

<b>Planning Reference No:</b>	09/1018C
<b>Application Address:</b>	Bridestones Shopping Centre, Victoria Street, Congleton, Cheshire. CW12 1DA
<b>Proposal:</b>	Full planning application for the erection of an extension to the Bridestones Centre comprising a food store, speciality A1 retail units, replacement market, A3 units, a hotel, car parking and servicing facilities and creation of a town square.
<b>Applicant:</b>	Modus Congleton Ltd c/o HOW Planning Ltd, 40 Peter Street, Manchester.
<b>Application Type:</b>	Full Planning Permission
<b>Ward:</b>	Congleton Town West
<b>Registration Date:</b>	16 <sup>th</sup> April 2009
<b>Earliest Determination Date:</b>	28 <sup>th</sup> May 2009
<b>Expiry Date:</b>	15 <sup>th</sup> July 2009
<b>Date report Prepared</b>	18 <sup>th</sup> June 2010
<b>Constraints:</b>	Town Centre S4 Principal Shopping Area DP4 (C1) Retail Allocation DP7-9 Development Requirements DP11 (C1) Improvements to Car Park GR21 Area at Risk of Flooding BH12 Area of Archaeological Potential

### **SUMMARY RECOMMENDATION**

Approve planning permission subject to conditions and the prior signing of a S106 Agreement

### **MAIN ISSUES**

Principle of Development  
Congleton Town Centre and Retail Policy  
Layout and Design  
Impact on Congleton Market  
Sustainability  
Flood Risk Assessment and Drainage  
Transport, Accessibility and Parking Provision  
Environmental Health Related Issues (Contamination, Noise and Air Quality)  
Archaeology  
Ecology  
Residential Amenity  
Need for Planning Obligation  
Proposed Conditions

## **REASON FOR REPORT**

The application represents large-scale major development with retail and commercial floorspace in excess of the 9999m<sup>2</sup>. The application also included submission of a Transport Assessment and would impact upon an Air Quality Management Area.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises approximately 0.75ha of previously developed land located at the heart of Congleton Town Centre. Much of the site falls within the 'Principal Shopping Area' (PSA) and within an area dominated by retail and commercial uses.

The application site itself reads as four discrete parcels comprising the 92-space Princess Street surface level public car park to the north; Congleton Market to the east which contains 11-lock up units and 85 permanent stalls; three retail units and a small parcel of vacant land to the west; and a group of commercial units within a central section fronting Princess Street which runs directly through the middle of the site.

Whilst the site itself is generally flat, it is set within a natural hollow enclosed by higher ground to both the south (Bridge Street / Duke Street) and west where Mill Street winds its way down past the site before eventually meeting Mountbatten Way to the north. As a result, the buildings within the site which front Mill Street were constructed on raised platforms which are highly prominent when viewed from Stonehouse Green and the Princess Street car park. Similarly, the sites western boundary comprises a number of retaining structures, in some cases up to 7m in height, and a footpath (Stonehouse Green steps) that climbs up to meet Mill Street and Antrobus Street.

The sites northern boundary directly adjoins Stonehouse Green, a relatively short stretch of highway which provides access to Princess Street car park and the Grade 2\* listed Brook Mill, a derelict six storey brick mill which was recently extended with a series of four and five storey blocks constructed as part of a failed scheme to convert the mill for residential use.

The sites eastern boundary directly abuts the walls of the existing Bridestone Centre's multi-storey and basement car parks. In the far southeastern corner lies a staircase and ramp which provide direct access from this basement area, which contains Congleton Market, to a pedestrian concourse which runs around the upper section of the Bridestones centre from where access can be gained to shops including Morrisons, the multi-storey car park deck and Victoria Street which in turn connects into Bridge Street, Congleton's main town centre shopping street.

The sites southern boundary directly adjoins the Argos store within the existing Bridestone Centre where, on the stores western gable, levels drop vertically into a service yard area used, and enclosed, by commercial properties along Bridge Street, Duke Street and Mill Street.

To the southwestern corner of the site lies no19 Mill Street, a two-storey split-level property which has been significantly extended over the course of time. The property contains T&S Electrical on the ground floor levels with two residential flats at upper floors levels. The gable of no19 contains two kitchen windows (one for each flat) that directly overlook the vacant parcel of land within the application site and a further low-level window which serves to ventilate a basement area used by T&S Electrical.

The character the area immediately surrounding the site could be described as comprising four general typologies; firstly traditional two/three storey bay fronted shop design found in the High Street, Bridge Street and Duke Street; secondly three storey Georgian archetype comprising large, robust buildings with shallow pitched roofs and decorated central door features found in areas such as West Street, Lawton Street and Moody Street; the mill building archetype, such as Brook Mill, which are generally tall with large windows set in a strong vertical rhythm; and finally, 80's development such as the original Bridestone Centre comprising monolithic units and an unsympathetic layout which significantly disrupted traditional street patterns within the town.

