

Application No: 09/1686C

Location: PACE CENTRE, WHEELLOCK STREET, MIDDLEWICH, CHESHIRE, CW10 9AB

Proposal: PROPOSED FOODSTORE DEVELOPMENT WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING, AND ADDITIONAL A1, A2, A3 RETAIL UNITS AT LAND ADJACENT TO WHEELLOCK STREET AND ST ANNS ROAD

Applicant: TESCO STORES LTD & BRIDEN INVESTMENTS LTD

Expiry Date: 04-Sep-2009

Date report Prepared: 7 August 2009

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES

- Whether the principle of retail development is acceptable and if so, whether the scale proposed is appropriate
- Whether the design and appearance of the proposed foodstore, retail units and associated development is acceptable having regard to the impact on the character and appearance of the area, including the Conservation Area
- Whether the proposal would adversely affect the setting of the listed building at 8 Southway
- Whether the proposed access and parking facilities are adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations
- Whether the amended scheme adequately overcomes the previous reasons for refusal

REASON FOR REPORT

This application is a re-submission of a proposal that was considered and refused by the Strategic Planning Board on 6 May 2009. The proposal is for a small scale major development involving the formation of retail floorspace between 1000 – 9999 m².

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a piece of land totalling 1.25 hectares located within Middlewich town centre. The site has frontages onto Wheelock Street, Darlington Street and

Southway and contains a number of residential and commercial buildings, all of which would be demolished as part of this proposal. The site also contains a large number of trees. Vehicular access to various parts of the site is currently taken from Wheelock Street, Darlington Street and Newton Heath. The site rises up from Wheelock Street with a change in levels across the site of approximately 6m.

DETAILS OF PROPOSAL

Planning permission is being sought for the erection of a new foodstore, for two additional units for A1, A2 or A3 use on the Wheelock Street frontage and for associated access and parking arrangements. The foodstore would have a gross floor area of 2651m² and would provide a net sales area of 1700 m². The proposed store building would be sited approximately 20m back from Wheelock Street with the north western elevation of the building being adjacent to Darlington Street. The entrance to the store is on the eastern elevation, fronting the proposed car park, with vehicular access being provided between No.s 49 & 51 Wheelock Street and from a newly formed junction onto Newton Heath/St Ann's Road. The latter would also provide egress from the site. Service vehicles would access and egress the site from the Newton Heath/St Ann's junction only. Pedestrian access is provided from Wheelock Street, Newton Heath/St Ann's Road and via Southway, an existing public footpath to the east of the site. The service yard for the store is proposed to the rear of the store building. This new units fronting Wheelock Street would provide additional A1, A2 or A3 floorspace within two units. The proposed foodstore would generally be single storey with a staff area proposed at first floor level. The proposed new units fronting Wheelock Street would be two storey and would be of a traditional design.

This application follows the refusal of two previous applications for a foodstore on the site due to concerns regarding the siting, design and appearance of the development, the impact on the Conservation Area, the loss of trees and loss of ecological habitat. Changes made since the previous refusals primarily relate to the position of the store within the site, the position of the service yard, vehicular access arrangements, the design of the store building and on and off site landscaping and ecological mitigation.

Three related applications are also located elsewhere on this agenda, the change of use of 8 Southway and Ivy House (51 Wheelock Street) from dwellings to A1 (retail), A2 (financial/professional services), A3 (restaurant/cafe) and B1(business) (09/1695C & 09/1739C) and Conservation Area Consent for the demolition of a wall adjacent to Ivy House (09/1738C).

RELEVANT HISTORY

07/0833/FUL Retail food superstore with ancillary parking plus 2 no. retail shops and offices. Withdrawn Oct 2007

08/1625/FUL Proposed foodstore development with associated parking servicing, landscaping and new retail building on Wheelock Street frontage (single access). Refused March 2009

08/1626/FUL Proposed foodstore development with associated parking servicing, landscaping and new retail building on Wheelock Street frontage (dual access). Refused May 2009

