

Application No: 23/2054C

Location: UNIT 1, VIKING WAY, CONGLETON, CW12 1TT

Proposal: Reserved matters approval for 19/5596C: Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure.

Applicant: Clowes Developments (North West) Ltd

Expiry Date: 26-Jul-2023

SUMMARY

This reserved matters application proposes three retail units including a food store and “drive thru”, referred to as Phase 4 of the development approved in outline under reference 19/5596C.

Highways have raised no objections to the application.

The Design Officer has made a number of observations, generally supporting the proposals, including the design of the food store, however, feels the design of the “drive thru” unit is not strong enough in this frontage location. Whilst the design could be stronger, in the context of the scheme overall it is however considered acceptable.

The landscaping, subject to a few elements that can be conditioned, is considered acceptable.

The Tree Officer has requested some clarification over the impact of the development on the root protection areas of the 2 retained trees. This will be clarified in an update report to Members.

Additional information has been received to address comments from the Council’s Ecologist, and he has confirmed he has no objections to the development.

Following receipt of additional information, the Council’s Flood Risk team have confirmed they now have no objections.

Finally issues of amenity, and contaminated land can be addressed through conditions.

The design of the proposals has evolved from the pre application discussions to the present scheme, and although there are some concerns about the strength of the design of the drive-thru, overall, the proposals are now considered acceptable.

RECOMMENDATION

Approve with conditions

SITE DESCRIPTION

This application relates to a site, to the East of Barn Road in north Congleton. The slightly irregularly shaped site is the penultimate site that forms part of a much larger site which has the benefit of planning permission for a number of uses. To the north, and offset to the rear of the site residential development has been approved. To the south and south west, across Barn Road are approvals for commercial development with areas of ecological enhancement. Only an area immediately to the rear of the site has no reserved matters or full approval, although this area is shown as employment uses in the approved parameters plan.

The site is currently being re-profiled under an approved enabling works application to create a more or less level development platform. The land rises away from Barn Road and then again more significantly to the rear (east) of the site.

There are two old (one a veteran) trees on the northern boundary, as part of a boundary hedgerow, but otherwise no trees/hedges on the site, except for a newly planted hedge on the highway frontage, done as part of the highway works.

There are no public footpaths crossing the site and no listed buildings or conservation areas affecting this site. The whole site falls within Flood Zone 1 (least risk of flooding).

PROPOSAL

This Reserved Matters application relates to the Phase 4 of the 'Viking Way' (or Barn Road) development approved in outline under reference 19/5596C. The application seeks details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 4 (local retail centre(Use Class E(a)/(b)) of outline planning permission 19/5596C.

The development of Phase 4 will comprise the erection of 3 buildings for retail use which comprise:

- Foodstore (Aldi) – 1,787 sqm
- Drive Thru (Starbucks) – 170 sqm
- Retail Unit B (no identified occupier) – 341 sqm
- Car parking for 133 vehicles and servicing areas
- Landscaping including SUDs and a footpath link to the residential development to the north
- Access to the land to the rear (Phase 5)

Revised/additional information has recently been submitted to address comments received.

RELEVANT PLANNING HISTORY

Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

Relating specifically to the site:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure. LAND OFF, VIKING WAY, CONGLETON APPROVED 2 Feb 2022

22/2338C Full planning application proposing enabling works at Viking Way comprising the erection of site hoardings, removal of existing trees, site clearance, cut and fill excavation, and watercourse realignment. Land to the East and West of VIKING WAY, CONGLETON

Adjoining sites:

22/0670C Reserved matters application proposing details for the appearance, scale, layout and landscaping for a residential development at Viking Way, Congleton. An Environmental Impact Assessment was submitted to the Local Planning Authority as part of the outline. Land East of VIKING WAY, CONGLETON APPROVED

22/2350C Details of reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Phase 2 (commercial floorspace in Use Classes B2/B8/E(g)) of outline planning permission 19/5596C LAND TO THE WEST OF VIKING WAY, CONGLETON APPROVED

