent Public Inquiry) utilises the same growth rates being suggested as appropriate in considering the current proposal in Nantwich.

Notwithstanding this, since the further correspondence from Turley Associates (letter dated 7 September 2009), revised expenditure forecasts have been published by MapInfo (Brief 09/02, September 2009). The latest forecast growth rate identified by MapInfo for comparison goods is +1.6% per annum for the period 2008 to 2014. This compares to the previous forecasts over the same period (as suggested in our previous correspondence) of +2.7%. Accordingly, by applying the latest figures, the forecast growth would be lower than those previously identified, which Turley Associates considered to be cautious. Subsequently, the available expenditure to support the proposed development will be less than that previously identified.

Consideration of Commitments in Crewe

With regard to the current proposal for a new Sainsbury's store in Crewe (which the Council has granted planning permission), Turley Associates highlights that the new store replaces existing retail floorspace within the designated town centre (although outside the primary shopping area), part of which, the Dunelm Mill unit, has extent permission for the sale of convenience goods. Accordingly, Turley Associates considers that the turnover of this existing floorspace will already have been taken into account in the Cheshire Retail Study and only the change in floorspace needs to be taken into account.

On this basis, Turley Associates highlights that the Sainsbury's store in Crewe will increase the amount of convenience goods floorspace in Crewe by 1,956 sq m above that previously committed, whereas the amount of comparison goods floorspace would decrease by 1,318 sq m. Therefore, Turley Associates considers that the capacity for further comparison goods floorspace actually increases.

WYG would question the robustness of this approach, whilst it is acknowledged that the proposed Sainsbury's store seeks to replace existing floorspace, the character and type of retail offer provided by a new Sainsbury's store would differ significantly from that which was provided at the time of the Cheshire Retail Study. The introduction of a large-format Sainsbury's store in this location would have a significantly different trading performance than the previous use on the site, which comprised MFI and Dunelm. Accordingly, when developed the new Sainsbury's store will result in different shopping patterns than the previous use of the site and to that identified in the household survey that informed the Cheshire Retail Study. This will have an effect on future capacity within Nantwich.

Furthermore, in previously highlighting that the potential implications of a new Sainsburys store in Crewe should be taken into account this also related to qualitative need. Part of the qualitative justification for the enlarged Sainsbury's store is to address overtrading at the existing store. In this respect, in considering the proposed new store in Crewe, Turley Associates in the supporting Retail Statement (paragraph 6.9) highlight that: '...once built the Crewe store will provide a facility that will cater for the needs of Crewe residents that currently travel to Nantwich.'

Clearly, further improvement in Crewe (as proposed) will reduce the trading performance of the existing Sainsbury's store in Nantwich and help to address the current overtrading. Therefore, whilst WYG accepts that the new Sainsbury's store in Crewe replaces existing retail floorspace, the character and trading performance of a new Sainsbury's store in Crewe will differ significantly to the previous retail use on the site at the time of the household survey that informed the Cheshire Retail Study (and underpins the evidence provided in support of the replacement Sainsbury's in Nantwich).

In terms of the Modus scheme, whilst WYG accepts that this scheme will primarily help to draw trade from the current area that is currently directed to facilities outside Crewe (e.g. to Hanley), it is likely that the scheme will also draw some trade (albeit limited) from Nantwich.

On this basis, the proposed new Sainsbury's store in Crewe and to a lesser extent the Modus scheme in Crewe Town Centre will have an impact on the available expenditure to support further retail floorspace in Nantwich.

Qualitative Need

With regard to qualitative need, Turley Associates have provided further analysis in support of the proposal that compares the comparison goods sold in Nantwich with the goods that are to be sold from the extended Sainsbury's store.

Turley Associates considers that this analysis confirms that there is no large supermarket comparison goods offer in Nantwich.

Despite this additional evidence being provided, Turley Associates has still provided limited justification as to why a smaller store could not be provided and still meet the qualitative need identified.

Appropriateness of Scale

In previously considering the scale of the development, the main concern of WYG was with regard to whether a clear need for the level of comparison goods floorspace proposed has been demonstrated. As outlined above, they continue to have some concerns with regard to scale despite the additional evidence being presented by Turley Associates.

Sequential Approach

In considering the sequential approach, Turley Associates highlight that the need in Nantwich is largely specific to Sainsburys to reduce overtrading and congestion at that store. As previously highlighted, the new Sainsbury's store in Crewe will help address part of this overtrading. Furthermore, although WYG acknowledge that the Snowhill site is unlikely to be sufficient in size to accommodate the scale of development now proposed by Sainsbury's, it could accommodate a medium-sized foodstore in a sequentially preferable location that will improve consumer choice and competition.

However, whilst the Snowhill site does provide an appropriate opportunity to provide further retail development in Nantwich (as acknowledged by the Council), it is

questionable whether this site will come forward within a realistic timeframe (i.e. three to five years) to meet any need in the short-term.

Impact

Following their previous assessment, Turley Associates have provided a further assessment of some of the relevant impact tests outlined in PPS6.

However, as with their previous assessment this is based on the assumption that the additional floorspace would be trading at 50% expected levels. As outlined above, WYG still have concerns with regard to the appropriateness of this approach in assessing the likely uplift in retail floorspace proposed. The replacement store seeks to increase the amount of comparison goods floorspace currently available by more than 200% (or 1,271 sq m). Therefore, WYG maintain that the potential impact on the turnover of Nantwich Town Centre identified by Turley Associates has been underestimated.

Despite this, it is considered unlikely that the proposed development (or collectively with extant permissions/recent developments elsewhere) will have an adverse impact on the vitality and viability of Nantwich Town Centre. Indeed, despite the ongoing downturn in the UK economy, trading performance within the town centre appears to be strong.

Similarly, although the Snowhill area provides an appropriate opportunity for further retail floorspace in Nantwich in the future, as outlined above it is unlikely that this site will come forward in the short-term. Given this delay in bringing this site forward, WYG do not consider that the Sainsbury's store will prejudice this site coming forward.

Summary

Based on their review of the additional retail evidence presented by Turley Associates, WYG continues to have some concern that the proposed development does not fully conform to the relevant policy tests outlined in PPS6.

However, whilst WYG considers that the need for the additional floorspace remains marginal, they accept that there are no sites currently available, viable or suitable to provide further retail floorspace within Nantwich in the short-term (i.e. the next three to five years).

Furthermore, they are of the view that the proposed development is unlikely to result in an adverse impact upon the vitality and viability of Nantwich Town Centre (including the Council's aspiration to develop the Snowhill area) or any other nearby centre.

Should the Council approve the application it is important that appropriate conditions are attached to any planning permission. WYG advises that a condition should be agreed with the applicant over a maximum net sales area of the replacement store. Similarly, an appropriate condition should also be imposed restricting the level of sales area given over to the sale of convenience or comparison goods to ensure that the Council has control over the future use of the store.

