

Application No: 13/3294C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL,  
CHESHIRE, CW4 8BE

Proposal: Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping

Applicant: Bluemantle Ltd & Sainsbury's Supermarket

Expiry Date: 07-Nov-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to Section 106 Agreement and conditions.

#### **MAIN ISSUES**

- Cheshire East Local Plan Strategy
- Principle of Development
- Sequential Test
- Impact Assessment
- Loss of Employment Land
- Landscape
- Highway Implications
- Amenity
- Trees and Landscape
- Design

#### **REASON FOR REFERRAL**

This application is before the Southern Planning Committee as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road, the Manchester to Crewe railway line to the northwest and the remaining part of the former Fisons site to the east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and accommodates an attractive Art Deco building which fronts London Road. The site is partly elevated compared to the levels at London Road but the topography of the site is generally flat. Many of the buildings towards the rear of the Art Deco building have now been removed and development has begun on implementing the residential scheme further to the east of the site approved under planning ref; 11/1682C and 12/2217C.

## **1. DETAILS OF PROPOSAL**

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store (4,148sq.m gross/2,345sq.m net sales area), a petrol filling station and 267 car parking spaces. The access to the store would be taken via the existing access road off London Road which would also serve some commercial / industrial units which were previously approved under planning ref: 11/1682C.

## **2. RELEVANT HISTORY**

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 09-Dec-2011

13/1908C - Prior Notification for the Demolition of two structurally independent wings to the rear elevation of the main building - Refused 13-Jun-2011

13/3291C - The buildings to be demolished include two structurally independent warehouse wings to the rear elevation of the main office building (not to be demolished). In addition the modern structurally independent office wing (identified on the accompanying plan) will also be demolished – Approved 28-Aug-2013

## **3. POLICIES**

### **Local Plan policy**

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
GR21- Flood Prevention  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
E10 – Re-use or Redevelopment of Existing Employment Sites  
S1 – Shopping Hierarchy  
S2 – Shopping and Commercial Development Outside Town Centres

### **National Policy**

National Planning Policy Framework (NPPF)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Community Infrastructure Levy (CIL) Regulations 2010

High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review

Cheshire Retail Study Update (April 2011)

PPS4 Practical Guidance

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

### **Environmental Health**

- No objection subject to conditions restricting:
  - Hours of construction / piling; hours of use, submission of an environmental management plan;
  - Submission of details of a maintenance regime for the biomass installation;
  - Submission of a travel plan

### **Highways**

- No objection
- Proposals are acceptable subject to local improvements to further traffic management.
- The Strategic Highways Manager recommends that conditions and financial contributions are imposed:

## **Environment Agency**

- No objection
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site.
- The Flood Risk Assessment (FRA) prepared by RSK (dated August 2013, ref 880120 R2(0)) indicates that surface water runoff will be discharged to the River Croco at a restricted rate of 398 litres/sec post development.
- This is a proportion of the previously agreed rate of 1,674 litres/sec for the wider site.
- For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

## **Natural England**

- No objection

## **Health & Safety Executive (HSE)**

- No objection
- This is for a location that was once notified as a Major Hazard site under COMAH.
- It is currently inactive, and may have been for some time. However, it is possible that Fisons, or a previous incumbent such as Rhodia may have applied for Hazardous Substances Consent.
- If there is a Hazardous Substance Consent that runs with this site, then it should be revoked with the Secretary of State.

## **National Grid**

- No objection subject to National Grid apparatus not being affected.

## **United Utilities**

- No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer.
- Surface water should discharge to a soakaway/watercourse/surface water sewer.
- If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

## **Network Rail**

- No objection

- Conditions recommended due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.

### **Jodrell Bank**

- No objection subject to a condition requiring the incorporation of electromagnetic screening materials into the development.

## **5. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL**

The Parish Council supports the application provided that they are consulted prior to any s.106 money being spent in the village. The Parish Council hopes that CEC will look at traffic issues arising from the development, in particular providing a safe pedestrian route to the store from all areas of Holmes Chapel and that a crossing is provided on London Road.