22/3338C Full planning application proposing the erection of an employment building (Use Class B2, B8 and ancillary E(g)) with associated infrastructure, including landscaping, drainage, and car, HGV and cycle parking, and access from Viking Way. Land to the East of, VIKING WAY, CONGLETON APPROVED

To the north of the site on the western side of Viking Way is a current proposal for residential development:

22/1930C The demolition of certain existing buildings and the erection of residential dwellings (Use Class C3) with access, car parking, landscaping, public open space and associated infrastructure. MOUNT PLEASANT FARM, GIANTSWOOD LANE, HULME WALFIELD DECISION PENDING

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

- PG1 – Development Strategy
- PG6 – Open Countryside
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- EG 1 - Economic Prosperity
- EG 5 - Promoting a Town Centre First Approach to Retail and Commerce
- IN1 – Infrastructure
- IN2 – Developer Contributions
- SE 1 - Design
- SE 2 - Efficient Use of Land
- SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

Site LPS 27: Congleton Business Park Extension

Site Allocations and Development Policies Document (“SADPD”)

GEN1 - Design principles,
ENV1 - Ecological network,
ENV2 - Ecological implementation,
ENV3 - Landscape character,
ENV5 - Landscaping,
ENV6 - Trees, hedgerows and woodland implementation,
ENV7 - Climate Change,
ENV12 - Air quality,
ENV14 - Light pollution,
ENV15 - New development and existing uses,
ENV16 - Surface water management and flood risk,
ENV17 - Protecting water resources,
INF1 - Cycleways, bridleways and footpaths,
INF3 - Highways safety and access,
INF6 - Protection of existing and proposed infrastructure
INF9 – Utilities.
RET 1 - Retail hierarchy
RET 2 - Planning for retail needs
RET 5 - Restaurants, cafés, pubs and hot food takeaways

Neighbourhood Plans:

The Hulme Walfield and Somerford Booths Neighbourhood Plan referendum was held on the 15 February 2018. The plan was made on the 19 March 2018. Relevant policies include:

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes

ECON1 – Rural Economy
INF1 – Infrastructure

Other Material Considerations

The National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Environment Agency – Have no objections to this application.

CEC Head of Strategic Infrastructure: No objections subject to conditions.

CEC Environmental Health: No objections, subject to comments incorporated below and note that most matters were covered by comments on the outline application.

CEC Flood Risk Manager: Following receipt of additional information they raise no objections.

VIEWS OF THE TOWN/PARISH COUNCILS

Hulme Walfield and Somerford Booths Parish Council:

This application has been reviewed after a full and constructive consultation with the applicants at which a number of detailed elements were discussed and noted.

Having reviewed the plans and documentation for the proposed new Aldi development on Viking Way and also taking into account the public's view of this development, Hulme Walfield and Somerford Booths Parish Council wish to fully endorse the plans for the construction of this new Adli store.

This store will bring much needed employment and food shopping infrastructure to an area where over 500 new housing units will be constructed over the next few years. The unit will also benefit existing residents in the vicinity.

OTHER REPRESENTATIONS

Twenty representations have been received in support of the application, as residents feel a larger discount retail store is needed as the existing stores are inadequate to meet the needs of the increasing population of Congleton. In addition, the location is considered to be good.

OFFICER APPRAISAL

Principal of Development

The site forms one element of the following policy allocation:

Site LPS 27 - Congleton Business Park Extension

The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare)
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;

7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
 8. Contributions to health and education infrastructure; and
 9. The provision of land required in connection with the Congleton Link Road
- *(Reference is made to Figure 15.32 within the CELPS in many of the above criteria)

The site already has the benefit of outline planning approval (which also included commercial and retail elements) and, in principle, is considered to be in accordance with the Local Plan allocation. Some of the requirements, for example the contribution to the Congleton Link road, are set out in the Section 106 agreement.