Layout, Design and Street Scene

There is concern that in this position the store would not relate well to the main approach road into the town, would not create satisfactory presence on the street, would fail to enclose the street, and would not provide a satisfactory landmark gateway development. The development form in which the building is set well back from the road and surrounded by space has a retail park character which, it could be argued, undermines the urban character of the built form of Nantwich which is characterised by buildings defining and enclosing the space between them to create narrow, well overlooked public streets and spaces. The large parking area would lack interest and distinctiveness as the first major land use on the approach to the historic town centre.

PPS1 states that good design should integrate new development into the existing urban form and contribute positively to making places better for people. It goes on to state that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The applicant has always argued that the proposed layout is the only one which will allow the store to continue trading during the course of the construction works. The Council has provided a suggested alternative phasing plan which would allow an extension to the existing store to be constructed in a more appropriate location, whilst maintaining continuity of trade. Sainsbury's have provided a detailed response as to why this would suggestion would be unworkable. Having considered their comments none of the difficulties appeared to be insurmountable but Sainsbury's have responded with further justification for the approach and Sainsbury's evidence is accepted. However, in the light of advice in PPS1 which, advises that the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application, but that such arguments will seldom outweigh more general planning considerations, the extent to which continuity of trade is a sufficient material consideration to outweigh wider concerns regarding the design and layout of the site is debatable.

In an attempt to provide a form of "gateway feature" and frontage development, an A3 restaurant unit was initially proposed. Following concerns from residents, this was removed in favour of a landscaped area and "public art" on the corner approach. Originally this included a canopy, but after concerns were raised about it attracting anti-social behaviour, this was subsequently omitted in favour of a more simple hard and soft landscape treatment to include Sainsbury's signage. However it was considered that this would also be inappropriate given the purpose that it is intended to serve.

An alternative approach has therefore been agreed whereby the existing landscaped strip which bounds the carpark would be maintained and enhanced to screen the large expanse of tarmac. A smaller and simpler artwork feature would be provided at the roundabout, which would also form the pedestrian entrance to the site and could incorporate the information panels that relate the story of Nantwich from the present store. Additional tree planting and landscaping would also be provided within the carpark itself. The precise details of these works could be secured by condition and delivered through the Section 106 Agreement. On this basis the site layout is now considered to be acceptable.

Previously there was also concern in respect of the elevational design of the main store. The present store sits comfortably within its surroundings due to its extensive use of traditional brickwork, and other detailing. Although this approach to design is now considered by many to represent a pastiche of older styles, any replacement building needs to relate equally well to its context.

It was considered that due to its considerable scale and mass, as well as its flat roofed design, the store would not acknowledge and reference the small urban scale of Nantwich town centre as well as the domestic suburban nature of the immediate surroundings. It was felt that the angled projecting canopy, which had been added in an attempt to break down the massing of the building, was also unsatisfactory. Sloping lines such as this appear awkward, unless they terminate at a clear focal point, because the eye has difficulty in focusing on any point along a diagonal.

The white coloured cladding would make the building more prominent than the present store and would lack the very high quality of detailing and locally sourced materials of the historic town. It was considered that these should be reflected in the new building and that the store should be broken down into much smaller elements to disguise its very large overall volume.

However, given that the store is now to be sited to the rear of the site, it will not be viewed in the context of the suburban development and will be viewed against the backdrop of the industrial and warehouse, units on Beam Heath Way to the rear of the site, to which it is more akin. Furthermore, on the original plans about half of the existing landscape strip between the site and the A500 would have been lost under this proposal. The layout has now been amended slightly to retain more of this landscaping.

Concerns have also been expressed previously that lighting of the exterior of the store and loading bay would add to the light spill from recently constructed buildings. The overall result would be the urbanisation of the character of the bypass, which at present has the appearance of a mainly rural road. However, it is now considered that this could be adequately controlled through an appropriately worded condition. High level, internally illuminated signage above the roof of the store was initially proposed and would have been overly prominent. This aspect of the design has now been amended to include signage on the walls of the building itself.

In the light of the above, on balance, the proposal is considered to be acceptable in design terms.

Sustainability

The very large area of parking would disadvantage access by pedestrians relative to motorists, as it would require a longer walking distance than a store located close to the back edge of pavement. However, amended plans have been submitted with improved and more direct pedestrian links through the car park, including crossing points within the site, which have largely addressed this issue. There were also concerns about the absence of varied and changing visual stimulation and the absence of the reassuring presence of overlooking buildings along the frontage which it was considered would almost certainly discourage walking around the town. However, it is considered that this would be off-set by the improvements to pedestrian / cycle links and crossing facilities,

including the Connect 2 scheme, within the vicinity of the site, which are discussed in more detail below.

The new Regional Spatial Strategy places considerable emphasis on achieving sustainable development, minimising waste and energy consumption. It also advocates provision within new development of micro-generation opportunities.

The Sustainability Statement and Design and Access Statement which have been provided with the application are extremely general in nature. They outline Sainsbury's corporate commitments to addressing climate change through measures such as reducing carrier bag usage as well as constructing more energy efficient buildings. According to the information a number of different design features which can be employed to minimise energy use and to generate energy on site will be considered and adopted "within reasonable cost limits". However there was no guarantee that any of the measures will be adopted in the final scheme. Furthermore, the choice of measures were to be reserved to the detailed design phase, whereas principles of sustainable development should be influencing the design and layout of the scheme from conception. For example, the orientation of the building and provision of glazing is crucial to achieving natural heating and ventilation.

The information supplied also stated that consideration would be given to the use of off-site construction techniques and sustainable sourcing of materials without offering any guarantees or detailed proposals of how this is to be achieved, or the extent to which the use of such materials will off-set the carbon footprint created by demolishing the existing store. Consequently, it is considered that the applicant had failed to demonstrate that they have met the RSS requirements to provide 10% of renewable energy on site and the proposal is therefore contrary to Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), and EM18 (Decentralised Energy Supply).

Furthermore, no indication was given as to how the huge amount of demolition waste from the existing store was to be dealt with. This was considered to be contrary to the principles set out in RSS Policies EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Accordingly the application was initially recommended for refusal on these grounds. However, a supplementary statement has now been submitted which provides information on how this sustainable agenda will apply to the store proposal in Nantwich.

Sainsbury's adopt a proactive strategy of understanding climate change and implementing programmes to reduce direct environmental impact. Sainsbury's goal is to reduce their carbon dioxide emissions by: sourcing energy responsibly, minimising energy demand, and promoting efficient consumption. Sainsbury's already purchase their electrical energy from suppliers that produce 10 per cent of electricity from renewable sources with an additional 40 per cent coming from Combined Heat and Power plants. This source of electrical supply will apply to the new store in Nantwich. This sourcing of energy is in line with policy EM18 of North West England Plan Regional Spatial Strategy (RSS) which outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply that a least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable. It is also in line with policy

EM17 that at least 10% of the electricity supplied within the Region should be from renewable sources.

Sainsbury's is committed to building stores that have a low impact on their environment and will do this through intelligent design, sustainable sourcing of materials, efficient use of energy and resources and site waste reduction programmes. The need to consider energy efficiency and to incorporate renewable technologies from the outset is understood by Sainsbury's development teams and the developers that Sainsbury's partners when bringing projects forward. Sainsbury's aim to minimise the impact on the environment of a new store both during construction and once completed, through intelligent design, sustainable sourcing of materials, and efficient use of energy and resources and site waste reduction programmes.