## **6. OTHER REPRESENTATIONS**

Representations have been received from over 40 addresses. 32 letters are in support and 12 against. The reasons for objection are:

- Loss of the former Fisons landmark iconic Art Deco building
- Will have a negative impact on local traders in Holmes Chapel Village
- Will lead to overlooking and harm neighbouring amenity
- Impact on local highway network/ traffic volume / junctions
- Impact of more HGVs on the village
- Design of building out of keeping with the area
- Loss of property value
- Car wash will cause spray to drift over neighbouring property
- Dust
- Glare from lighting
- Do not need anymore shops in the Village
- Retention of the Art Deco building has not been adequately considered
- Does not meet the requirements of NPPF

The reasons for support are:

- Holmes Chapel greatly needs a supermarket
- Existing residents have to travel to other towns to do their weekly food shop
- This will be more sustainable reducing need to travel, carbon footprint and journey times
- Existing building is in poor condition
- Good design
- Will provide employment and contribute to local economy
- Lower petrol prices
- HGV vehicles should come through 17 M6, and not from Junction 18, which would cause congestion around the village centre

## **7. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Planning and Retail Statement
- Retail Statement Rebutting Council's Retail Consultant's Comments
- Design and Access Statement
- Transport Assessment
- Ecological Impact Assessment
- Heritage Statement
- Tree Survey
- Air Quality Impact Assessment
- Site Specific Flood Risk Assessment
- Landscape Statement
- Ground Conditions Assessment
- Noise and Vibration Assessment
- Statement of Community Involvement
- Renewable Energy & Energy Efficiency Assessment

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Cheshire East Local Plan Strategy**

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

### **Principle of Development**

The application site is shown as being within the Settlement Zone Line for Holmes where Policy PS5, states that there is a general presumption in favour of new development, provided that it does not conflict with other policies of the local plan.

In terms of retail development, the proposal is located within an out-of-centre location being approximately 500 metres from the defined village centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused.

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- A) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- B) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

### Sequential Test

In support of the application, a Retail Impact Assessment has been carried out including a sequential approach to site selection. The sequential test is a key element of both the NPPF and Policy S2 (Shopping and Commercial Development outside Town Centres). In support of this application a number of sites including in-centre and edge of centre have been considered as potentially sequentially preferable to the application site. The sites which have been considered within the catchment area are as follows;

- Holmes Chapel Shopping Precinct
- Public Carpark off Parkway
- Victoria Tennis Club and Associated Recreational Land
- Danebank Farmland
- Holmes Chapel Primary School

Holmes Chapel Shopping Precinct is located within the village centre. However, it is already fully occupied and is only 0.5 ha in size, which is less than a third of the size needed to accommodate the application proposals. The only other village centre site is the public car park off Parkway. However, this is also too small and would result in the loss of valuable parking within the centre, potentially to the detriment of the existing shopping units within Holmes Chapel. With respect to other units in Holmes Chapel, they are all well subscribed and are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore acknowledged that these sites and units within the village centre are not suitable alternative sites for the size of development proposed.

With respect to the 'out-of-centre' sites that have been identified, Victoria Tennis Club, Dane Bank Farm and Holmes Chapel Primary School have been ruled out due to various constraints. The Tennis Club and the Primary School are still in use and offer valuable services, infrastructure and amenities. They are not presently available and also the principle of their loss would make them less sequentially preferable to the proposed development site. Turning to the Dane Bank Farm, this is located further away from the village centre than the proposed application site and is at least 0.5 ha too small to accommodate the development. As such, the applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre.

Whilst the Council's Retail Consultant is in agreement with this, he considers that 'the applicant fails to demonstrate that the scale and form of development needed is as great as that proposed and that it can be accommodated on a smaller site'. Similarly, the applicant has not demonstrated flexibility in terms of scale and format.

However, as no other sequential site greater than one hectare can be found other than the five identified sites then this is not a reason for the proposal to fail the sequential assessment. The applicant has thoroughly tested the five sites that they have identified and they all fail one or more of the three tests of the sequential approach. It is therefore concluded that the sequential assessment to site selection has been satisfied.

### Impact Assessment

The impact assessment is also a key consideration and is referred to within policy S2. Greater detail on how to apply the impact assessment is given within the NPPF. The scope of impact assessments is set out in paragraph 26 of the Framework and advises that they should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 1,882 sq.m (80%) of the sales area will be for the display of convenience goods with the remaining 470sq.m (20%) for comparison goods.

The applicant's case is that the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres as it will only contain a limited range of non-food goods. The applicant asserts that the proposal will have a positive effect on the village centre as it will result in linked shopping trips and spin-off trade for the smaller shops within the village. Additionally, it is stated that the application will only divert a modest amount of convenience goods expenditure from surrounding defined settlements and will claw-back £17m expenditure which is currently being leaked to other settlements thereby promoting more sustainable food shopping patterns.