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP3 – Promote Sustainable Economic Development
DP4 – Make the Best use of Existing Resources and Infrastructure
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP6 – Marry Opportunity and Need
DP7 – Promote Environmental Quality
DP9 – Reduce Emissions and Adapt to Climate Change
RDF1 – Spatial Priorities
RDF2 – Rural Areas
W5 – Retail Development
RT2 – Managing Travel Demand
RT9 – Walking and Cycling
EM1 (B) – Natural Environment
EM1 (C) – Historic Environment
EM1 (D) – Trees, Woodlands and Forests
EM2 – Remediating Contaminated Land
EM3 – Green Infrastructure
EM5 – Integrated Water Management
EM10 – A Regional Approach to Waste Management
EM11 – Waste Management Principles
EM17 – Decentralised Energy Supply

Local Plan Policy

PS4 – Towns
GR1 – New Development
GR2 – Design
GR4 & GR5 – Landscaping
GR6 & GR7 – Amenity and Health
GR9 & GR10 – Accessibility, Servicing & Parking Provision
GR17 – Car Parking
GR18 – Traffic Generation
NR1 – Trees and woodlands
NR2 – Statutory Sites
NR3 – Habitats
NR4 – Non-statutory sites
BH4 – Listed Buildings
BH9 – Conservation Areas
S1 – Shopping hierarchy
DP4 – Retail Sites
DP7 & DP9 – Development Requirements

Other Material Considerations

PPS1: Delivering Sustainable Development

PPS6: Planning for Town Centres

PPG15: Planning and the Historic Environment

CONSULTATIONS (External to Planning)

Highways: no objections subject the imposition of conditions to secure appropriate and reasonable related off-site highway works for local infrastructure improvements and in the interests of public highway safety.

Environmental Health: have commented on issues relating to land contamination, air quality and noise. It is considered that land contamination can be dealt with by condition. With regard to Air Quality, further information is required from the applicants in order to satisfy Environmental Health that air quality issues have been satisfactorily addressed. In terms of noise, further information has been requested with regard to attenuation within the service yard area and management of the car park. A number of conditions are suggested to cover noise issues covering matters such as opening and delivery hours, control over the use of the site by HGVs, scheme for the acoustic enclosure of fans etc, control over pile foundations, hours of construction and floor floating. Another condition is suggested regarding lighting and the erection of a barrier across the Wheelock Street entrance.

County Archaeologist: requests that the comments made in relation to the previous applications (08/1625/FUL & 08/1626/FUL) be applied. These were that initially requested trial trenching to be carried out as the site is within an Area of Archaeological Potential. This work was subsequently carried out to the satisfaction of the County Archaeologist and revealed that there is a dense distribution of post-medieval features across part of the site. These lie immediately below the topsoil and are unlikely to survive the landscaping that will accompany the creation of the site entrance. Part of the site will therefore need to be subject to a programme of excavation, recording and reporting before the main development works start. In other less archaeological sensitive parts of the site, an archaeological watching brief is suggested. Both these matters can be dealt with by condition.

Environment Agency: no objection subject to conditions regarding surface water regulation and the management of surface water drainage.

United Utilities: no objections to the proposal.

Public Rights of Way Unit: appears unlikely that the proposal would affect the nearby public right of way.

English Heritage: recommend refusal. Concerns over the effect the development will have on the Conservation Area and the poor design of the building itself and the public realm.

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council: agree in principle with the proposed development and consider this to be an improvement on previous applications. Particularly welcome the proposed public

realm improvements, the improved ecological statement and the proposals to work with local schools in relation to bats etc. Suggest that there should be a S106 agreement to allow for improvements to the local amenities, including improvements to the pedestrian access to the development from Wheelock Street via Southway.

OTHER REPRESENTATIONS

To date, 14 letters of objection have been received in relation to the application. Copies of these letters can be viewed on the application file with the main points raised summarised below.