Sainsbury's aim for every new store is to achieve a 'Very Good' BREEAM rating and this will be met at Nantwich. Additionally the proposed store, like all new Sainsbury's stores will include the following environmental/sustainable features; solatube daylighting, providing natural light to the sales floor areas; rainwater harvesting; low flush W.C's; waterless urinals; natural light with dimming; weir screens (refrigeration); night blinds (refrigeration); LED's in cold rooms (refrigeration); energy sub metering. These factors align with policy EM16 of RSS to minimise energy consumption, promote maximum efficiency and minimise waste (as is further considered below).

The proposal will involve the demolition of a number of existing buildings on site. Sainsbury's appointed contractors will employ a waste management plan to ensure that full regard is taken to reuse on site or appropriate disposal of demolition waste off site. This process is in line with policy EM11 of RSS for waste management principles.

Sainsbury's target is to achieve a 50% reduction in mains water use per square meter of sales floor by March 2012. This will include via measures such as rain water harvesting and toilet technologies. The incorporation of such measures is in line with policy EM5 of RSS which requires new developments to incorporate sustainable drainage systems and water conservation and efficiency measures.

It is recommended that conditions be added to any approval to ensure that the measures outlined above are incorporated into the final design of the building and to ensure compliance with RSS Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), EM18 (Decentralised Energy Supply) EM9 (Secondary and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Amenity

The proposed store will be sited approximately 150m away from the dwellings on the opposite side of Middlewich Road, at the closest point, and further away than the existing store. As a result it is not considered that there will be any additional adverse effect on these properties as a result of noise, overshadowing or loss of privacy. It is slightly closer to the dwellings in Larkspur Close and Kingfisher Close, but would be well screened by the existing industrial units within the trade park. Furthermore, it would have no greater impact on these properties than the existing Suithouse building.

With regard to the operation of the building the Environmental Health section have raised concerns about noise, odour and light from the premises, but are of the opinion that these can be adequately mitigated through appropriate conditions and it is therefore considered that there are no sustainable amenity grounds for refusal.

Landscape and Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9: states that development will not be permitted which would have an adverse impact upon species specifically protected under schedules 1, 5, or 8 of the wildlife and countryside act 1981 (as amended) or their habitats.

Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual members of the species;
- reduce disturbance to a minimum;
- provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or

adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case, given that the proposal is mostly contained within the footprint and associated hardstanding of the existing store and suithouse, it is not considered that any threat will be posed to protected species. The majority of the existing landscaping and tree planting is confined to the periphery and this is to be retained and could be enhanced by planning condition. It will be necessary to remove a small amount of existing landscaping to facilitate the amendments to the carpark layout but again replacement planting could be secured by condition.

Crime and Disorder.

A number of residents and the Environmental Health Officer have raised concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at the existing store and it has been suggested that conditions should be imposed requiring the erection of gates at the site access. Sainsbury's have stated that they would be unwilling to accept such a condition following instances of people being injured by similar gates on other sites and difficulties which would arise in accessing the ATM machines out of hours. They have therefore proposed CCTV and speed humps as an alternative. These could be made conditions of any planning permission.

The removal of the canopy and scaling down of the proposed public art feature will make it less attractive as a gathering place, and will reduce concerns regarding its susceptibility to vandalism.

Public consultation

In support of the application, the developer has submitted a Consultation Statement. The Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises those concerns and issues that were addressed. In response to the consultations, specific elements of the proposals that were changed, including the removal of the A3 restaurant unit, additional landscaping, amendments to the elevations and reposition of the recycling area, which demonstrates

that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

Highways and Parking.

The proposed store will generate an increase in traffic movements as a result of both additional customers and HGV deliveries. A Transport Assessment has been submitted to demonstrate that the proposal would not have an adverse effect on the highway network. The Highway Authority have examined this and endorsed its conclusions. As part of the scheme the developer proposes to off-set the increase in traffic through the provision of additional parking for both vehicles and cycles within the site.

In addition, the highway authority has negotiated a number of other improvements including a traffic regulation order, pedestrian and cycle crossings, footway widening, and new pedestrian and cycle links which can form part of the Connect 2 project.

Therefore, whilst the concerns of local residents are duly noted, in the light of the above and in the absence of any objection from the highway authority, it is not considered that a refusal on highway safety, parking, or traffic generation grounds could be sustained.

Drainage and Flood Risk

A Flood Risk Assessment and Drainage Strategy have been produced and scrutinised by the Environment Agency and United Utilities. No concerns have been raised in respect of the methodology and conclusions and both consultees have no objection to the scheme subject to the imposition of the relevant conditions.

11. CONCLUSIONS

It was previously considered that the applicant had overstated the need for the proposal and in assessing its impact had failed to adequately take into account the cumulative effect with other existing and proposed developments. Furthermore it was also considered that insufficient regard had been given to sequentially preferable alternatives.

Based on their review of the additional retail evidence presented by Turley Associates, WYG continues to have some concern that the proposed development does not fully conform to the relevant policy tests outlined in PPS6. However, whilst the need for the additional floorspace remains marginal, it is now accepted that there are no sites currently available, viable or suitable to provide further retail floorspace within Nantwich in the short-term (i.e. the next three to five years).

Furthermore, it has now been demonstrated that the proposed development is unlikely to result in an adverse impact upon the vitality and viability of Nantwich Town Centre (including the Council's aspiration to develop the Snowhill area) or any other nearby centre.

Whilst some concern remains that the proposed layout would result in this important gateway site being dominated by a vast expanse of parking it is now considered that Sainsbury's have adequately demonstrated that the alternative layouts would be unworkable in terms of business continuity.

The proposed public art feature, which would have done little to compensate for this inappropriate layout, and now been dropped in favour of an enhanced landscape buffer to the road frontage to screen the car parking and a more modest piece of artwork at the roundabout, the details of which will be secured by condition and Section 106 Agreement.

The elevational detailing of the store in terms of its form, materials and signage will not site as comfortably alongside the suburban development on the opposite side of Middlewich Road as the existing building. However, given that the building is located further back into the site, and closer to the large industrial units to the rear, which are similar in overall scale and form to the proposed Sainsbury's building, on balance, the proposal is considered to be acceptable.

The proposal meets the necessary Local Plan requirements in respect of, crime and disorder, drainage and flood risk, public consultation and impact on neighbour amenity. The sustainability issues have also now been resolved.

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 the completion of a Section 106 Agreement and conditions as set out below.

12. RECOMMENDATIONS

APPROVE subject to completion of Section 106 Agreement to provide for the following:

Prior to any development commencing on site the applicant is to pay the sum of £150,000 towards the costs of implementation of:

- Toucan crossing on Middlewich Road.
- Toucan crossing on A500 Nantwich Bypass.
- A pedestrian refuge island between Sainsbury's entrance and the Barony traffic signals along Middlewich Road, with a footway link to tie in with Cheshire East Council's Connect 2 route at this location.
- A Traffic Management Scheme at Beam Heath Way to control the queuing of delivery vehicles.
- The widening of the existing footway along Middlewich Road to the side of the petrol filling station, outside the boundary of the application site to allow both pedestrians and cyclists to share this space and access Middlewich Road from the Connect 2 route and surrounding area.