Vehicular access into the site is gained directly off the A54 Mountbatten Way by means of a dedicated right turn lane into Stonehouse Green and subsequently Princess Street. Vehicles leaving the site are controlled by way of a priority junction with a left turn only out onto the A54 Mountbatten Way which, after a short distance, meets a roundabout at the junction of Mill Street, the A54 at Rood Hill.

## **DETAILS OF PROPOSAL**

The application seeks permission for an extension to the Bridestone Centre in the form of a mixed-use, retail led scheme comprising a new A1 food store, A1 speciality retail units, 93 bed hotel, café and restaurant uses, town square, car parking and servicing areas. The amount of overall floorspace proposed would measure 12,283m<sup>2</sup> comprising 6098m<sup>2</sup> gross retail, 3830sqm for hotel use, 910m<sup>2</sup> for restaurants and cafe use with the remaining 1445m<sup>2</sup> being identified as 'landlords area' to be used for servicing and the like.

In terms of scale, the scheme presents a mix of two, three and four storeys façades to public elevations but as part of an overall five-storey scheme when taking into account the split-levels across the site and the provision of basement parking at basement levels. The scheme however, and split of activities across the different floors, is described in more detail below.

### *Proposed Car Park Level 1*

At proposed car park level 1, where Congleton market and Princess Street car park are currently located, the scheme seeks to deliver a total of 111no basement car parking spaces split between two separate car park areas to either side of Princess Street.

The eastern side would contain a 58 space car park, centre management suite, shop mobility facility, hotel service core and a dedicated market service with storage, service and refuse areas along with two heavy duty service lifts

giving access to the next floor and proposed market square. Parking spaces within this area would be available for traders on market days and could, for the most part, accommodate all but the tallest of vans that would be restricted by virtue of the ceiling height. In this respect however, it would be possible for up to three vans to load within the proposed service lay-by incorporated within Princess Street with long-term parking available for up to 13 vans on a small section of Council owned land located off Stonehouse Green.

To the western side, the applicants propose a 53-space car park with ramp to the next floor level and its additional car parking spaces. It would also contain the food store delivery area (1117m<sup>2</sup>), dedicated service yard service area and HGV turning area. Vehicular access would be maintained along the length of Princess Street however to the to the existing service yard area.

#### *Proposed Car Park Level 2*

The western side of proposed car park level 2 would comprise a further 141-car parking spaces built on a deck erected over the car park and food store service area beneath. In terms of levels, the ceiling of this section would sit just above pavement level on Mill Street.

The eastern side would contain the first major component of the scheme in the form of the proposed town square, capable of accommodating up to 36 outdoor market stalls, which would be enclosed by one speciality retail unit, the indoor market units and ground floor of a proposed café. This level would also contain traders' amenities, toilets and a market manager's office that would directly overlook the service area/lay-by on Princess Street below.

The levels of this area having been designed to connect into Victoria Street and the upper parking deck and pedestrian concourse of the original Bridestone Centre.

#### *Proposed Food Store Level*

This level would contain the food store component on a single 4135m<sup>2</sup>-trading floor, which spans both Princess Street and the western car park deck, and an additional cafe. It would sit on an approximate level with Mill Street and one floor above the proposed town square to which it would connect by means of a staircase and elevators.

The layout of this floor proposes to locate the food store entrance on the southern façade out onto a new pedestrian arcade which would be lined by the glazed food store frontage and five speciality units. This arcade would run east to west providing both pedestrian connections between the development and Mill Street and a visual axis towards the Town Halls landmark tower.

#### *Proposed Hotel Level 1 and 2*

The scheme proposes a 93-bed hotel split over two floors in a U-shaped arrangement above the food store component. The hotel would also include a restaurant and bar area with a stair core on its northwestern corner providing emergency access down to Mill Street.

## *Design*

In design terms, the scheme has been designed using two distinct styles. The first of these, to Mill Street, is influenced by the Georgian archetype. Here the traditional two-storey façade has been broken down with a series of staggers and punctuations so as to create what read as a series of smaller frontages akin to those within the historic town centre areas.

The second approach however is entirely modern. Here a large continuous glazed façade runs the length of the pedestrian arcade and supermarket frontages before wrapping around into the new public square extending to encompass the indoor market and café frontages. The upper floors of the hotel comprising brick facades with interspersed with a regular pattern of fenestration aligned with the larger area of glazing in the food store below.

In terms of other aspects of the scheme, a number off-site highway works are also required although these are discussed in detail throughout the report.

## **RELEVANT HISTORY**

Where there are a number of historic applications across the development site, it is not considered they are relevant to determination of this application.