Highway Implications

Proposal

The food retail store is 1,787 sq.m, the drive through and retail unit is 400 sq.m combined. The development is accessed from Viking Way that has a ghost right turn lane and incorporates a LTN 1/20 cycle crossing.

Traffic Impact

The traffic impacts of this phase 4 development has been assessed in the outline planning permission and required mitigation was secured as part of this permission. As this application is for slightly less retail floorspace than approved the traffic impact also will be slightly less on the local road network.

Parking

The food retail store will have 133 parking spaces, which includes 8 accessible spaces and 4 EV spaces. This is only a slight over provision from standard (127 spaces) and is acceptable. The drive through and retail unit has 33 spaces, 4 accessible and 4 EV spaces which also is acceptable. Covered cycle parking is provided for the food retail store and the drive through and small retail store.

Accessibility

The accessibility of the site is good, there is a shared pedestrian/cycle facility on both sides of Viking Way that links to the site and a controlled pedestrian/cycle crossing will be provided across Viking Way as part of the wider masterplan for north Congleton. It is intended that a bus service will be available along Viking Way to serve this site, this is linked to funding from the LPS 27 local plan allocation.

Summary

This reserved matters application is in conformity with the outline application and the proposed internal road is of an acceptable highway standard to serve a commercial development. The level of parking provided is set at an appropriate level with disabled and EV spaces being available within the car parks.

The site is readily accessible to non-car modes and facilities for pedestrians and cyclists to access the site is provided.

Subject to conditions regarding the construction of the access in accordance with the approved plans, and submission/approval of a Construction Management Plan, there are no highway objections raised.

Design

Layout, landscaping and public realm

The scheme has evolved positively in the pre-application phase, creating a stronger focus for pedestrians between the local centre and the food store and stronger connectivity to the housing to the north. However, the form of the square, incorporating water, could have been a little more interesting and multifunctional as advocated in the spatial code, The larger areas of parking are also more broken up by feature tree planting than in pre-app iterations. However, there are some areas where the design could be strengthened further:

- Hardscape around the food store should be in block not bitmac, particularly the northern area wrapping round to the east to the main access point from the carpark. The applicant has resisted this on the grounds of safety and maintenance. A compromise is sought here and will be conditioned accordingly.
- Continuation of the pavement across the car park access to the local centre by using block to define that and mark the threshold into car park
- Modest extension of the SuDS to include rain gardens to planting areas as part of the square/pedestrian route east of the drive thru, in front of unit B, and in front of the glazed northern frontage to the food store with trees and seating as presently proposed (could be combined with tree pits including cellular storage). The applicant feels however this could lead to safety concerns.
- The block surfaced area incorporating the crossing could be further extended east and west. The pavement to the north from Viking Way could be in block work where it coincides with the block surfaced carriageway.
- There are block paved areas at the entrance to, and around the local centre car park, that could be soft landscape, potentially rain gardens. Likewise, there are localised areas of hard space in the food store car park that could be soft landscaped, including additional tree planting.
- The square area of landscaping east of the food store car park entrance could be better utilised in planting terms, perhaps including a feature tree(s)
- The pedestrian route north of the drive thru access, west of unit B should be throttled down to allow more space for the outside area to unit B and tie in with the width of pedestrian access approved for the housing site north of the red line
- The landscaping of the swales should be as rich as possible. The visualisations portray these as quite barren when the discussion all along has been to make them an interesting and dynamic element of the landscape setting for the development.
- The lighting strategy plan is pretty unintelligible. Lighting should aim to add night-time interest to the area, helping to accentuate landscape and the buildings as well as providing functional lighting.
- Could living walls roofs be used on external bin and cycle stores/shelters?
- No public art was identified in the scheme proposals. This is a requirement of the design code and whilst no details have been submitted a location has been shown. This will need to be conditioned.