The Council's Retail Consultant has advised that the proposal along with committed development will impact negatively on consumer choice in Holmes Chapel. He considers that the village will be dominated by one company and together the two Sainsbury shops (taking into account the Sainsbury's local convenience store in the centre) are likely to close the anchor Co-operative store and this will impact indirectly on village centre stores relying upon this anchor store for footfall. In addition, specialist village centre convenience stores will also suffer trade diversion of top-up expenditure to the proposed store. One of the seven convenience stores in the village has already closed and another will cease trading shortly with the Sainsbury Local being cited as the main reason in the latter case.

Whilst this may be the case, the domination of the existing centre by one company is not a consideration that would sustain a refusal. Further, it is possible that the Sainsbury's local store will result in the closure of the existing co-op store, because there has been no investment in it and because it is poorly positioned at the rear of the main shopping frontage within a historic unit that is already constrained. The new Sainsbury's local will occupy a prominent position within the

village with better parking and their competitive prices are likely to draw trade from the co-op. At this point, the Sainsbury's local will be likely to become the anchor store within the village centre. However, this would be the case whether this out of centre store is provided or not. And as such would not form the basis for refusing this application.

NPPF (para 27) advises with regard to the two (para 26) impact tests *"Where an application... is likely to have significant adverse impact on one or more of the above factors, it should be refused."* The proposal and its impact upon Holmes Chapel village centre has been considered against the impact tests of NPPF and the Council's Retail Consultant has concluded it will have a significant adverse impact on trade / turnover in the centre and local consumer choice and thereby a significant adverse impact on the overall vitality and viability of the centre.

However, if the significant adverse impact is not accepted by Members, the proposal can satisfy the NPPF (para 14) planning balance if it is considered that the adverse impacts are outweighed by the positive benefits. The benefits of the proposal can be summarised as sustainability, employment and regeneration. It is considered that the negative impacts will adversely impact on the vitality and viability of Holmes Chapel village centre, which is likely to become less diverse, including adverse impacts on trade in the village centre and consumer choice. However, there will be positive impacts in terms of CO<sub>2</sub> emissions; the proposal would be accessible by a choice of means of transport and would bring investment in this out-of-centre site coupled with economic benefits, job creation and growth to the village. This is one of the core principles of the NPPF and therefore in this instance, it is considered that the benefits of the proposal would tip the balance in favour of the development.

### **Loss of Employment Land**

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed. This advice is largely reflected within the NPPF where it states that;

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'*

The site has stood vacant for a while and a number of buildings that once stood on the site have now been removed with the exception of the attractive art deco building situated towards the front of the site. An Employment Land Market Assessment was previously carried out by DTZ Planning Consultants. From the market analysis, it concluded that there is no clear evidence to support the development of employment floorspace (office and industrial) on anything but the smallest scale.

Holmes Chapel does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. Locational disadvantages of the subject site, and the lack of profile of Holmes Chapel as an employment location, are such that

any new development in the town will serve a predominantly local market. This view is supported by the slow take up on new developments. The majority of local demand in Holmes Chapel is for smaller office and industrial units. The building and surrounding land has been extensively marketed for employment uses with very limited interest having been received. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that the proposal would comply with first limb of Policy E10.

Taking on board the findings of the employment land assessment, the existing extant consent, and the fact that this proposal would generate some 175 full and part-time jobs which still constitutes economic development (in line with guidance expressed in para 22 of the NPPF), it is not considered that the proposal could be refused on loss of employment grounds. The new jobs created will ensure that the development complements the local area and helps to off-set the loss of employment space. As such, the scheme is deemed to comply with local plan policy E10.

### **Highways Implications**

The site has an extant permission for mixed-use employment and retail which would take access directly from the A50 via a simple priority junction with a ghost island right turn lane. The traffic generation from this development was scrutinised via a Transport Assessment and the Strategic Highways Manager accepted the analysis and recommended appropriate Section 278 works with regard to local traffic impact mitigation and highway improvements.

The applicants have employed a Highway Consultant to produce a Transport Assessment (TA) under the Dept for Transport guidance document: 'Guidance on Transport Assessments' and the Strategic Highways Manager confirms that the TA reflects that guidance in its: structure, content and assessments.

The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network. It is also noted that the Transport Assessment makes a comparison with the proposed trip rates from the extant planning permission and demonstrates that any variations in impact, either more or less, are very low percentages of existing traffic flows. The Strategic Highways Manager recognises this and acknowledges that variations in daily flow could give this level of variation and accepts that the net impact of traffic generation from this development proposal will be negligible in material terms when compared with the traffic generation from the extant permission.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database and these figures form the basis of the junction analysis provided within the Transport Assessment. The TA has assessed all of the necessary junctions on the strategic highway network which were agreed within the proposed scope and this has included an assessment of junction 18 on the M6.