- Traffic/access & concern about increased congestion
- Proposed entrance off St Anns Road totally unsuitable as a main access route to a supermarket
- Concern about size and impact of delivery vehicles to the store given recent problems at the former Somerfield store that has recently been taken over by Tesco
- Existing junction of St Anns Road and Nantwich Road is inadequate to accommodate the increase in traffic
- Highway safety issues as increased traffic could affect vulnerable members of the community such as the elderly and school children given proximity of a nursing home and schools
- Knock on impact for traffic on Newton Heath
- Concern about ability to manage the IN ONLY access off Wheelock Street to prevent exit from here
- Proposed level of parking totally unsuitable and does not account for staff parking
- Size of the store is too small to achieve its objective of providing a store where residents can undertake a main shopping trip
- Concern about impact on existing retailers in Middlewich
- Noise and light pollution
- Environment
- Concern about the impact of increased traffic on the structural integrity of nearby properties
- Concern about loss of trees and habitats
- Building of a contemporary design doesn't reflect the local surroundings i.e. listed building and Conservation Area
- Poor townscape addressing both Darlington Street and Wheelock Street, current design is not worthy of the site
- Somerfield site and this site should be considered as a single entity with a more centrally located supermarket
- Question need for further retail units on Wheelock Street
- Concern about noise from vehicles accessing/leaving the site from St Anns Road and noise from the service yard
- Car park should be closed off at night to prevent disturbance after the store has closed
- Is a residential area and the character of the area would be changed out of all recognition
- Damage to sewage and draining systems of the road due to the size of vehicles
- Good quality houses to be demolished
- Too close to an existing store and that store could be extended to meet the company's ambitions
- Additional hardstanding will exacerbate flooding

- Litter will become a greater problem
- Concern about impact on house values nearby
- Concern about opening hours
- Concern about the use of the proposed seating area near the junction of Wheelock Street and Darlington Street
- Better sites available on the edge of town
- Any plans to create a pedestrian zone will never be viable if the proposal goes ahead
- Pedestrian hazard along access between Ivy House and 49 Wheelock Street

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application including a Planning, Design & Access Statement, a Transport Assessment, a Flood Risk Assessment, an Air Quality Assessment, a Statement of Public Consultation, a Archaeology and Cultural Heritage Assessment, an Ecological Report, a Bat Survey, a Noise Assessment, a Waste Management & Recycling Strategy, a Landscape Statement and a Arboricultural Survey. Full copies of these documents can be viewed on the application file.

In summary, the Planning, Design & Access Statement concludes that the site is allocated for retail development by a saved policy in the adopted Local Plan. The provision of a new foodstore on the site will significantly improve convenience goods provision in the town centre, and will reduce the outflow of shoppers to other surrounding stores and centres. The resulting clawback of shoppers and expenditure will result in a positive spin-off for existing town centre retailers. The setting of the site has been carefully considered when selecting the design for the store, the use of materials and the landscaping aspects of the scheme. This has resulted in an attractive scheme which is sympathetic to the character and appearance of the area, whilst also providing a modern, energy efficient building appropriate for a foodstore use. The loss of existing high canopied structural trees has been minimised as far as possible, and vegetation retained where feasible and sustainable. The extensive semi-mature tree planting which is proposed will enhance the urban qualities of the site and will introduce significant soft landscaping elements within the streetscene. The scheme has also sought to ensure convenient access to the site. It promotes sustainable transport modes and also ensures easy manoeuvrability within and around the site for both customers and service vehicles.

OFFICER APPRAISAL

Principle of Development

Local Plan policy PS4 states that within the settlement zone lines there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. Policy DP4(M1) allocates the site for general retail use. Policy DP9 states that a transport assessment is required to be prepared for the site before planning permission is granted. The site details section of the Local Plan provides information and guidance to assist in the development of all allocated sites, identifying features and policy considerations which need to be taken into account and setting out development requirements which the Council will expect to be met. However, the information provided does not comprise a formal development brief.

With regard to this site, the site details section of the Local Plan states that the site is suitable for general retail uses, but other commercial or employment uses may be considered. Off-site highways improvements and traffic management measures are required. In view of its relationship with the Conservation Area a sensitive scheme is required which links with Wheelock Street. The layout should seek to retain existing trees within the site. In view of the sensitive location of the site and likely traffic implications for the town centre, a Development Brief and Transport Assessment are required for the site. The scale of development suggested in the site details section is 3000m² of retail floorspace. Whilst the site details section is not a formal development brief for the site, in the absence of this, it is considered that it is a material consideration to be given significant weight in the determination of the application.

PPS6: Planning for Town Centres states that when considering applications for planning permission in town centres, applicants should demonstrate the need for the development, that the development is of an appropriate scale, that there are no more central sites for the development, that there are no unacceptable impacts on existing centres and that locations are accessible. However in cases such as this where the application relates to an allocated site in a town centre location, the only issues that need to be addressed are the scale of the development and its accessibility.