Prior to any development commencing on site:

- A scheme of Public Art to be located in the area identified on Site Plan ARCH / 2004-030/P12/C to be prepared and agreed by the Local Planning Authority
- The agreement of the scheme is to take into account the views of Stakeholders through a consultation exercise, the scope of which is to be agreed with the Local Planning Authority

Prior to the first occupation of the site

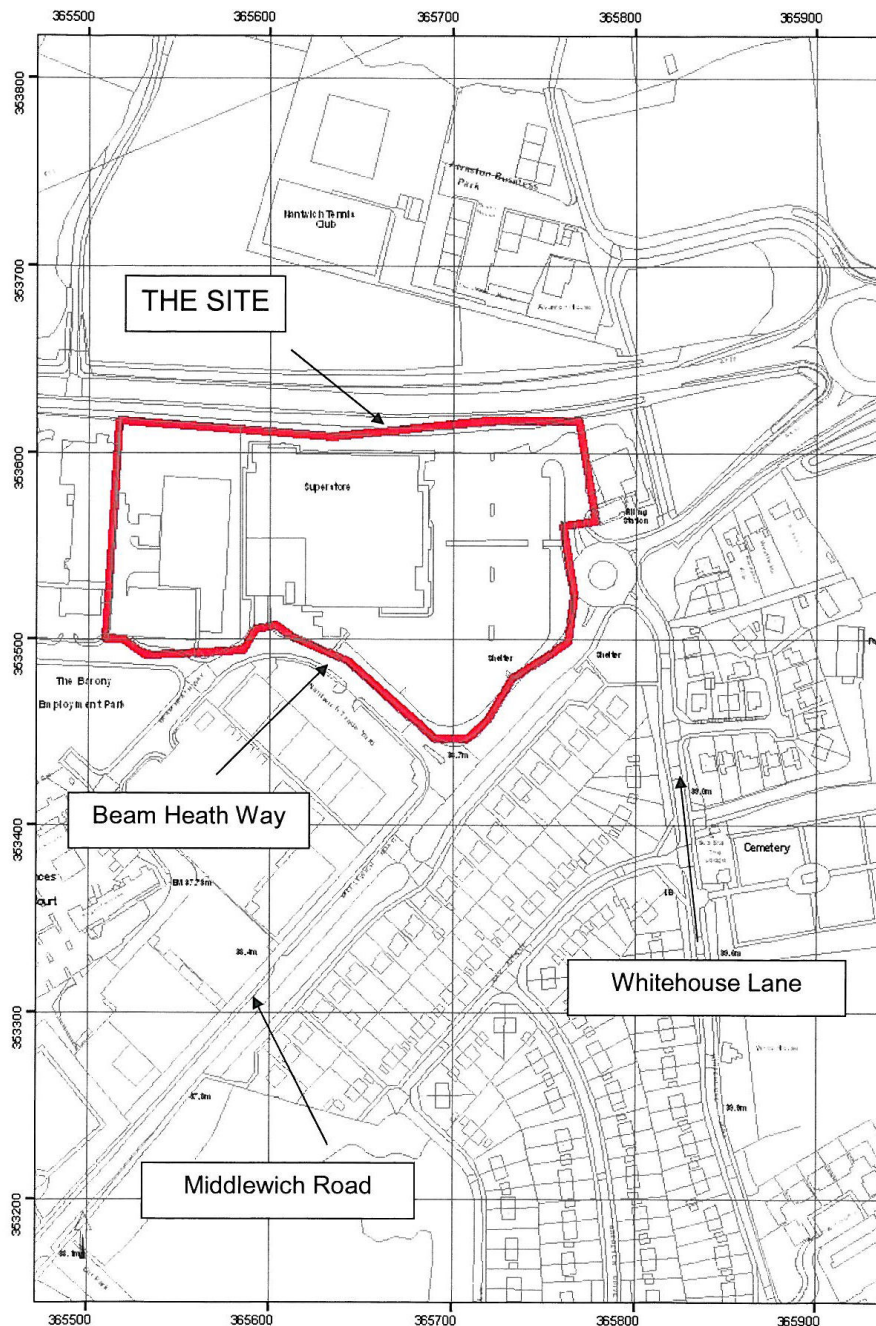
- The agreed scheme of Public Art is to be commissioned and a delivery programme agreed with the Local Planning

And the following conditions:

- 1. Standard 3 years**
- 2. Approved plans**
- 3. Materials**
- 4. Landscape scheme to include public art feature at roundabout**
- 5. Implementation of landscaping**
- 6. Tree protection measures**
- 7. No works within protected area**
- 8. Surface water regulation system (to incorporate SUDS)**
- 9. Maximum discharge**
- 10. Surface water attenuation measures;**
- 11. Scheme for management of overland flow**
- 12. Provision of parking**
- 13. Provision of cycle parking - 20 secured and covered stands**
- 14. Widening of the existing footway along Middlewich Road to the side of the petrol filling station, within the boundary of the application site to allow both pedestrians and cyclists to share this space.**
- 15. Submission and approval of drawings showing all proposed cycle / footway improvements**
- 16. Pedestrian Crossing Improvements**
- 17. Travel Plan**
- 18. Incorporation of sustainable features to BREAM very good rating.**
- 19. Waste Management Plan**
- 20. CCTV and speed humps to car park**
- 21. Maximum net sales area of the replacement store**
- 22. Restriction of the level of sales area given over to the sale of convenience or comparison goods**
- 23. Noise attenuation measures**
- 24. Scheme of external lighting.**
- 25. Survey of the existing public sewer passing beneath the site and scheme of diversion to be prepared if necessary.**
- 26. Construction Management Plan to include wheel washing, site compounds, hours of construction.**

Location Plan:

Due to the scale of the plan some of the details may not be clear. All plans for the application can be viewed on the council's website under Viewing Planning Applications.



P09/0126 – Sainsbury's Store Middlewich Road and Fairway Beam Heath Way Nantwich
N.G.R; - 365.709 353.502

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Planning Reference No:	09/3066C
Application Address:	Henry Alty, Knutsford Road, Cranage, Holmes Chapel
Proposal:	Proposed B1 Office Building
Applicant:	Cheshire Prop (Cranage) 1LTD & 2LTD
Application Type:	Full Planning Permission
Grid Reference:	374585 370066
Ward:	Congleton Rural
Earliest Determination Date:	12 November 2009
Expiry Dated:	12 November 2009
Date of Officer's Site Visit:	10 May 2009
Date Report Prepared:	28 October 2009
Constraints:	Control of Adverts Infill Boundary Line Jodrell Bank TPO 107

SUMMARY RECOMMENDATION

APPROVE subject to conditions.

MAIN ISSUES:

- Principle of development
- Trees and wildlife
- Access and parking
- Layout, design and impact of the character of the area
- Sustainability
- Impact on neighbour amenity

1. REASON FOR REFERRAL

This application would normally be referred to the Southern Planning Committee by virtue of its scale as a major planning application. However, due to the timing for the end of public consultation and the expiry date for the determination of the application, the scheme has been brought to the Strategic Planning Board to enable a decision to be issued to the applicants within the prescribed time period.