## **POLICIES**

### National Policy

PPS1 'Delivering Sustainable Development' and supporting documents

PPS4 'Planning for Sustainable Economic Growth'

PPS5 'Planning for the Historic Environment'

PPS9 'Bio-diversity and Geological Conservation'

PPS10 'Planning for Sustainable Waste Management'

PPG13 'Transport'

PPS22 'Renewable Energy'

PPS23 'Planning and Pollution Control'

PPG24 'Planning and Noise'

PPS25 'Development and Flood Risk'

### Regional Spatial Strategy

DP1 'Spatial Principles'

DP2 'Promote Sustainable Communities'

DP3 'Promote Sustainable Economic Development'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP6 'Match Opportunity and Need'

DP7 'Promote Environmental Quality'

DP9 'Reduce Emissions and Adapt to Climate Change'

RDF1 'Spatial Priorities'

W1 'Strengthening the Regional Economy'

W5 'Retail Development'

W6 'Tourism and the Visitor Economy'

W7 'Principles for Tourism Development'

RT2 'Managing Travel Demand'

RT9 'Walking and Cycling'  
EM1 'Integrated Enhancement and Protection of the Regions Environmental Assets'  
EM2 'Remediation Contaminated Land'  
EM3 Green Infrastructure'  
EM5 'Integrated Water Management'  
EM11 'Waste Management Principles'  
EM16 'Energy Conservation and Efficiency'  
EM18 'Decentralised Energy Supply'  
MCR3 'Southern Part of the Manchester City Region'  
MCR4 South Cheshire'

#### Local Plan Policy

PS4 'Towns'  
PS12 'Strategic Transport Corridors'  
GR1 'New Development'  
GR2 'Design'  
GR4 'Landscaping'  
GR6 'Amenity and Health'  
GR7 'Amenity and Health'  
GR9 'Accessibility, Servicing and Parking Provision'  
GR10 'Accessibility, Servicing and Parking Provision'  
GR14 'Cycling Measures'  
GR15 'Pedestrian Measures'  
GR17 'Car Parking'  
GR18 'Traffic Measures'  
GR19 'Infrastructure'  
GR20 'Public Utilities'  
GR21 'Flood Prevention'  
GR22 'Open Space Provision'  
NR1 'Trees and Woodlands'  
NR2 'Statutory Sites'  
NR3 'Habitats'  
NR5 'Enhance Nature Conservation'  
S1 'Shopping Hierarchy'  
S4 'Principal Shopping Areas'  
S5 'Other Town Centre Areas'  
S6 'The Use of Upper Floors Within Town Centres'  
S11 'Shop Fronts'  
S12 'Security Shutters – Solid Lath'  
S13 Security Shutters – Lattice /Mesh Grilles'  
S16 'Environmental Improvements and Traffic Management Measures'  
BH12 'Area of Archaeological Potential'  
E16 'Tourism and Visitor Development' 'Facilities and Attractions'  
E17 'Serviced Accommodation'  
DP4 (C1) 'Retail Allocation'  
DP7 'Car Park Requirements'  
DP8 'Supplementary Planning Guidance'  
DP9 'Transport Assessment Required'  
DP11 (C1) 'Improvements to Car Park'

## SPD4 'Sustainable Development'

### Other Material Considerations

- Development Brief for Congleton Princess Street Area 25<sup>th</sup> March 2009
- Volume 2: Cheshire Town Centre Study 2006 to 2021
- Report to Congleton Partnership on the Potential Relocation of Congleton Market by New Market Solutions (July 2008)
- Congleton Town Centre Plan (Final Report, March 2008)
- Congleton Renaissance '*An Economic Development & Tourism Strategy for the Borough of Congleton*' 2007/2016.
- Congleton in Transition '*A Regeneration and Development Strategy for the Town of Congleton*' 12<sup>th</sup> December 2008
- The Cheshire Replacement Waste Local Plan March 2010
- Manual For Streets
- Circular 11/95 'Planning Conditions'
- Circular 05/05 'Planning Obligations'
- Chief Planning Officer Letter from the SoS re abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies – Forthcoming Abolition
- The Town and Country Planning (Consultation) (England) Direction 2009

### **CONSIDERATIONS (External to Planning)**

#### **Environment Agency:**

The Environment Agency confirmed it has no objection to the proposed development but advise that two conditions must be attached to any permission. The first of these relates to drainage and requires the applicants, prior to the commencement of development, to submit a scheme for the management of risk associated with flooding from surcharging of surface water drainage. The second relates to contamination and in this respect, whilst the Environment Agency do not consider the scheme to pose a significant risk to controlled water receptors, the presence of Howty Brook beneath the site means that should any evidence of contamination not already identified be found during the development of the site a detailed scheme for remediation must be submitted to the Local Planning Authority for approval. A list of informatives has also been provided covering requirements for written consents, waste exemptions, rainwater filtration and protection of watercourses during construction.

#### **United Utilities:**

Have no objection to the proposed development. They do however advise that the scheme must be drained on a separate system with only foul drainage connected into the foul sewer and surface water discharged to Howty Brook subject to approval of the Environment Agency. They also advise that a water main and public sewers cross the site and that no building will not be permitted over them with any necessary diversion being at the applicant's expense.

**4NW:**

4NW advise that the scheme, in broad terms, conforms with RSS DP and RDF policies. They consider that in economic terms the scheme raises no major issues and that the uses proposed are consistent with RSS W5 and PPS6 (subsequently superseded by PPS4). They consider it generally complies with transport policies within RSS principally DP5 and RT2, provides a level of parking within the specified standards and also makes ample provision for cycle parking. 4NW then make a series of more generalised points on environmental issues and sustainable design with which should be incorporated into the scheme where possible.