The capacity of both the proposed junctions and the existing junctions has been assessed with the future development traffic added and shows there is sufficient capacity within existing junctions to deal with the additional flows at the junctions included within the agreed scope for the Transport Assessment. These capacity calculations are provided for both the projected year of opening and the future year 2020.

The traffic generation times for a food retail development vary from that of a normal business day and it has been determined through analysis that a signal junction will be required to serve the development. This is offered for provision through the development and will correctly manage the type and timing of traffic movements from this development. This junction will form a crossroad with Alum Court opposite and the design analysis shows that the junction will have capacity to deal with the projected traffic flows.

In addition, the signals will provide pedestrian phases and there will be provision of a further pedestrian refuge just north of this junction to serve the pedestrian desire line to and from the Portree Drive estate. Discussions have taken place regard to the upgrade of pedestrian facilities at the existing signal junction at the A54/A50 crossroad where the S.H.M. has noted from a site visit with Parish Council members that revisions and improvements to pedestrian facilities in this location are required. The S.H.M. has provisionally agreed this with the highway consultant and will include these improvements in the notes for the S278 works required for this development proposal.

The site will, like the consented development, have a pedestrian/cycle link to the adjoining residential development which is currently under construction.

There is an additional development area to the rear of this proposal which was within the area of the previously consented development and this may well come forward in the future for a small mixed use development. The highway consultant has completed a sensitivity check on the likely traffic generation from this and has shown that the proposed access junction has the capacity to serve the site on development and in the future year.

As a result of the proposed new signal junction on the A50, the Strategic Highways Manager is recommending that the existing 30mph speed limit be extended out to a point just beyond the location of the proposed signal junction and that the 40mph speed limit be extended southwards to create a buffer zone between the signals and the de-restricted limit beyond the built up area. To this end, the S.H.M. will recommend that a provisional sum for the administration of these speed limit changes is provided by the developer and which will need to be secured via a Section 106 agreement.

## **Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise.

There are residential properties in the vicinity, mainly those on the opposite side of London Road forming the Alum Court development and those to the north on the other side of the railway line. It is also important to note, that the residential development on the remaining part of the former Fisons site to the east will introduce more properties close to this proposed development. However, sufficient separation will be retained from the proposed development to existing properties to avoid any loss of light or privacy.

Furthermore since the existing use of the site is B2 (General Industry), the proposed use would have less of an impact upon residential amenity. In terms of noise, the application is supported by

an Environmental Noise Study which has been considered by the Council's Environmental Protection Unit. It is confirmed that subject to appropriate mitigation measures relating to fixed plant (i.e. A/C, fans and compressors etc) the development would not adversely impact on neighboring amenity.

In terms of air quality, the Environmental Protection Unit initially objected to the scheme due to the lack of an Air Quality Impact Assessment. This has now been carried out and submitted and following this the objection has been removed. As such, subject to conditions, the proposal is found to accord with policies GR6 and GR7 of the Local Plan.

## **Trees and Landscape**

The application is supported by a Tree Survey Schedule and Tree Removal and Retention Plan. The submitted details state compliance with *BS58376:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* and in terms of the categorisation of tree, the submissions comply with the Standard.

It is noted that there are a number of trees proposed for removal on the Tree Retention/Removal plan (outlined in Red). These losses (principally to the southern section of the site) are to allow for the proposed access and for the filling station to the rear and comprise of Lombardy Poplar (16 in number) and various Ash, Cypress, Cherry, Sycamore, Crack Willow, Beech, Alder, Whitebeam and Birch. Most of the trees have been categorised as C2 (low quality trees), including the Lombardy Poplar, which although feature prominently within the immediate locale, are prone to limb/stem failure due to their species characteristics. A smaller number of B2 (moderate category), trees comprising of early mature and mature Cypress, Sycamore and Ash are also proposed to be removed.

Whilst there will be some tree losses, these are low category specimens and it is intended that these losses can be adequately mitigated by replacement planting which will include further advanced nursery stock planting along the London Road frontage and supplementing existing retained Ash, Alder, Sycamore and Pine along the southern boundary of the site adjacent to the River Croco to screen views into the site when approaching from the south. These enhancements could be secured by condition, as confirmed by the Council's Landscape Officer. The impact on the wider landscape will be broadly neutral.

