

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

SUMMARY RECOMMENDATION:

APPROVE subject to completion of S106 Agreement and conditions.

MAIN ISSUES:

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

1. REASON FOR REFERRAL

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

2. DESCRIPTION OF SITE AND CONTEXT

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

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

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

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

3. DETAILS OF PROPOSAL

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

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

4. RELEVANT HISTORY

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

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 7 - Promote Environmental Quality

Policy DP 9 - Reduce Emissions and Adapt to Climate Change

Policy RDF 1 - Spatial Priorities

Policy W 1 - Strengthening the Regional Economy

Policy W 5 - Retail Development

Policy RT 1 - Integrated Transport Networks

Policy RT 2 - Managing Travel Demand

Policy RT 3 - Public Transport Framework
Policy RT 9 - Walking and Cycling
Policy EM9 - Secondary and Recycled Aggregates
Policy EM 11 - Waste Management Principles
Policy EM 12 - Locational Principles
Policy EM 15 - A Framework For Sustainable Energy In The North West
Policy EM 16 - Energy Conservation & Efficiency
Policy EM 17 - Renewable Energy
Policy EM18 - Decentralised Energy Supply
Policy MCR 4 - South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development
PPS 6: Planning for Town Centres
PPS 25: Development and Flood Risk
PPG 13: Transport
Department for Transport – Manual for Streets
Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Environmental Health

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

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

Environment Agency

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

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

Highways Authority

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

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

Sustrans:

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

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

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

United Utilities

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

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

Regional Development Agency

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

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

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

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

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

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

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

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

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

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

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

South Cheshire Chamber of Commerce

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

Civic Society

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

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

7. VIEWS OF THE TOWN COUNCIL

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

The Town Council would make the following observations:-

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

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

8. OTHER REPRESENTATIONS

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

Objection

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

- **Introduction** - The proposal would make the store one of the largest in Nantwich, further increasing its attraction as an out of centre retail location. The implications of allowing such a large increase in floorspace need to be very carefully considered against the aims and objectives of planning policy, which aim to promote and enhance town centres.

- **Quantitative Need** – Whilst there is existing quantitative capacity for the proposed extension, a need for additional retail floorspace does not, in itself justify further floorspace in an existing out of centre location.

- **Qualitative Need** - If this is to be addressed it should be within the town centre. Improving the quality of retail provision in an out of centre location will only serve to increase the popularity of the store and draw trade away from the town centre to the detriment of its vitality and viability. The effect of this is likely to be exacerbated further given the recent closure of Somerfield. Furthermore, the existing out of centre Sainsbury's has a much higher market share than Morrison's within the town centre. The current proposal will make it more attractive and increase further its market share. The need for convenience retailing should be met in the town centre to claw back the market share.

- **Scale** – The Sainsbury's store is already the largest and main food retailer in Nantwich, despite being out-of-centre. An extension would further strengthen its position as a destination in its own right to the disbenefit of the town centre. It is also already one of the largest stores in Crewe and Nantwich.

- **Sequential approach** – Sainsbury's has failed to thoroughly assess the potential of the Snowhill Area of Nantwich town centre as a possible site for development. In November

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

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

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

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

Amenity

- The re-cycling bins create significant noise problems when they are emptied out of store opening hours and should be located or screened and sound proofed to remove this issue. Residents are not convinced the new location will achieve this without improved screening.

- The recycling bank will also create a health hazard;

- The ATM has not been relocated to the petrol station as requested;

- Unloading and reversing HGVs at unsociable times will be damaging to the air quality and cause noise pollution;

- The whole development will result in increased litter which is already a huge problem – particularly carrier bags;

- The positioning of illuminated signage should show consideration for the properties in the immediate vicinity of the store to avoid light pollution and nuisance. The backs of peoples houses face the site, and residents feel that these would invade and restrict the use of their gardens;

- Noise from loading and unloading of HGV's and cages being moved around etc;

- Residents cannot open windows at night due to noise from traffic and HGV's;

- HGV's have caused structural damage to properties from vibration.;

- Whilst the building will be located further from Middlewich Road, it will be closer to residential properties at the rear.

Antisocial Behaviour

- The only people that would come from far and wide are the boy-racers who plague the unregulated car parks of the present Sainsbury's in the early hours;

- Boy Racers are a danger to pedestrians using the post box, cash machines and the recycling banks;

- Sainsbury's night shift management do nothing to prevent its occurrence. A physical barrier needs to be in place to prevent the car park being used after hours;

- One speed bump will not prevent late night activity;

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

Design

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

Need / Retail Impact

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

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

Traffic

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

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

Support

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

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

9. APPLICANT'S SUPPORTING INFORMATION

Transport Assessment – Savill Bird and Axon

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

Consultation Statement – Dialogue

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

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

Sustainability Statement – Sainsbury's

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

Phase 1 Environmental Report – Wardell Armstrong

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

Planning and Retail Statement – Turley Associates

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

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

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

Design and Access Statement – Hadfield Cawkwell Davidson

Use

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

Amount

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

Layout

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

Scale

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

Appearance

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

Landscaping

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

Sustainability

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

Access

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

Flood Risk Assessment / Drainage Strategy – Hadfield Cawkwell Davidson

Storm Water Run-Off:

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

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

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

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

Foul Water:

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

10. OFFICER APPRAISAL

Principle of Development

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

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

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

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

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

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

Need

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

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

Turnover of the Proposed Store

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

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

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

Expenditure Growth Rates

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

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

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

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

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

Consideration of Commitments in Crewe

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

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

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

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

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

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

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

Qualitative Need

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

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

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

Appropriateness of Scale

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

Sequential Approach

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

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

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

Impact

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

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

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

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

Summary

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

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

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

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

Layout, Design and Street Scene

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

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

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

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

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

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

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

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

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

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

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

Sustainability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amenity

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

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

Landscape and Ecology

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

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

and provided that there is

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

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

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

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

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

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

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

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

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

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

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

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

Crime and Disorder.