Design of the food store building

The design of the food store building has also evolved positively though the pre-application process, seeking to respond to some of the challenges set by the design code and creating a building with landmark qualities and a generally positive approach to building frontages. Suggested further refinements are:

- Could the entrance/exit directions be tweaked with the entrance on the eastern side and exit to the north (that would equalise it a little for those walking from the north/east, rather than from the store car park
- It is still thought there is scope to introduce a modest area of living wall, either as climbers or a cellular system to help break up blank areas of masonry (especially on the western elevation)
- Materiality is going to be key to the success of the design. Use of buff brickwork is not considered appropriate so will need to be conditioned.

Design of other buildings

The key issue in respect to this cluster of buildings is the strength of the drive thru building in its prominent gateway position. It is identified in the spatial code as having a landmark function and the Design and Access Statement identifies it as such. However, despite the extensive active façade, there is still a question mark as to whether the building is of sufficient quality to achieve that key design objective. A building of greater massing and stature employing a similar design philosophy would better define the entrance.

It feels right that the drive thru and retail unit share the same architectural language and materiality and there are cross overs between the materiality of the food store and the local centre; which also seems appropriate.

Conclusions

The scheme has a number of positives and there has been substantive progress on the design from the early pre-app stage. However, a number of minor revisions have been suggested to tighten the scheme and elevate quality, as set out above. Some elements have not been addressed, but they are largely items of detail, and some can be conditioned.

However, the main issue is that of the drive thru and the impact that has upon the scheme and delivering the design objectives set out in the spatial code. Naturally, that has to be weighed against the merits of the scheme in its entirety, but the view of the design officer, is it is quite significant. Whilst this is understood and accepted that this element “could be better”, looking at the proposals as a whole, the design is considered acceptable.

Landscape

No comments have been received from the Council’s Landscape Officer, however the basic principles and to a large extent the hard landscaping details have been considered under the design section above. Full landscaping details have been submitted with the application showing extensive planting, including numerous trees, with hedgerows and planting beds to the site boundaries, along the internal access road and within the parking areas. The landscaping proposals are considered acceptable.

Trees

No arboricultural information has been submitted with this application. Further to viewing the conditioned plans and reports and compared these with site layout details on the proposed Master Plan and the Proposed Phase 4 Hard and Soft Landscaping Plan for this application, the Tree Officer feels the expected level of detail has not been provided to demonstrate that the RPA (root protection area) of Veteran tree T58 will not be impacted by the proposal. Tree T59 Oak a C Cat tree formally shown for retention with approved plans is now shown very close to Retail Unit B with construction anticipated in the RPA.

The proposal should be supported by a plan which indicates the position of these 2 trees in relation to the proposed layout with projected RPAs shown and existing and proposed levels provided where any incursion into the RPA may arise. Once provided this will confirm what additional arboricultural information is required, the technical feasibility of retaining T59, and whether these issues can be dealt with by condition.

The applicant’s agent has highlighted that this matter is the subject to a condition on the outline, which needs to be discharged, however they are preparing a Method Statement that will be shared with the

Tree Officer which will hopefully demonstrate that the development will not impact on the RPA's of the two retained trees on the site.

Ecology

The following conditions are required to be dealt with as part of this reserved matters application, apart from condition 12 (outfalls – that does not apply to this application) and condition 15 SUDS, which is a prior to commencement condition.

Conditions 7 and 13 Habitat creation method statement; ecological monitoring strategy and a 30 year habitat management plan

Acceptable proposals under this condition have been submitted.

Condition 8 Any Reserved Matters Application involving the installation of the surface water outfall into the River Dane shall be supported by an updated Otter and Water Vole Survey

The planning agent has confirmed that no outfalls are proposed as part of this application. This condition does therefore not apply.

Condition 9 Updated survey for Badgers

An acceptable updated badger survey report has been submitted as required by this condition.