## **Design**

The proposal is for a predominantly single storey (commercial scale) rectangular food store building located toward the northwestern edge of the site, with a taller 'cubed' element toward the corner of the building fronting London Road. The shape of the site would be utilised to provide a service yard to the northeastern corner of the site and the remaining portion would be given over to parking and a petrol filling station in the southeastern corner of the site. The existing landscaped tier to the front would be retained and punctuated with a pedestrian access in the middle travelling up to the corner of the store. The existing vehicular access off London Road would be modified to serve the site.

The store is proposed to be orientated to the south, overlooking a substantial area of car parking. The car parking extends to the south of the site between the building and the boundary with the River Croco and Sanofi Aventis. The western boundary along London Road would be defined by

walling, shrub planting and public realm works. The service yard would be partly enclosed by a high timber screen with frontage landscaping but this would not appear prominent as it would tucked away to the rear of the site.

The building will utilise large areas of glazing to the southern and western elevations and will converge and lead to the corner cube feature which will act as a focal point along the London Road frontage. This will be double height with a mezzanine to accommodate a café.

During pre-application discussions, the applicant was advised that the building needed to be of landmark quality to help replace the landmark character of the existing Art Deco building. Whilst it achieves this to an extent in terms of physical presence, the building will not be as iconic as the existing building. However, the scheme has certain design strengths. The building positioning and entrance point, namely the focal 'tower' has been refined and enhanced, as has the remaining frontage onto London Road. However, the extent of architectural improvement and the quality of design improvement has been limited to a 'dressing up exercise' as opposed to designing something more radical and site specific in the truest sense. Materials will therefore need to be as high a quality as possible.

A major positive element of the scheme is the public realm and landscaping of the London Road frontage, between it and the corner entrance. This will create a strong arrival point for pedestrians, helping to balance between car borne and pedestrian customers. It also reinforces the current tiered landscape setting at the site foreground. It will be important that this is executed to a high quality to provide a positive and attractive frontage to the site and if it is minded to approved, there need to be conditions in place to secure this. Subject to this, the general design and appearance of the scheme is deemed to be acceptable but needs to be balanced against the loss of the existing Art Deco building.

### **Loss of a Non-designated Heritage Asset**

The Fisons site, the site of the former Bengers Foods, is both an iconic landmark and a site with a rich social history that is part of the 20<sup>th</sup> century story of Holmes Chapel. Although documented more fully elsewhere, it is important that in emphasising the heritage value of the site, that in the past, attempts were made to secure spot listing for the factory building. English Heritage in its assessment concluded that the building was not of sufficient merit to be included on the national list but highlighted its potential as an important local heritage asset. In recognition of that, there was an intention on the part of the Heritage and Design Team to secure Member approval to add the frontage element of the factory building to the Council's local list, but that has not come to fruition.

Whilst it is very much a landmark/gateway building, its heritage value is much more than its architectural character, albeit in this regard it is also a rare local example of a 20<sup>th</sup> century modernist factory building. The Bengers name is both nationally and internationally associated, albeit that the manufacture of Bengers Food ceased many years ago. The site has been inextricably linked with the community of the town since its construction during the mid 20<sup>th</sup> century and was its most significant employer for many years.

However, it is also a fact that the building has been dormant for a number of years, has suffered repeated incidents of heritage crime and there appears to be no appetite to convert the building for a commercial use, despite prolonged marketing and the benefit of outline planning permission.

The argument has also been made by the applicant that the building cannot be beneficially re-developed for the proposed wider re-use as a food store site. Purely from a built heritage and design perspective, the Council has contended that the frontage part of the building should be incorporated into an imaginative re-use of the site, where all or part of that section of the building could be designed into a new food store. However, this does not fit with the applicant's model and they argue that this would not satisfy their operational requirements.

As such, the loss of the building is considered to be regretful. However, it becomes a wider planning decision to weigh the heritage loss against the public benefit suggested in the proposal through its redevelopment as a food store. Paragraph 135 of the NPPF states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. Thus, these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

The condition and the quality of the building were not sufficient to justify it being listed when English Heritage considered it for listing. Further, it has stood vacant for so long without generating any interest in retaining the building and re-using it. Thus, the prospects of the building finding a viable re-use to safeguard its retention are unlikely and dwindling in this current climate. The need to secure job creation, economic growth and investment is pressing and therefore owing to this, the weight to be accorded to the retention of the building in the planning balance is outweighed by the economic benefits of the scheme.