In terms of scale, the Local Plan indicates that the site is suitable for retail development up to 3000m² floorspace. As previously stated the total floorspace proposed is 2646m² (1700m² retail) for the foodstore with two additional A1/A2/A3 units. This falls below the level stated in the Local Plan. The applicant's state that it is apparent that the existing convenience stores within Middlewich fail to provide a suitable destination where the majority of residents can undertake a main food shopping trip. This they state is due to their relatively small floorspace and limited variety, range and choice of products on offer. It is stated that the proposed store, which is larger than existing stores in the town, would be able to better compete with stores in surrounding settlements. However it will not be so large so as to attract additional shoppers from beyond the Middlewich area. They consider that the size of store proposed broadly represents the most appropriate scale of foodstore which is capable of competing with surrounding superstores, yet remains of a scale which will principally meet the needs of Middlewich.

It is considered that on the basis of the information available, the size of store proposed is of an appropriate scale for Middlewich. It would offer a larger, broader range than existing foodstores and it is considered that its presence within the town centre would help to attract shoppers to the town centre. It is considered that provided that there are adequate links with the rest of the town centre, that this in turn would enhance its vitality and viability.

In terms of accessibility, the site is located within the town centre, which is considered to be a sustainable location.

Design, Appearance & Visual Impact

Local Plan policies GR1 and GR2 relate to the design of new development and state that all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area. Matters such as height, scale, form and grouping, materials, the visual, physical and functional relationship of the proposal to neighbouring properties, the streetscene and to the locality generally need to be considered. Additionally proposals should respect existing features and provide for hard and soft landscaping as an integral part of the scheme. PPS1 & PPS6 also promote high quality and inclusive design.

With regard to Conservation Areas, policy BH9 states that planning permission will not be granted for proposals which, in the opinion of the Council, would have a detrimental effect on the existing special architectural and historic character or appearance of a Conservation Area as a result of a number of matters including design, siting, scale, use of materials, the significant loss of important trees and intrusiveness within the setting of a Conservation Area or in relation to existing views into, out of, within or across the area.

There were a number of concerns regarding the design, appearance and visual impact of the previously refused proposals both in terms of the impact on the character and appearance of the Conservation Area and more generally on the character and appearance of the wider area. Additionally there were concerns regarding the siting of the service yard close to Wheelock Street, the formation of a large vehicular access off Wheelock Street, the appearance of the Darlington Street frontage and the large amount of development on the site in the form of buildings and areas of hardstanding resulting in the significant loss of a large number of visually important trees.

As stated, a number of changes have now been made to the proposal. In particular the removal of the new vehicular access off Wheelock Street from the proposal has enabled the position of the store to be moved closer to Wheelock Street. Whilst it will still be set back by approximately 20m, it is considered that this represents a significant improvement over the previous schemes. In order to provide an acceptable relationship with Wheelock Street, a traditional two-storey building would be erected on the corner of Wheelock and Darlington Street with an 'open' amenity area located between the new building and No.57 Wheelock Street. The elevation of the store facing towards Wheelock Street would comprise of a mixture of brick and glazing with a recessed panel reserved for an art feature. This elevation would also incorporate a pedestrian access ramp up to the store entrance which is required due to the change in levels across the site. Improvements have also been made to the Darlington Street elevation in order to add visual interest to what was previously a fairly plain and uninteresting elevation.

The Council's Conservation Officer has been consulted on the application and notes that the current proposal constitutes a fairly substantial revamp of the original scheme and is a very significant improvement in a number of respects. Having regard to the comments from English Heritage, it is acknowledged that it is still a large building to accommodate in a tightly packed town centre. However, whilst the views of English Heritage are noted, for the reasons set out above, it is considered that, subject to the imposition of suitable conditions regarding the detail of the public realm and materials etc, the amended scheme is of an adequate design and appearance which respects the character and appearance of the Conservation Area and surrounding area.

Impact on Listed Building

Local Plan policy BH4 states that planning permission for proposals affecting the setting of a listed building will only be granted where the proposal would not adversely affect the setting of the listed building.