Condition 10 Scheme for the creation of compensatory hedgerow planting to mitigate for the loss of any hedgerows lost

No functional hedgerows are lost as a result of the proposed development. A length of defunct hedgerow adjacent to the ditch on the northern boundary of the site does however appear to be lost. The applicant's agent has identified an area of the site where the replacement hedgerow can be provided, and the landscape plan is being updated accordingly.

Condition 11 Lighting

The base line conditions at this site provide relatively limited opportunities for foraging bats. Similarly, the consented development is also likely to offer limited opportunities. It is therefore advised that the submitted lighting scheme, which limits light spill onto the attenuation ponds, is acceptable.

Condition 12 Plan to show the siting of the proposed outfall location on the bank of the River Dane

No outfalls are proposed as part of this application.

Condition 52 Strategy for the incorporation of features to enhance the biodiversity value of the proposed development.

Acceptable proposals as required by this condition have been submitted (Habitat Enhancement Scheme, Tyler Grange 216th May 2023).

Condition 15 SUDS

In order to meet the biodiversity targets in the metric calculation under the outline consent it must be ensured that the attenuation ponds hold areas of permanent open water. It has been confirmed that the ponds are able to hold permanent open water, however due to the depth this would require safety fencing – this can be conditioned.

Additional Conditions

If reserved matters consent is granted a condition is required to safeguard nesting birds:

Amenity

There are no residential properties on or immediately adjacent to the site, although as noted above there are residential properties approved to the north and east of the site. Given the separation distances and changes in level, it is not however considered there are any significant amenity concerns raised by this Reserved Matters application.

Environmental Protection recommend a number of informatives regarding construction hours, dust management, floor floating and pile foundations, be attached to any approval granted to protect amenity.

Air Quality

The developer has submitted plans for this Phase 4 development showing the locations of electric vehicle charging points. These plans are acceptable although the developer will need to submit details of the types of charging points to ensure they meet the criteria stipulated by the condition raised on the outline application.

As this phase of the development appears to be selecting the use of ground source heat pumps rather than gas fired boilers, the condition raised on the outline application relating to ultra – low NO_x boilers will still need to be complied with.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The contaminated land conditions from approval 19/5596C should be carried forward with respect to this retail phase.

As these conditions relate to the outline they will equally apply to this reserved matters application.

Flood Risk/Drainage

This was assessed at the time of the outline application and the enabling works application which set the site levels and was conditioned accordingly. The plans show a series of SUDS features on the site, including SUDS ponds on the site frontage as a landscape feature. As such the Lead Local Flood Authority (LLFA) have commented that they now have no objection to this reserved matters application on the basis that the objections raised in their original response will be addressed in the appropriate phase of development via conditions.

CONCLUSIONS

This reserved matters application proposes three retail units including a food store and “drive thru”, referred to as Phase 4 of the development approved in outline under reference 19/5596C.

Highways have raised no objections to the application.

The Design Officer has made a number of observations, generally supporting the proposals, including the design of the food store, however, feels the design of the “drive thru” unit is not strong enough in this frontage location. Whilst the design could be stronger, in the context of the scheme overall it is however considered acceptable.

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Following receipt of additional information, the Council’s Flood Risk team have confirmed they now have no objections.

Finally issues of amenity, and contaminated land can be addressed through conditions.

The design of the proposals has evolved from the pre application discussions to the present scheme, and although there are some concerns about the strength of the design of the drive-thru, overall, the proposals are now considered acceptable.

RECOMMENDATION

Approve subject to the following conditions;

- 1. Approved plans**
- 1. Construction of access in accordance with submitted plan**
- 2. Safeguarding nesting birds**
- 3. Details of safety fencing around SUDS ponds to be approved**
- 4. Facing materials for the food store to be submitted and approved**
- 5. Paving around the frontage of the food store to be submitted and approved**
- 6. Approval of lighting**
- 7. Submission of a construction management plan**

Informatives;

- EP Standard informs**

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee’s decision.