2. DESCRIPTION OF SITE AND CONTEXT

The site lies to the north of Holmes Chapel on the A50. It forms part of a chain of ribbon development leading out of the town and into the open countryside.

The main part of the site is given over to the existing Henry Alty commercial premises which have been used for the retail sale of gardening products and the associated car park to the front. The business has since closed.

In addition, the northern and western (rear) parts of the site are characterised by a large number of trees which define the nature of the area. A tree preservation order

(Cranage TPO 1988) covers the site but some of the trees are self set and of poor amenity value.

The site lies in the open countryside to the north of Holmes Chapel.

The existing building on the site had been developed over a series of stages comprising of the former two storey dwelling house which was more recently used for office accommodation and a newer single storey element at the front which was used for the sale of horticultural goods.

The property is characterised by three gable elements that project forward and are interlinked with short interlinking sections.

The property is brick built with rendered walls and a tiled roof and dates from the 1930's

Surrounding the site to the south and west particularly are a number of other properties including a number of residential dwellings some of which directly back onto the site.

The site already benefits for planning permission to redevelop to an industrial/ retail premises specifically for the sale and repair of AGA cookers. This was granted in 2007.

3. DETAILS OF PROPOSAL

The proposal is for the development of a serviced B1 office block with associated parking and landscaping. The gross internal office floorspace to be provided amounts to 2,100m².

The proposed building closely follows the footprint of the earlier approved scheme detailed below for the sale and servicing of cookers however, as there is no proposed industrial activity on the site, the environmental impacts in terms of noise and fumes will be reduced.

To provide sufficient off street parking, the applicants are proposing 45 ground level parking spaces and the provision of an underground parking facility for a further 51 spaces to accompany the surface level parking.

The proposal seeks to retain many of the trees that characterise the site although some poorer specimens and a moderate value tree as identified through the accompanying tree survey are to be removed. There will also be some pruning of the remaining trees.

4. RELEVANT HISTORY

Although there are a number of applications appertaining the historic use of the site, there are two key applications for consideration as detailed below.

In January 2007, approval (ref. 06/1173/FUL) was granted for the change of use of the site to an industrial/ retail premises which was specifically designed for the sale and repair of AGA cookers. More recently a second application was submitted and subsequently withdrawn (ref. 09/0951C). This was broadly similar to the current scheme and also sought approval for the development of a similar amount of serviced office accommodation on the site. This was different from the current proposal in terms of the parking on site which is discussed further in the report.

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

DP 4 Making the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP 7 Promote Environmental Quality
DP 9 Reduce Emissions and Adapt to Climate Change
RDF 1 Spatial Priorities
RDF 2 Rural Areas
W 1 Strengthening the Regional Economy
W 3 Supply of Employment Land
RT 2 Managing Travel Demand
RT 3 Public Transport Framework
RT 9 Walking and Cycling
EM 1(D) Trees, Woodlands and Forests
EM 5 Integrated Water Management
EM 16 Energy Conservation & Efficiency
EM 17 Renewable Energy
MCR 3 Southern Part of the Manchester City Region

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Other Plans and Policies

PPS1 Delivering Sustainable Development
PPG4 Industrial and Commercial Development and Small Firms
PPS7 Sustainable Development in Rural Areas

Congleton Borough Council Local Plan First Review

GR1 General Criteria for Development
GR2 Design
GR6 Amenity and Health
GR8 Amenity and Health
GR9 Accessibility, Servicing and Parking Provision; New Development
GR17 Car Parking
GR18 Traffic Generation
PS6 Settlements in the Open Countryside and the Green Belt
E5 Employment Development in the Open Countryside
NR1 Trees and Woodlands
PS10 Jodrell Bank Radio Telescope Consultation Zone

6. CONSULTATIONS (External to Planning)

Highways

At the time of the preparation of the report formal comments are awaited. However, following withdrawal of the earlier scheme, this proposal has been designed in consultation with the Highways Officer at the pre-application stage.

Spatial Planning

Comments are awaited.

Environmental Health

At the time of the preparation of the report, comments are awaited.

Senior Landscape and Tree Officer

The Officer has acknowledged that the principle of redevelopment on this site has been accepted by virtue of the earlier 2007 approved scheme. Despite this, they would wish to see the submitted arboricultural method statement more closely reflect the layout. It is felt that this can be addressed through appropriate conditions in respect of a tree management plan arboricultural statement and identification of root protection zones.

7. VIEWS OF THE PARISH / TOWN COUNCIL

At the time of preparation of the report, no comments have been received.

8. OTHER REPRESENTATIONS

No comments had been received from neighbours at the time of the preparation of the report although it should be noted that objections were submitted to the earlier, withdrawn, scheme in respect of the following:

- impact on neighbouring properties in terms of scale and mass;
- harm on the character of the countryside and;
- highway safety on the A50.

9. APPLICANT'S SUPPORTING INFORMATION

Trees: Cheshire Woodland Arboricultural Consultancy

This document has considered the existing tree coverage on site in the context of a survey undertaken in accordance with the guidance of BS 5837 (2005).

The report finds that subject to a suitable landscaping scheme, the impact of the development would be broadly neutral on the trees on the site when considered against the extant scheme approved in 2007.

Framework Travel Plan: WYG

This report sets out a draft travel plan framework to consider the accessibility of the development to sustainable modes of travel and reduce demand on the car.

The document sets out targets to be monitored against which the development can be appraised a year after the development is being brought into use.

Transport Statement: WYG

The transport statement has looked at the impact the development will have on the surrounding highways network, in particular the A50 Knutsford Road.

In summary, the report found that the northern access would provide a suitable access point with a visibility splay of 2.4m by 214m.

Design & Access Plan: Garry Usherwood Associates

The Design and Access Statement addresses the suitability of the development in respect of its surroundings. The document also goes on to consider the proposal against current policies in the Local Plan.

Ecological Report: Julie Drage, Ecologist

The protected species report has appraised the impact of the development of certain wildlife.

The report has found that the scheme will not have a detrimental impact on wildlife.

10. OFFICER APPRAISAL

Principle of Development

From an initial appraisal of the policies surrounding this site, notably Policy E5, the scale of development being proposed on this site would not normally be acceptable. In this instance however, weight has to be given to the extant approval for the redevelopment of the site for the cooker refurbishment/ sale and the differences between the two schemes.

The earlier 2007 approval was for a specific scheme comprising of some intensive engineering operations and also class A1 retail use. As a result the building generated some unneighbourly impacts and acted as an attractor to visitors as well as staff. The built form of the approved building is also broadly similar to that currently under consideration in terms of location, scale and mass although the design has been substantially altered.

In looking at Policy E5, part 1 of the policy seeks to only allow employment development in the countryside which is for the expansion or redevelopment of an existing business. In reviewing this, material weight is given to the approved scheme and its character and form in comparison to the proposal. It is felt that the two schemes are comparable and accordingly, the development under consideration is compliant with the policy.