**Archaeology Planning Advisory Service:**

The Development Control Archaeologist (DCA) concluded that based on the recommendations within the applicants assessment, three areas should be subject to a programme of evaluation trenching to establish the need, if any, for further archaeological mitigation, the DCA advised that the works should be carried out prior to determination and that any further work which subsequently proved necessary be secured by condition.

**Strategic Highways Manager:**

No objection to the proposed development subject to the imposition of conditions and inclusion of off-site highway works within a S106 Agreement.

**Environmental Health:***Scientific Officer - Air Quality*

*29<sup>th</sup> May 2009*

The Scientific Officers (SO) original response noted that the development would have an adverse impact on air quality at the Air Quality Management Area 4 (A34/A54 Junction) in terms of nitrogen dioxide emissions. The SO advised that further mitigation measures must be considered to ensure air quality at relevant receptors and within the Air Quality Management Area (AQMA) is not further affected by the development.

In terms of site preparation and construction phase, the SO recommended that the proposed dust management plan is both implemented and agreed with the local authority prior to commencing works in order to minimise the impact on air quality and in order to ensure that dust related complaints are kept to a minimum during construction.

The SO also recommended that the travel plan be linked into the air quality assessment but that further discussion on this matter should be held directly with the SO.

*19<sup>th</sup> January 2010*

The SO response advised that she had reviewed the amended air quality assessment but sought clarification on a number of points relating to modelling data, assessment methods and impact.



7<sup>th</sup> May 2010

Following an assessment of a final supplementary note from the applicant's consultant, the SO confirmed no objection to the proposal subject to: -

- 1) Scheme for dust mitigation included as part of a Construction Environmental Management Plan (CEMP)
- 2) Implementation of the identified Travel Plan
- 3) Implementation of proposed junction improvements at Rood Hill/Rood Lane to alleviate congestion and reduce emissions. (Because the scheme would have a significant predicted 1.3% increase in NO<sub>x</sub> emissions within the AQMA)

#### Contaminated Land Observations

No objection to the proposed development but advised that whilst contamination has no implications human health, the Environment Agency should be contacted for comments prior to works commencing on-site. It was also noted that some soils may not be aesthetically acceptable to remain on-site and would need be removed and disposed of in an appropriate manner and that further information would be needed in relation to gas monitoring before comments could be provided.

#### Noise Assessment Observations

No objection to the proposed development but noted that the standard of mitigation for the proposed hotel (a "reasonable standard" as described under World Health Organisation Guidelines and BS 8233:1999) would need to be upgraded to achieve a good standard (as prescribed within PPG24 and BS8233: 1999).

It was also noted that detailed schemes for mitigation of noise from plant and equipment would be needed for each phase of development or installation which should be should be agreed with the Council prior to commencement of development on that particular phase.

#### General Environmental Health Observations

A number of other general observations were made in relation to control of noise during demolition and construction through use of conditions to control hours of operation. It will also be necessary to impose a condition to ensure details of the filtration and extraction equipment for the restaurant and café uses prior to installation.

#### **Cheshire Police:**

The Architectural Liaison Officer provided a detailed advice note in relation to the layout and design of the scheme that extended to cover a number of areas within the scheme including the car park, hotel, underpass and general public areas.

**Nature Conservation Officer:**

The Council's NCO initial response raised concern that insufficient information had been submitted in terms of the potential impact from the development on bats and that further survey work would be required by the applicants as recommended within their original bat survey. Following the submission of an additional survey and written confirmation that the scheme would avoid damage or disturbance of the culvert entrance the NCO subsequently confirmed however that he was satisfied that the proposed development would avoid unacceptable impact and that he had no objection to the proposed development.

**VIEWS OF CONGLETON TOWN COUNCIL**

A number of responses have been received from the Town Council over the course of the application which have been available to view in full on the website. However by way of summary the main representations covered the following areas: -

21<sup>st</sup> May 2009

Generally it was considered that the development should maximise use of pitched roofs, avoid flat roofs and incorporate extensive Greenery to provide attractive scenery. CTC recognised that the development will become the focal point for the town but they advise this must not be at the expense of other important areas of the town and the opportunity should be taken to join up Lawton Street and areas north of Mountbatten Way through inclusion of signing and pedestrian crossings.

In relation to the Market, a number of concerns were discussed in relation to lack of indoor units, proposed temporary market location and lack of consultation with market traders.

A number of other specific points were raised: -

- A lack of support for the proposed clock tower because they feel a different landmark would be appropriate.
- Questioning toilet provision and cycle parking provision.
- Requesting conditions on any permission to enhance the Bridgestones Phase 1 gable wall.
- That whilst the development seems to make adequate provision for parking once completed, there will be a shortage during construction.
- Advising they would like to ensure dial-a-ride access can be gained into the new development.
- That the provision of a shop mobility service would considerably add to the user friendliness of the site.
- Concluding that they welcomed the opportunity to provide initial reaction but that their work has not yet finished.