It is not considered that the proposal would adversely affect the setting of the listed building. The store building itself would be set some distance away, with the St Anns Road access and parking being the elements of the scheme closest to the listed building. However, the existing garden area to the property is being retained and that together with the retention of existing landscaping ensures that the setting of the building is maintained.

Highways

This application proposes access to the site via Wheelock Street and St Anns Road and egress via St Anns Road. Service vehicles would use the St Anns Road junction only. Parking is to be provided within the site for 175 parking spaces, of which 11 are indicated as being disabled spaces and 7 as being family friendly spaces. It is not clear at this stage how the proposed car park is to be managed in terms of use and duration of stay. A Transport Assessment has been submitted in support of the application. This concludes that the site has good access to non-car modes of transport. It states that the capacity analysis of local junctions indicates that a number of these are operating at or over capacity and it is therefore proposed to carry out off site highway works as part of this proposal. It is suggested that there are no highway or transportation reasons why the proposed new foodstore should not be granted planning permission.

Local Plan policies GR9, GR10, GR17 & GR18 relate to matters of highways and parking. Additionally PPS6 requires town centre developments to be accessible.

The Highways Department has no objection to the proposal noting that the site has been the subject of a number of applications over the last eighteen months. The previous proposal for access, immediately prior to this current application, offered two-way access from both Wheelock Street and St Ann's Road. The related Transport Assessment offered a solution for the integration of the traffic generation to the existing highway network through the provision of signal junction improvements at the Newton Bank/A54 gyratory and a re-design of the Leadsmithy Street/A54 signals junction. Cheshire Highway Authority (formerly part of Cheshire County Council) accepted the Transport Assessment proposals in principle, subject to the provision of those junction improvements together with Travel Plan requirements, consideration of traffic management orders and improvements to the bus stop at the end of Wheelock Street.

The current application offers a similar scale proposal but with a revised access proposal. A revised Transport Assessment has been provided which considers the changes in the way the generated traffic will impact on the existing highway infrastructure. The Highways department considers that the primary consideration is how the changes in traffic generation will affect the resulting traffic impact on the highway network, and whether the offered improvements will provide an acceptable solution in highway terms. The Highways department considers that whilst there could be benefit in signalling the junction of St Anns Road with A530 Nantwich Road, this does not form part of the proposal and the lack of signalisation would not be a sustainable reason for refusal of the application. However it is considered that the off site proposals should include an Urban Traffic Control system. Subject to this and other conditions regarding access arrangements, off site works, the timing of works and the submission of a Travel Plan, no objections are raised.

Impact on Trees

The site currently contains a large number of trees and the submission includes a landscape scheme and a comprehensive tree survey covering 132 trees. The survey grades the trees in accordance with BS 5837 and a number are afforded Grade A. The proposal would involve removal of the majority of trees from the site, with a relatively small number of trees being retained at some points within the site. Replacement planting is proposed as part of the

application, this would primarily be along the site boundaries. The amended scheme has sought to retain more trees along the boundary with Southway, an existing pedestrian link between St Anns Road and Wheelock Street.

Local Plan policies GR4 & GR5 deal with landscaping and state that development will only be permitted where it respects or enhances the landscape character of an area and where landscaped areas are adequate and appropriate for the intended use. Policy NR1 states that development will not be permitted where it is apparent that there would be an adverse effect on existing healthy trees of amenity value. Policy BH9 also refers to the loss of important trees in the context of the impact of this on Conservation Area whilst Policies NR2 & NR4 relate to loss of habitat.

The Councils Landscape Officer has considered the proposal and acknowledges that as the site is allocated for development it is inevitable that the character of the area will change. It is considered that the challenge is to create an appropriate setting for whatever form of development is deemed appropriate. The Landscape Officer considers that the loss of the number of mature trees identified for removal remains a concern and that within the site layout these losses would only be mitigated in part. There is also concern that taking into account levels changes, certain specimens indicated for retention, particularly adjacent to Southway and the service yard, are likely to suffer and may be removed as the recommended root protection areas could not be achieved. Further information on this issue has been requested from the applicants and an update on this will be provided directly to Committee. During the course of the application additional information has been submitted regarding off site planting within Middlewich in order to mitigate the loss of trees and bat foraging areas following the development of the site. This additional information has been forwarded to the Landscape Officer and any additional comments received will be reported directly to Committee.