Highways

The earlier office scheme (ref. 09/0951C) was withdrawn after consideration of the comments of the Highways Officer. The concern raised related the capacity of the site

to accommodate the anticipated level of parking demand that may be generated to ensure that there would be no on street parking on the A50 Knutsford Road.

It has not been possible for the applicants to expand the parking area at surface level as this would not only have a far greater impact on the protected trees surrounding the site but also result in the front of the site becoming dominated by cars.

Rather than reduce the available rental floorspace inside the premises which would impact on the commercial viability of the scheme, the applicants have instead sought to provide some of the parking underneath the building. Whilst this may be an expensive solution compared to traditional surface level parking, it is a consideration for the applicants and could not be seen as a reason for refusal as it would have no long term impact on neighbours or ecology.

The development of the underground car park will however increase the amount of materials being moved around on the site and for this reason, it is recommended that a site management plan including details for the displacement of soil excavated from the site be sought as a condition.

A framework travel plan has been submitted with the application and this document sets out targets against which the sustainability of the development can be judged. The document also sets out a framework against which further measures can be taken to promote sustainable travel if the development does not meet prescribed targets after the first annual monitor and review period.

Due to the relatively isolated location of the site, it is recommended that a detailed staff travel plan be submitted to minimise usage of the car as much as possible and to promote car sharing and other sustainable means of travel. A draft strategy has already been submitted in respect of this point.

Design

In terms of the approach to bringing forward the redevelopment of this site which is currently in an unsightly condition, the developers have looked at the constraints imposed by the location of neighbouring buildings, trees and the access arrangements off the main road. They have also given consideration to the approved extant scheme, in terms of the general scale and mass of development previously accepted.

The building itself is of a modern form with predominantly glazed elevations forming the main frontages to the property whilst the rear elevations facing back to the neighbouring dwellings having more cladding and limited window details. Some use has also been made of brick sections to break up the elevation details.

To minimise the impact on the neighbouring properties, the roof section has been chamfered back to reduce the overall height of the building by nearly 1.5m from 7.0m to 5.5m. This results in the rear of the building being of a scale comparable to a normal domestic dwelling thereby minimising any impact on residential amenity.

Some concern has been expressed on the earlier withdrawn scheme about the suitability of the design in this rural fringe location and the impact of lighting on the open countryside on the opposite side of the Knutsford Road to the east.

In terms of design, there are no clear design cues from the neighbouring properties and hence the site has to generate its own form and character rather than rely on integrating with neighbouring forms of architecture. In this respect, the design is felt to be successful and results in the site having its own identity which is suitable to the area especially as the building is set to the back of the site and not prominently exposed at the road frontage.

In terms of lighting, this could be a concern if levels are too high and for too protracted a period. During early evenings however, it is felt some lighting from the property will help define its character and appearance as an architectural feature but this should not continue through the night. To address this matter in detail, it is recommended that a condition be attached to the decision for the submission of a lighting scheme if the scheme is approved.

Amenity

The main concern is the impact that the development will have on the neighbours surrounding the site. It is acknowledged that the extant 2007 scheme would have had some impact on the neighbours already, the question is whether this scheme would have similar or greater levels of impact.

Having considered the matter, it is felt that this proposal will result in less harm to the neighbours not only in terms of the scale of the development being proposed but also in respect of the activity being generated at the site. The earlier proposal with its retail element would have resulted in activity on the site during the day and weekends. Some of this could have been noisy due to the commercial activity associated with the site although conditions were proposed to minimise this.

Having appraised the proposal, it is felt that this scheme is more acceptable than that already approved and cannot therefore be refused on this basis. To address any impact on neighbours during the construction period, conditions are recommended.

Trees

As noted earlier, the site is protected by a TPO. It is felt that whilst there may be some partial impact on the trees surrounding the site this will be limited and subject to appropriate protection measures it should be possible to retain the highest quality trees in the vicinity. Whilst the site does not offer extensive opportunities for landscaping, some new planting can be provided and this can be addressed through conditions.

The character of the site will alter but it is felt that this is acceptable and will be an improvement over the earlier approval.

Sustainable Development

Consideration is given to the requirements of the Regional Spatial Strategy in respect of sustainable development. The site itself is relatively small at 0.3Ha with limited opportunity for significant sustainable energy sources e.g. wind turbines to be provided. However, it is felt that a condition be attached to the permission seeking the implementation of more viable measures to be introduced to reduce the environmental impact of the building in line with RSS policy EM17.

Drainage

Given the nature of the site and its rural location together with the area put over to car parking, it is felt that a sustainable drainage scheme should be incorporated into the development to address surface water drainage and minimise impact on the mains drainage system or the chance of run-off onto the main highway.

Protected Species

The applicants have undertaken an ecological survey of the site and it is noted that there are no protected species that may be affected by the development. Therefore no further action required in this instance.

11. CONCLUSIONS

It is felt that whilst this proposal represents a change over the existing character of the site, the extant approval granted in 2007 is a significant material consideration and is given weight over and above the current form.

When looking at the approved 2007 scheme and that proposed, it is felt that the new application provides a number of improvements in terms of less impact on neighbours, less impact on the character of the area, a well designed building and suitable highway safety.