## **OTHER REPRESENTATIONS**

In total, 37 letters were received objecting to the development of which 28 were received during the first round of consultations with the remaining 9 received after the second consultation. The main concerns are summarised below:

- The changes to the town's appearance and its character will be massive.
- The materials and the ultra modern design with lots of glass and flat roofs is not in keeping with the historic character of this town.
- The townscape of Congleton is one of pitched roofs and chimney pots not flat roofs.
- The main structure and the properties fronting Mill St are too tall.
- The market square will be 'closed-in' by the tall shopping centre.
- The narrow alleyways will compromise community safety.
- Proposed greenscaping of the public realm is unimaginative.
- Good quality public toilets need to be incorporated within the site.
- There is no need for a 100-bed hotel, more café's/restaurants or another supermarket in the town? There is already enough competition.
- Demand for the units needs to be established before the scheme goes ahead.
- Congleton hasn't the public or the tourist turnover capacity to sustain the development.
- This whole development will destroy local trade.
- The infrastructure required to support the increased number of visitors coming to the development has been underestimated.
- The proposals will add to traffic congestion in the Town.
- The proposed access arrangements and parking is inadequate and would exacerbate existing problems.
- A 100-bedroom hotel with 80% occupancy will require 75+ spaces from about 4pm onwards reducing the number of spaces. The lack of spaces will be compounded if the food store operates 24 hours.
- It is unclear what 'parking management' measures will consist of.
- Loss of light to adjacent windows in adjoining premises.
- Unable to maintain adjoining properties i.e. gutters, down pipes etc.
- Reduction in property values.
- Noise pollution.
- Disturbance to the way local businesses operate while the building works are being carried out. This may prevent/deter customers from accessing premises on Mill Street.
- The number of indoor market units should not be reduced.
- Such large proposals should be considered alongside the nearby Fairground site and other adjacent proposals, such as the town surgery and the halted developments on the Brooke Mill and Mill Green sites.
- If as stated within the plans Morrison's is to move to the new premises, what is to happen to the old store?
- There is little or no detail as to what sustainability measures are to be employed.
- Do the developers have the financial capacity to complete such a project?

- The location of the market and the hotel is totally speculative.

A further detailed technical representation from Drivers Jonas Deloitte on behalf of the CWC Group. The main concerns can be summarised as follows:

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- That the proposal has not been robustly tested in terms of deliverability and viability and that the Council must be sure that the proposals will deliver long-term regeneration.
- That there is a need to update the retail evidence base before determination of the application and that the current CTCS is not valid given the introduction of PPS4.
- The proposal would harm the vitality and viability of the Town Centre shifting the retail core towards the rear of the Bridestones Centre.
- It would prejudice wider Town Centre regeneration.
- The Council must consider whether alternative proposals can deliver a more comprehensive approach to regeneration of the Town Centre before listing a series of benefits associated with their own proposals.
- That the proposed development requires a full PPS4 Impact Assessment on the basis that the current development plan is not up to date, the sites allocation is historic with emerging guidance likely to present a more accurate picture in terms of need.
- That the assessment must extend to include the effect on wider regeneration of the Town Centre.
- That the application, if recommended for approval, must be referred to the Government Office for the North West.

Additional concerns expressed by Market traders:

- The temporary market location is dismal and unappealing.
- There are only plans for 7 indoor market stalls when there are currently 11.
- Concerns regarding air conditioning, ventilation, hygiene, health and safety and sanitation, fire exits, fumes from the car park etc.
- There is insufficient space for market traders and the market café.
- The ceilings are too low to accommodate large equipment e.g. freezers.
- Vehicle access is greatly reduced for loading and unloading produce.
- No provision for vehicular access to the raised level where the market stalls are planned to go.
- Placing the markets on the upper floors and requiring them to use lifts to load and unload is unacceptable especially as the traders tend to arrive and leave at the same times.
- Lack of permanent protection from the weather with no provision for an indoor market hall.

The Congleton Chronicle also submitted a number of public comment sheets completed by those visiting an exhibition in their offices during the formal public consultation process. Your officers recommend however that little, or no weight be attached to these representations however because they appear

to have been completed for use by the Congleton Chronicle as opposed to being formal representations to the Local Planning Authority.

### **Town Centre Manager**

The Congleton Town Centre Manager has stressed that there is a need to redevelop this part of the town and considers that the proposals are a great improvement on the initial suggestions. The creation of 'Market Square', the effort to blend the development in with Mill Street, the proposed footpath widening and traffic management along Mill Street and the increased parking provision is much needed. However, there are a number of points that are raised and these are summarised below:

- Alternative parking provision should be made available for when the Princess car park is lost.
- If the PCT opt for the Fairground site, the 2 developments could be carried out at the same time and this could impact negatively on the town.
- The area needs to be kept as attractive as possible during the course of the development.
- There is real concern about the town retaining its status as a Market Town.
- The interim arrangements for the temporary market are not practical and do not reflect the recommendations made in the New Market Solutions Report.
- There is also concern about the move from an indoor market and a series of lock-ups, as these will not create the same synergy.
- The design and appearance of the lockups when they are closed needs to be considered.
- Have plans been made to accommodate Congleton Sunday Car Boot?
- The traffic counts carried out by Savill Bird and Axon suggest that the main route in for the Bridgestones Centre is via Morrison's car park. If the Stone House Green becomes the main route in and out for the hotel and a larger car park then improvements to the junction with Mountbatten Way and the associated traffic signals will be needed to prevent traffic backing up to the Aldi roundabout and the A34.
- The provision and maintenance of public toilets needs to be considered.
- Will provisions be made for additional CCTV particularly in the new square?
- Could the public realm be extended into the pedestrian area to improve linkages?