Ecology

An initial ecological survey was submitted with this application and during the course of the application a further bat survey has also been provided. The Councils Nature Conservation Officer notes that four roosts of a single common bat species have been recorded within the buildings on site. None of the roosts appear to support large colonies of bats and a maternity roost appears unlikely. The level of bat activity is below that which was being considered when mitigation was previously being discussed on a 'worse case scenario' basis.

The Nature Conservation Officer considers that the submitted mitigation proposals which include the retention of a greater number of trees on site, the planting of additional trees, the construction of two 'bat barns', the erection of bat boxes and offsite habitat creation is acceptable to mitigate for the adverse impact of the proposed development on bats. Additionally off site tree planting is also proposed as part of the proposal and this would assist in providing bat foraging areas.

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 consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the Local Planning Authority has considered these issues will be required by Natural England prior to them issuing a protected species license if permission is granted.

It is considered that the proposal could meet the tests set out in the Conservation (Natural Habitats & c.) Regulations 1994:

1. **There could be reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.**

The proposal would result in an additional, larger foodstore within Middlewich town centre which would offer a wider choice to local consumers. This would provide economic benefits to Middlewich in form of jobs and investment and would provide a foodstore in an accessible and sustainable location.

2. **There is no satisfactory alternative.**

A foodstore could be built elsewhere within Middlewich but it is likely that this would either be on an edge of town or out of town location. This would be contrary to national and local planning policy and would be likely to result in an increase in the number of trips by private car. This is a site which has been allocated for retail development and is considered to be the most suitable site for this type of development.

No objections are therefore raised on ecological grounds. It is considered that, subject to appropriate conditions, the previous nature conservation objections to the proposal have now been addressed to an acceptable standard.

Amenity

Local Plan policy GR6 deals with amenity and health and states that any development adjoining or near to residential property will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to amongst other things, loss of privacy, loss of sunlight and daylight and traffic generation, access and parking.

Existing residential properties are located to the south east of the site on Southway, the south of the site on Newton Heath/St Ann's Road, the west of the site on Darlington Street and it is likely that some of the commercial properties on Wheelock Street to the north east contain residential uses at first floor. The closest relationship with residential properties and the proposed foodstore would be with properties on Darlington Street and Newton Heath/St Ann's Road. The closest distance between the front elevations of properties on Darlington Street to the north west elevation of the building would be approximately 11m. This elevation would be largely blank and would, with the exception of the two-storey office section, have an eaves and ridge height similar to existing residential properties on Darlington Street. The two storey office section would have a higher eaves and ridge height than properties on Darlington Street. This is not ideal and it would be preferable if the height of this section as it fronts Darlington Street could be reduced in height. Discussions are currently taking place with the applicants to see whether this can be achieved and any update on this will be presented directly to Committee. In any event, whilst the distance between the proposed store and properties on Darlington Street does not meet the guidelines stated in the Council's Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Development, in this case it is not considered that this relationship would have an

unduly detrimental effect on the amenity of the residents of Darlington Street given the nature and character of the street.

There is also a close relationship between a single storey property located to the south west of the site and accessed off Newton Heath. The garden of this property adjoins the boundary of the site. A large number of trees are located to the rear of the site meaning that the outlook from the rear is limited. These trees are to be retained as part of this proposal. The service yard to the store would be located to the rear of this property, with an area for a proposed hook up point for refrigerated vehicles located to the side of it. No concerns are raised with regard to the relationship with service yard as it is considered that the proposed acoustic screening together with levels changes and landscaping would mitigate any noise to an acceptable level. Similarly there is no concern regarding the impact of the service yard on other nearby properties on Newton Heath and on Darlington Street. However, the Environmental Health department has raised some concern regarding the impact of the proposed hook up point and this is being investigated further with any update to be presented directly to Committee.