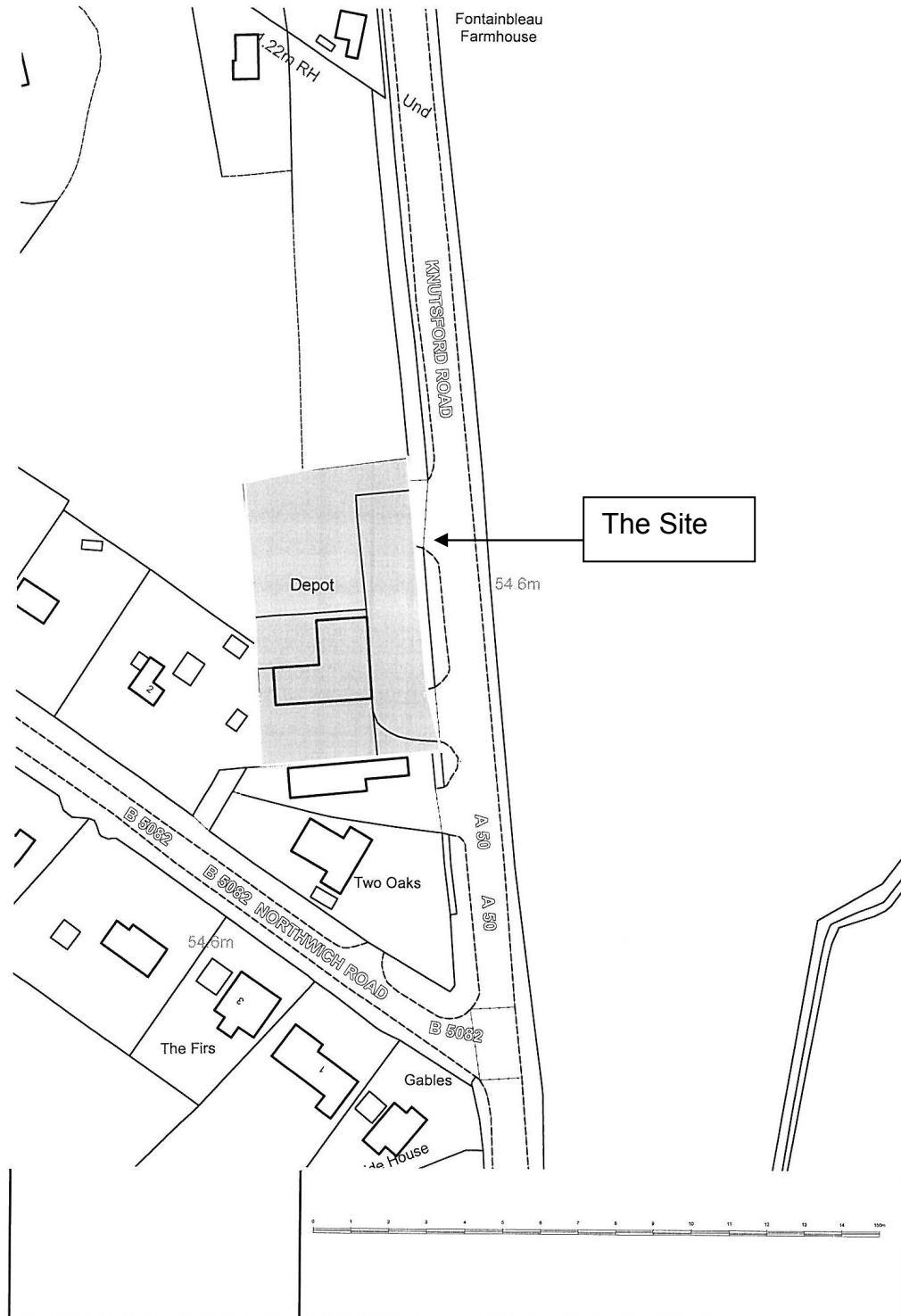
12. RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Commence within 3 years**
- 2. Development in accordance with submitted plans**
- 3. Use of the development to be restrict to Use Class B1**
- 4. Details of materials to be submitted**
- 5. Landscaping scheme to be submitted**
- 6. Landscaping scheme to be implemented**
- 7. Site management plan to be submitted including details of construction of underground car park**
- 8. Wheel washing facilities to be provided.**
- 9. Lighting plan to be submitted and implemented**
- 10. Review of implemented lighting after 3 months**
- 11. Detailed Travel Plan to be submitted and implemented**
- 12. Details of the parapet wall surrounding the entrance to the underground car park to be submitted prior to development.**
- 13. Time limit on the hours of construction (M-F 9.00 to 18.00 & Saturday 9.00 to 13.00; No working Sunday or Bank Holiday)**
- 14. Limits on use of piling foundations (M-F 10.00 to 16.00; No working Saturday, Sunday or Bank Holiday)**
- 15. Submission of a revised tree protection plan and arboricultural method statement.**
- 16. Submission, approval and implementation of a revised schedule of all proposed tree works.**

- 17. Submission of details, approval and implementation of special construction for areas of hard surfacing within tree root protection zones.**
- 18. Drainage scheme including sustainable drainage and water attenuation (SUDS) to be provided and implemented.**

LOCATION PLAN: Cheshire East Council Licence No. 100018515



STRATEGIC PLANNING BOARD

APPEAL SUMMARIES

Application Number: 08/1037/CPE

Appellant: Mr E J Poole

Site Address: Bank Farm, Audley Road, Alsager

Proposal: Application for a certificate of lawful existing use or development for use for general industry (Use Class B2).

Level of Decision: Delegated

Recommendation: Refuse. 10th October 2008.

Decision: Refused. 15th October 2008.

Appeal Decision: Dismissed

MAIN ISSUES:

Whether the evidence was sufficient to prove on the balance of probabilities that the land had been used for general industry for 10 years prior to the date of the application.

INSPECTOR'S REASONS:

The appellant's evidence is imprecise and ambiguous and is, in part, contradicted by his own witnesses' evidence. Their corroborating evidence and that of others is also lacking in precision and there is a general lack of any written evidence. The site has not, on the balance of probabilities, been in sole use for vehicle servicing and repairs during the 10 year period prior to the date of the application. A certificate of lawful existing use or development for vehicle servicing or repairs or for use for general industry cannot therefore be granted.

IMPLICATIONS FOR THE COUNCIL:

This decision supports the Council's stance towards such applications in particular the need to examine carefully, and where necessary challenge, the supporting evidence. In particular, as the appeal was dismissed, it will now be necessary to consider whether or not it is expedient to take enforcement action against the unauthorised use of the land for general industry.

Application No: 09/0289P

Appellant: Mr F Pelle

Site Address: Robins Cob, Fanshawe Lane, Henbury, Macclesfield.

Proposal: Appeal against the refusal of planning permission by Macclesfield Borough Council for the retention of existing single storey building for purposes incidental to the enjoyment of the dwelling-house (excluding garaging).

Level of decision: Delegated – former Macclesfield Borough Council

Decision: Refused: 16/04/09

Appeal Decision: Dismissed: 08/10/09

MAIN ISSUES

- a. Whether the building is inappropriate development in the green belt
- b. The effect of the development on the openness, character and appearance of the green belt
- c. If inappropriate, are there any very special circumstances which would justify the development in the green belt.

INSPECTOR'S REASONS

The appeal building is the subject of a valid enforcement notice which should have been complied with in Jan 2008, which had already been determined to be inappropriate development by a previous Inspector. The Inspector acknowledged the additional planting along the roadside that had grown since the previous enforcement appeal decision, however, she gave little weight to this additional screening given the substantial scale of the building and the fact that in terms of openness in the green belt, it is the absence of structures and buildings which is of greater importance than any additional growth of screen planting. This was detrimental to rural character and openness.

The Inspector considered the building to be neither limited nor proportionate to the dwelling. She found the building, which even if reduced in height to 4m and claimed as a potential permitted development by the Appellant, would still have a discernable impact upon the open character of the countryside. On this basis, she found the building to be an inappropriate development in the green belt.

The Appellant sought to demonstrate very special circumstances by utilising changes in the permitted development regime and that the requirements to remove the structure would interfere with the Appellants Human Rights under Article 1 of the First Protocol and Article 8 of the Convention. The Inspector considered these cumulatively and individually to not be the very special

circumstances necessary to justify inappropriate development in the Green Belt.

IMPLICATIONS FOR THE COUNCIL

This building is in situ and in breach of a valid enforcement notice that should have been complied with in January 2009. Legal action is now necessary.

Application Number: EA831

Appellant: Serdar Topal

Site Address: 56 Crewe Road, Alsager

Proposal: Enforcement Notice alleging failure to comply with condition no. 1 of planning permission ref. 8/34261/3 restricting the opening hours of the premises to:
Mondays to Fridays 1100 to 2330 hours
Saturdays 1100 to midnight
Sundays 1100 to 2330 hours.

Level of Decision: Delegated.

Recommendation: That enforcement action be taken. 27th August 2008.