### **Congleton Partnership**

The Congleton Partnership has expressed concerns about the proposals. The main points are summarised as follows:

- Connectivity – how the areas of the town outside the development will be affected and the impact on traffic flow and public safety on Mountbatten Way.

- The market is a major part of the town's character and as such the alternative arrangements must be deliverable and supportive of the requirements of members of the public and traders.
- There is concern regarding accessibility to the new square for traders, the emergency services and for public events.
- Only 10% of the development's energy usage will come from renewable sources.
- More support needs to be given to improving the town's public realm both in terms of a design brief and the provision of physical features.

#### **Congleton Business Association:**

Congleton Business Association has offered the following comments:

- There are concerns that Congleton's status as a Market Town could be lost by the interim plans for the market and the longer term plans for a smaller outdoor and indoor market.
- The arrival of a major superstore could lead to many independent retailers closing down and therefore changing the nature and the character of the town.
- Hotels in the area suffer from high occupancy rates and many have gone into administration.
- The development could disrupt the River Dane Wildlife Corridor.
- Princess Street car park should remain open as long as possible with replacement and workforce parking provided.
- Links and clear routes with other retail areas should be created.
- The area should be kept as attractive as possible during the works.

#### **APPLICANT'S SUPPORTING INFORMATION**

##### *Documents submitted 3<sup>rd</sup> April 2009*

Supporting Planning and Retail Statement (April 2009)

Design and Access Statement (April 2009)

External Landscape Plan (February 2009)

Transport Assessment (Apr 09)

Market Strategy Note (March 2009)

Noise Impact Assessment (April 2009)

Air Quality Assessment (April 2009)

Ecological Walk-over Survey (April 2008) & Bat Survey Report (Nov 2008)

Air Quality Assessment (April 2009)

Environmental Noise Assessment (April 2009)

Site investigation Report (February 2008)

Flood Risk Assessment and Surface Water Survey (February 2009)

Sustainability Report (March 2009)

Archaeological Survey (April 2009)

Waste Management Plan

##### *Further Round of Documents Submitted 18<sup>th</sup> November 2009*

Retail Addendum Report (October 2009)

Revised Transport Assessment (November 2009)

Revised Market Strategy Note (November 2009)  
Additional Bat Survey Report (August 2009)  
Revised Market Strategy Note (12<sup>th</sup> November 2009)  
Revised Air Quality Assessment (24<sup>th</sup> December 2009)  
Revised Noise Assessment (24<sup>th</sup> December 2009)

#### Further Submissions

PPS4 Supplementary Retail Statement (10<sup>th</sup> February 2010)  
Air Quality Assessment Supplementary Letter (30<sup>th</sup> March 2010)

#### Drawings

0-101 Rev \* Proposed New Food Store and Hotel Site Plan  
1-101 Rev B Proposed New Food Store & Hotel Plan at Princess St Level 1  
1-102 Rev A Proposed New Food Store & Hotel Plan at Car Park Level 2  
1-103 Rev C Proposed New Food Store & Hotel Plan Food Store Level  
1-104 Rev B Proposed New Food Store & Hotel Plan at Hotel Level 1  
1-105 Rev B Proposed New Food Store & Hotel Plan at Hotel Level 2  
  
2-101 Rev B Proposed New Food Store and Hotel Sections A-A and L-L  
2-102 Rev A Proposed New Food Store and Hotel Sections B-B and C-C  
2-103 Rev A Proposed New Food Store and Hotel Sections M-M and F-F  
2-104 Rev - Proposed New Food Store and Hotel Sections O-O  
2-105 Rev B Proposed New Food Store and Hotel Sections H-H and K-K  
  
3-101 Rev C Proposed New Food Store and Hotel Elevations J-J and N-N

### **OFFICER APPRAISAL**

#### **Principle of Development**

The principle of retail development on the application site is established by local plan policy allocation DP4 (C1) that identified the site as being suitable for improvement and development for retail uses. A significant percentage of the application site and site allocation also falls within the identified principal shopping area (PSA) where retail development is generally concentrated and in this respect, the proposal is considered to reinforce the town's retail core, although this is discussed in more detail within the next section of the report.

Similarly, whilst only an informal policy document of limited weight, the Congleton Town Centre Plan identifies the site as a 'Primary Development Site' of high importance being suitable for a large retail floorplate to include a modern town centre supermarket for large/medium sized retail uses with additional restaurant and café uses to encourage the night time economy.