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

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

Public consultation

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

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

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

Highways and Parking.

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

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

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

Drainage and Flood Risk

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

11. CONCLUSIONS

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

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

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

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

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

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

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

Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to the completion of a Section 106 Agreement and conditions as set out below.

12. RECOMMENDATIONS

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

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

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

Prior to any development commencing on site:

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

Prior to the first occupation of the site

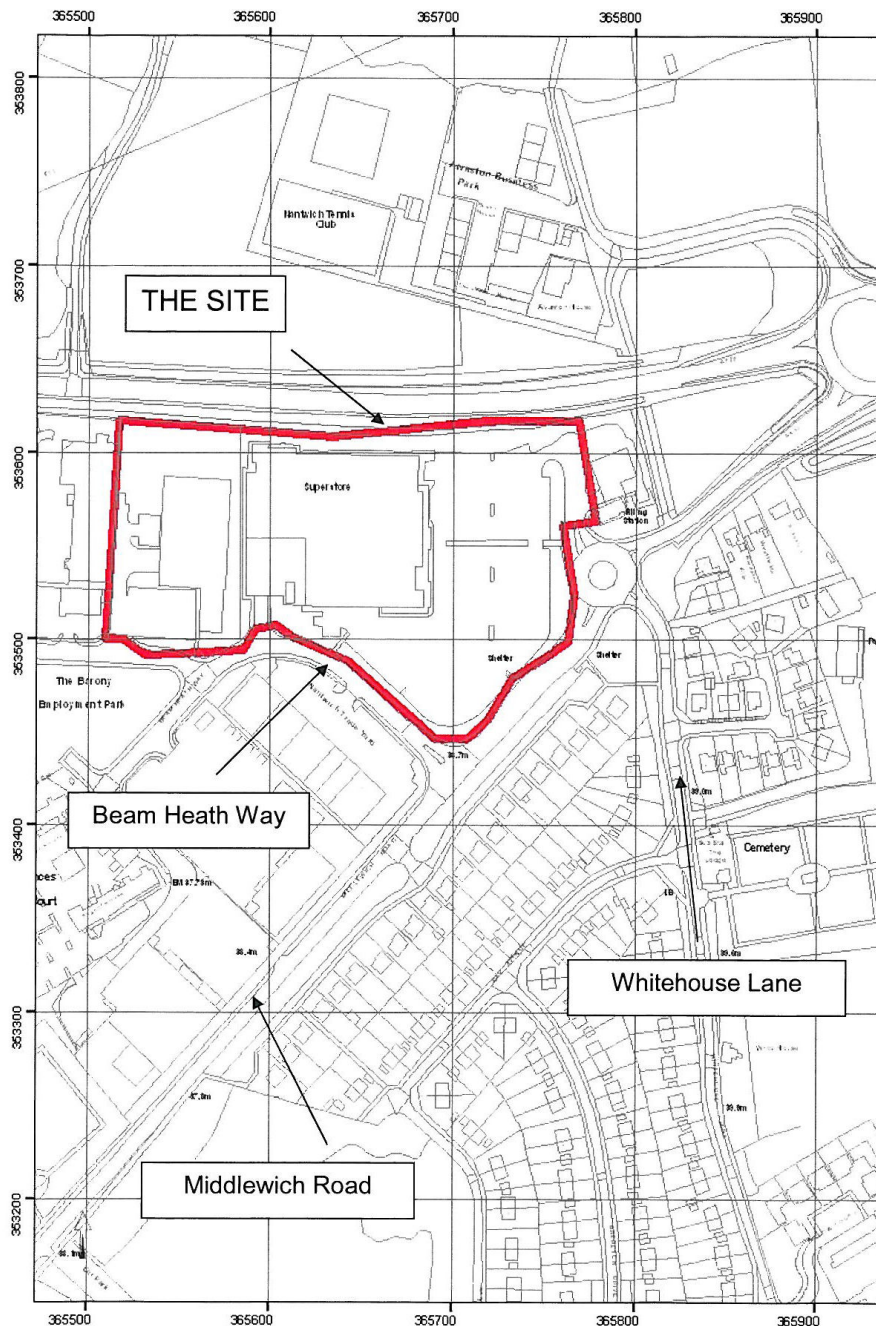
- The agreed scheme of Public Art is to be commissioned and a delivery programme agreed with the Local Planning**

And the following conditions:

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

Location Plan:

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



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

Reproduced from the Ordnance Survey Map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings.
Cheshire East Council licence no. 100018515.

Not to Scale