Decision: That enforcement action be taken. 1st September 2008.

Appeal Decision: Dismissed. Enforcement Notice upheld and the deemed planning application refused.

MAIN ISSUES:

The effect of late night opening on the living conditions of the occupiers of nearby residential properties.

INSPECTOR'S REASONS:

The existing opening hours permitted by the condition represent an appropriate balance between the business objectives of the appellant and the need to safeguard the living conditions of the occupiers of nearby residential properties. The extension of opening hours beyond midnight on Fridays and Saturdays would increase the likelihood of disturbance in the early hours of the morning from customers arriving/leaving the premises both by car and on foot and congregating around the premises at a time when there should be a reasonable expectation that levels of background noise would be low contrary to policy GR6 of the Congleton Borough Local Plan First Review.

Different considerations apply to the separate controls under planning and licensing powers. This appeal was considered on its planning merits.

IMPLICATIONS FOR THE COUNCIL:

This decision further supports the Council's approach to restricting the opening hours of takeaway premises where appropriate to safeguard the living conditions of nearby residents in accordance with Congleton Local Plan policy GR6. It should assist with the enforcement of other such conditions in Alsager and elsewhere within the Borough

Application Number: 08/1296/FUL and EA832

Appellant: Mr Robert Kimber and Mrs Eva Kimber

Site Address: 4 Niddderdale Close, Congleton

Proposal: Appeals (A) against an enforcement notice relating to the erection of decking and additional fencing within the rear garden and adjacent to the boundary with a public bridleway and (B) against the refusal of planning permission for an amended scheme incorporating a planting trough to soften the effect of the structure.

Level of Decision: Delegated.

Recommendation: To take enforcement action. 29th October 2008.

Decision: To take enforcement action. 30th October 2008.

Appeal Decision: Dismissed. Enforcement Notice upheld and planning permission refused. 10th August 2009.

MAIN ISSUES:

The effect of the development on the amenity of the adjacent public bridleway.

INSPECTOR'S REASONS:

The close boarded fencing provides a harsh vertical boundary treatment that, by reason of its overall height, is over bearing and over dominant when viewed from the bridleway.

Substantial planting would be necessary to screen the fencing. The proposed planting trough would not provide a sustainable long term solution. It would be unreasonable to require the appellant or any subsequent occupier to replace the planting indefinitely if any of the trees were to die.

If the fence is removed then the use of the decking platform and associated domestic paraphernalia would appear unacceptable from the bridleway and result in unacceptable degrees of overlooking to nearby properties.

The development is therefore in conflict with policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review.

IMPLICATIONS FOR THE COUNCIL:

This decision supports the action of the former Congleton Borough Council and now Cheshire East Council to safeguard the visual amenity of the 'street

scene' along the public bridleway at the rear of the appellant's property and the privacy of adjoining residential properties.

Application Number: 08/2675P

Appellant: Perlada Properties Ltd

Site Address: 51/51A London Rd & 7 Stevens Street, Alderley Edge

Proposal: Two-storey rear extension providing retail/office space & change of use from office to retail on ground floor

Level of Decision: Committee

Recommendation: Grant conditional permission

Decision: Refused 16/03/2009

Appeal Decision: Allowed 25/08/2009

MAIN ISSUES:

The application site is located within Alderley Edge Town Centre and currently comprises two ground floor retail units fronting London Road and a vacant office building above and facing onto Stevens Street. The application site is adjacent to a residential area and the Trafford Road Conservation Area. Following a Committee site visit, Members overturned the recommendation of approval due to concerns that the proposed extension to the rear of the property would be detrimental to the amenity of neighbouring residential properties.

INSPECTOR'S REASONS:

The Inspector considered that the proposed extension would have a negligible effect on sunlight or daylight to the windows of No. 53A London Road as the extension would be below eye-level when viewed from the living room window and consequently would not be overbearing or unduly dominant, and even less so from the bedroom above. In respect of 'Aldersyde' the extension would be outside a line drawn at 45-degrees from the centre of the habitable rooms and therefore the relationship between the extension and adjoining house would be satisfactory. The extension would be seen over the fence and behind a screen of trees and shrubs when viewed from 'Aldersyde' and therefore the Inspector did not consider that it would be unreasonably overbearing. Any effect on the outlook from the houses in The Avenue would be limited. The application site is in a town centre location with housing interspersed with commercial uses. In this situation and in general compliance with Policy DC38, the Inspector considered that the extension would not significantly affect the living conditions of neighbouring properties with regard to outlook and available light or conflict with Policy DC3.

Local residents raised concerns regarding the lack of on site car parking in which none is provided. The Inspector concluded however that this accords with current policies regarding development in a centre served by public car parks and public transport. Generally servicing in the surrounding area is done on the street and therefore the Inspector did not consider that the appellant was required to contribute to a TRO should servicing interrupt the flow of traffic on Stevens Street.

IMPLICATIONS FOR THE COUNCIL:

The application was refused against Macclesfield Borough Local Plan Policies DC3 & DC38 relating to impact on neighbouring amenity. The first policy is subjective and therefore can be interpreted in different ways and the distances in the second policy can be rigidly applied or more flexible depending on the characteristics of the area.

Application Number:	EA833
Appellant:	Talib Arhman
Site Address:	86 Crewe Road, Alsager
Proposal:	Enforcement Notice alleging failure to comply with condition no. 3 of planning permission ref. 8/26436/3 stating that the premises shall not be open for business between 2330 hours and 0800 hours
Level of Decision:	Delegated.
Recommendation:	That enforcement action be taken. 20 th February 2009.
Decision:	That enforcement action be taken. 24 th February 2009.
Appeal Decision:	Dismissed. Enforcement Notice upheld and the deemed planning application refused.

MAIN ISSUES:

Whether allowing the premises to remain open later would cause undue disturbance to those living nearby.

INSPECTOR'S REASONS:

The Inspector considered that hot food take-away shops which stay open late at night make poor neighbours of nearby housing. If approval were granted for this business to remain open later that would encourage more late night noise and cause excessive disturbance to those living nearby. At these times customers might be more careless of the reasonable wishes of others living nearby not to be disturbed. Local residents would be more adversely affected by unwanted noise at times when they might expect to enjoy more quietness. The likely disturbance would be contrary to policies S5 and GR6 of the Congleton Borough Local Plan First Review which seeks to safeguard local amenity.

The appellant argued that the business could not operate viably unless permitted to remain open later but the Inspector concluded that the need to protect neighbours' amenity must take precedence. However the Inspector extended the compliance period from 7 days to 3 months.

The inspector also made an award of costs against the appellant on the grounds that this appeal against the enforcement notice was an almost exact rehearsal of his earlier appeal against the refusal of planning permission

(save for the issue of the compliance period). This constituted unreasonable behaviour as it caused the Council to incur or waste expense unnecessarily.

IMPLICATIONS FOR THE COUNCIL:

This decision further supports the Council's approach to restricting the opening hours of takeaway premises where appropriate to safeguard the living conditions of nearby residents in accordance with Local Plan policy GR6. It should assist with the enforcement of other such conditions in Alsager and elsewhere within the Borough.