## **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *“in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment”* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

With respect to ecology, the application is accompanied by a Ecological Assessment. The Council's Nature Conservation Officer has considered the assessment and has confirmed that the most important feature on the site is the existing woodland beside the River Coco. This habitat will for the most part be retained. However, there will be some loss of trees in the vicinity of the proposed petrol filling station in the south-eastern corner of the site. This impact could be compensated for by means of additional native species planting which could be secured by condition. Subject to this, the application is found to be acceptable in terms of the impact on ecology.

### **Flood Risk and Drainage**

Part of the application site is located within Flood Zones 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land.

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources.

In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco.

### **Renewable Energy**

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a Biomass Boiler and Air Source Heat Pump (ASHP). These would be installed to provide heating and hot water. The

Biomass Boiler and ASHP has been calculated as providing an energy consumption saving of 37.3%, which exceeds the target of 10% contained within Policy EM18 of the former RSS.

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications and appeals which involve legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

This application would require the provision of a commuted sum towards extending the speed limit along London Road. The commuted sum has yet to be determined but it is considered that the extension to the speed limit would be necessary, fair and reasonable, as the proposed development would result in an increase in the number and frequency of vehicle movements emerging onto London Road in close proximity to the an area that designated as national speed limit. The contribution is therefore is required in order to meet Local Plan Policy GR9.

Subject to an appropriate fee, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

### **Other Issues**

The Health and Safety Executive (HSE) have stated that they have no objection to the application provided that there is no Hazardous Substance Consent that runs with this site. In the event that there is consent in place, then it should be revoked by the Secretary of State. A search of the planning history has confirmed that there are no Hazardous Substance Consents in place on the application site.

## **10. CONCLUSIONS**

The site is located within the Holmes Chapel Settlement Boundary and relates to an out-of-centre supermarket. The applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre which are sequentially preferable to the application site. Further, the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres. The Council's retail planning consultant is considering these conclusions and his findings will be reported to Members by way of an update.

Although the proposals would result in the loss of an existing employment site, the redevelopment involves new employment generating uses on part of the former factory site and its partial loss has already been accepted on a previous outline approval.

The landscape and design of proposals are considered to be acceptable. With respect to the loss of the Art Deco building, the consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment

in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. , these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

The traffic generation is such that in comparison to the extant permission, the differences in traffic impact are in single figure percentages and are considered non-material on the wider network. The development is offering a viable access strategy and improvements to sustainable links, in particular pedestrian links at the new signal junction, a pedestrian desire line (Portree Drive) and the existing signal junction at the A54/A50 crossroad.

The application is considered to be acceptable in terms of its impact upon trees/hedgerows and protected species. It is noted that the majority of tree losses are low category trees in terms of their arboricultural significance and although some removals are deemed to be in the moderate category the impact on the wider landscape will be broadly neutral.

The application is considered to be acceptable in terms of flood risk and drainage. The development would not have a detrimental impact upon residential amenity and is acceptable in terms of the provision of renewable energy on this site.

## **11. RECOMMENDATIONS**

**APPROVE subject to:**

**Section 106 Agreement to secure:**

- **Contribution towards extending the speed limit (Amount TBC)**

**And the following conditions:-**

- 1. Standard Time limit (3 years)**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme**
- 5. Implementation of Landscaping**
- 6. Tree protection measures**
- 7. No works within protected area**
- 8. Surface water regulation system**
- 9. Maximum discharge**
- 10. Surface water attenuation measures;**
- 11. Scheme for management of overland flow**
- 12. Construction of access**
- 13. Provision of parking**
- 14. Provision of cycle parking**
- 15. Pedestrian Crossing Improvements**
- 16. Incorporation of sustainable features**
- 17. CCTV and speed humps to car park**
- 18. Contaminated Land remediation Strategy**
- 19. Jodrell Bank Electromagnetic Screening Measures**

- 20. Breeding Birds Survey during bird nesting season
- 21. Suite of design and construction plans for the following aspects of the development access strategy to the satisfaction of the LPA:
  - The proposed new traffic signal junction.
  - The upgrades to the existing traffic signal junction at the A54/A50 crossroad to include for pedestrian phase and refuge on the southern arm and pedestrian facilities on the western arm.
  - The central refuge on the pedestrian desire line to Portree Drive.
- 22. Hours of construction / piling restricted
- 23. Hours of Use restricted
- 24. Submission of an environmental management plan
- 25. Scheme to record the building materials including internal features
- 26. Scheme of maintenance of Biomass installation including method statement for fuel delivery and no visible smoke emissions during operation

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION:

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.