The inclusion of the additional hotel, café and restaurants uses as part of the overall development mix is also entirely consistent main town uses identified within PPS4 and RSS policies W5 and W7. PPS4 recognises that such uses play an important role in meeting the main objectives to deliver prosperous economies by focusing new economic growth within existing centres and by offering a wide range of services to communities, promoting competition

between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services within town centres. Similarly the RSS seeks to promote retail investment where it assists in regeneration and economic growth (policy W5) and seeks to develop tourism within the region more generally (policy W7).

The proposals would also deliver high quality, sustainable economic development within the heart of Congleton Town Centre utilising a highly accessible and previously developed site and on that basis your officers consider the scheme performs well against the general policy aims of PPS1, PPS4 and RSS in particular.

### **Retail Impact, Assessment and Related Issues**

In dealing with this application, Members will be aware that the application has been with the Council for some time. It is therefore important to clarify that documents submitted with the application, which assessed the development against PPS6, are no longer relevant to the determination of the application and that it is now PPS4 that sets the policy framework against which the application must be assessed.

At EC10.1, PPS4 advises Local Planning Authorities to adopt a positive and constructive approach towards applications for economic development and treat favourably, applications which secure sustainable economic growth. Therefore, given that your officers consider the scheme successfully delivers sustainable economic development, it is recommended Members treat the application favourably. Members must also give significant weight to the fact that the site is allocated for retail development within the adopted Local Plan.

In addition to the above however, EC10.2 of PPS4 also requires proposals for economic development to be assessed against five impact considerations.

In terms of EC10.2 (A), your officers consider that the indicative details provided demonstrate that the scheme would perform satisfactorily being capable of generating 10% of its renewable energy from a variety of sources (subject to a final tenants specifications) and can adequately cope with climate change subject to the final approval of detailed surface water regulation strategy by the Environment Agency.

In relation to EC10.2 (B) the site performs extremely well. It is located at the heart of Congleton Town Centre, is accessible by a range of transport and is predicted to encourage more linked trips into the town centre thereby reducing the need to travel. The impact of the development on the local highway network in terms of traffic levels and congestion is also considered to be acceptable subject to a number of off-site highway works.

For reasons discussed in depth within the next section (Layout and Design), it is considered the impacts identified under EC10.2 (C) would be wholly positive. For example, the scheme will enhance the character of the area and the way it functions by introducing the new retail circuit, creating an attractive built frontage to Mill Street and delivering a new town square and market site.



Similarly, the impacts resulting from the development in terms of EC10.2 (D)& EC10.2 (E) are considered to be positive in overall terms. The scheme will deliver regeneration of an allocated site at the heart of the town centre which will serve to largely strengthen the town centre and deliver new job opportunities within the proposed hotel and food store in particular.

Your officers therefore consider that the development will have significant positive impact when assessed against EC10.2 demonstrating that the scheme will deliver sustainable economic development (EC10.1).

In addition to EC10 however, PPS4 EC14 also requires the local planning authority to consider whether a sequential test (EC15) and Impact Test (EC16) are required for the development and these are now considered in more detail below.

#### *Sequential Test*

In the case of EC14.3, your officers are satisfied that the applicants do not have to undertake the sequential test because the site is located within a centre and the proposals are in accordance with an up to date development plan. In any case, your officers consider this to be the most sequentially preferable site capable given the percentage of the site within the PSA and its position directly adjacent to Bridge Street and Duke Street.

#### *Impact Test*

Your officers are also satisfied that an impact test is not required under EC14 despite the applicants PPS4 addendum submission on 10<sup>th</sup> February 2010. This is because EC14.6 advises impact tests are only required where an application relates to a site within an existing centre not in accordance with an up to date development plan and which would substantially increase the attraction of a centre to the extent that the development could have an impact on other centres. In this case the site is allocated within the adopted Local Plan under policy DP4 for retail development and is thus excluded from the provisions of EC14.6. Whilst a small part of the site clearly falls outside the DP4 allocation, this is unallocated land with which there is no policy conflict and is not considered to undermine the objectives of EC14.6.

Whilst EC16.1 (E) sets a further threshold for submission of an impact test in relation to scale, your officers again consider this would be unnecessary having regard to advice within the PPS4 Practice Note. Firstly, the net retail floorspace proposed within the scheme accords with the site allocation which indicates that the site could accommodate approximately 4000m<sup>2</sup> net retail floorspace. Secondly, the Town would still fit the PPS4 'District Centre' typology in which it would fall. Thirdly, in terms of the guidance notes reference to evidence of need, the delivery of 2480m<sup>2</sup> net convenience would sit within the town's long-term need to 2021 for 2650m<sup>2</sup>.

There are also a number of other matters that require consideration and these are now discussed in more detail below.

*Whether the scheme is 'Deliverable' and has been robustly tested.*

A detailed objection was submitted on behalf of CWC who argued that deliverability of the scheme has not been robustly tested. Here PPS4 advises that deliverability should be assessed by consideration of the sites Availability, Suitability and Viability and I now turn to consider these in more detail. In terms of availability, the site is clearly available within the short term for redevelopment and is the site is clearly suitable for development having particular regard its site retail allocation and position within the Town Centre. In viability terms, whilst your officers acknowledge the general economic downturn, they consider the retail sector to be in a stronger position evidenced by recent developments within the Borough.