Another issue to be considered is the impact of the comings and goings associated with the proposed use on the amenity of nearby residents. The proposed car park would be located close to a number of residential properties. However it is considered that the proposed site layout and landscaping together with changes in site levels means that the impact of use of the car park on residents would be acceptable. The Environmental Health department has raised some concern regarding the impact of the use of the Wheelock Street access on nearby residents and suggests the use of a barrier to manage access. The proposed access is flanked by existing buildings, one is currently in a commercial use with what appears to be a residential use above with the other building currently in residential use. The latter building, Ivy House, is the subject of an application being considered elsewhere on this agenda (09/1739C). It is considered that were Ivy House to be retained as a dwelling then the relationship between Ivy House and the proposed access would be unacceptable. Therefore, should consent be granted for this proposal, it would need to be linked to the change of use of Ivy House to non-residential purposes. As the residential use on the opposite side of the access is a first floor use only, the relationship between that property and the access is considered less sensitive and more acceptable. The need for a barrier at this entrance as suggested by Environmental Health is being considered further and any update on this issue will be reported directly to Committee.

Other Matters

It is stated that the equivalent of 118 full-time staff would be employed at the store (76 full-time & 126 part-time). This is a material consideration to be given significant weight, particularly in the current economic climate.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site that is the subject of this application is allocated for retail development on the Local Plan. Therefore the principle of retail development on the site is acceptable. The scale of retail development proposed by this application is also considered acceptable. It is considered that the amended scheme has adequately addressed the previous concerns and that the current proposal is for a store and associated development of an improved design, in a better location in relation to Wheelock Street, which seeks to retain more trees on site and which better

respects the character and appearance of the Conservation Area. The relationship between the development and surrounding residents is generally considered acceptable, though some improvements are being sought to the two storey office section. The highways works proposed, including off site works, are considered acceptable and will ensure that the local highway network will not be adversely affected.

Whilst the views of the objectors and of English Heritage have been carefully considered and are noted, the proposal is for the reasons outlined within the report, now considered to be acceptable.

SUBJECT TO

The receipt of the additional information outlined within the report and the receipt of any further representations.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A07EX - Sample panel of brickwork to be made available
5. A10EX - Rainwater goods
6. A11EX - Details to be approved - wall plaque or other public art
7. A13EX - Specification of bonding of brickwork
8. A16EX - Specification of window design / style
9. A20EX - Submission of details of windows
10. A01LS - Landscaping - submission of details
11. A04LS - Landscaping (implementation)
12. A10LS - Additional landscaping details required
13. A16LS - Submission of landscape/woodland management plan
14. A05TR - Arboricultural method statement
15. A02NC - Implementation of ecological report
16. A06NC - Protection for breeding birds
17. A08MC - Lighting details to be approved
18. A17MC - Decontamination of land
19. A32HA - Submission of construction method statement
20. A26HA - Prevention of surface water flowing onto highways
21. A30HA - Protection of highway from mud and debris
22. A01HP - Provision of car parking

23. A04HP - Provision of cycle parking
24. A05HP - Provision of shower, changing, locker and drying facilities
25. A24HA - Provision / retention of service facility
26. A07HP - Drainage and surfacing of hardstanding areas
27. A13GR - Business hours (including Sundays)
28. A20GR - Hours of deliveries
29. A22GR - Protection from noise during construction (hours of construction)
30. Details of decorative treatments to external timber cladding etc to be agreed with LPA
31. Provision of off site landscaping
32. Incorporation of features for breeding birds
33. Provision of off site pond
34. Control over Pile Driving
35. Approval of details of CHP Plant
36. Additional details regarding attenuation in the service yard area
37. Control over Floor Floating
38. Scheme for acoustic enclosure of fans etc to be submitted and agreed
39. Acoustic screening to be provided to the satisfaction of the LPA prior to the use of the store and car park
40. Development in accordance with submitted Air Quality Assessment
41. Details of management of car park to be submitted and agreed by LPA
42. Programme of Archaeological Work
43. Scheme for the management of overland flow from surcharging of the sites surface water drainage to be submitted and agreed by the LPA
44. Scheme for the Implementation of a surface water regulation system to be submitted and agreed by LPA
45. Full details of off site highways works to be submitted and agreed prior to commencement of development
46. Prior to first trading access from Wheelock Street, both signalised junctions and bus stop improvements to be provided to the satisfaction of the Council
47. Provision of a Staff Travel Plan
48. Construction of access off St Anns Road prior to the construction of any part of the development (excluding the access)
49. Ivy House to be converted to non residential use prior to the use of the Wheelock Street access and first trading at the foodstore

Site Location Plan
Wheelock Street, Middlewich
GLH/J018758/105

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