*Concerns over the proposed development in retail terms*

Concerns were also raised by CWC that the proposal falls outside the PSA and will shift the retail core to the back of the Bridestones Centre. In this respect, whilst the retail allocation clearly extends beyond the PSA, the decision to define the allocation would have been robustly assessed at the time of adoption and been subject to examination in public.

Similarly, your officers do not accept CWC's concerns over a possible 'shift in the retail core'. The development clearly focuses activity within the proposed town square that would be located within the PSA and would result in a layout that serves to facilitate a new retail circuit within the town, something which is presently lacking. It is therefore considered that CWC's concerns in this respect should be afforded no weight in the determination of the application

*Concerns over competition (Café & Restaurant Uses)*

Whilst officers can appreciate traders concerns over increased competition, CON.13 of the CTCS notes that Congleton has a below average provision of cafes and restaurants within the town centre. Your officers do not therefore consider this is a matter to be afforded weight in determination.

*Referral to the Secretary of State*

Whilst the objection from CWC also argues that the scheme must be referred to the Secretary of State (SoS) should Members resolve to grant permission, we disagree with this supposition because the proposed development clearly accords with the provisions of the development plan and does not therefore meet all of the necessary test by which development must be referred. Whilst it has been previously acknowledged that a small section falls outside any allocation, there is clearly no conflict or departure to indicate the scheme "does not accord with the provisions of the development plan in force".

## **Layout and Design**

The design and layout of the proposed development has evolved from public consultation and extensive pre-application discussions with the case officer and urban designer.

### *Layout*

In respect to the layout, which in the case of this site is one of the most crucial elements to the success of the development and restoration of the town

connectivity, the scheme successfully implements the design guidance contained within the Development Brief and Informal Town Centre Plan.

In terms of pedestrian movement and townscape connectivity, the proposed layout successfully links the development into the town centre for a number of reasons now discussed in more detail.

Firstly the proposed town square and market sit on a level with the existing Bridestones Centre and, crucially, Victoria Street serving to link the proposed development with Bridge Street, the town centre main shopping street.

Secondly, the layout proposes creation of a new pedestrian arcade to connect the market and town square with Mill Street (and also Cross Street) thereby allowing shoppers and pedestrians to link back to Duke Street and Bridge Street facilitating creation of a new retail circuit within the town centre; something which is currently lacking and likely to have been a contributory factor in the town centres recent decline.

Thirdly, and crucial to the success of the retail circuit, the layout secures a large number of different uses along the length of the route. At town square level, this includes Congleton Market, a small café and speciality retail unit reinforced by units within the existing Bridestone Centre. Similarly, the pedestrian arcade level would be anchored by the food stores entrance which is likely to be a significant generator of pedestrian footfall, and lined with a row of smaller speciality retail units.

Fourthly this mixture of shops and restaurant, arranged in the manner proposed, will help to facilitate appropriate levels of activity through large parts of the day and night ensuring that the public square and pedestrian arcade remain vibrant active places which are well overlooked at all points

The proposed town square will also act as a focal point for civic events, such as the Christmas lights switch on, and in this respect your officers will ensure that conditions and the S106 agreement allow for appropriate use of the square for public events, appropriate infrastructure is built into the scheme from day one and that the proposed surface materials positively contribute to the townscape character.

In terms of Mill Street, the positioning of the food store element would allow for a continuous façade to be constructed along the entire length of the site frontage which would serve to complete the street in both built and visual terms but which also serves to introduce life and activity into what is an otherwise largely dead frontage.

The layout has also successfully incorporated parking and service areas into the scheme beneath the development and, for the most part, out of the public realm. Whilst this has led to a sizeable underground parking and service area with resultant implications for crime and safety, a number of uses have been included at basement, notably centre management suite, shop mobility and market servicing area to ensure a reasonable degree of day-to-day activity

and passive surveillance of these areas. Moreover the level of vehicle and pedestrian activity within these area is likely to be significant whilst safety can be bolstered still further with carefully designed schemes for lighting and CCTV; details which can be secured by way of conditions on any permission.

### *Design*

Whilst representations have been received objecting to the design of the proposed development, your officers consider that it strikes an appropriate and sympathetic balance between traditional and contemporary design which is appropriate to the townscape of Congleton.

The Mill Street façade adopts a largely traditional approach, influenced by the Georgian vernacular, arranged in a manner which replicates the scale and rhythm of buildings found in the town centre. This has the effect of breaking down an otherwise single continuous, potentially over-dominant, façade into a series of smaller ‘shop fronts’ which respects Mill Street and the character of the wider townscape but with the inclusion of a contemporary glazed tower to acknowledge that this is a new chapter in Congleton’s history.

On internal facades however, overlooking the proposed square and pedestrian arcade, a marked shift occurs in the design. Here a contemporary approach is adopted using curtain wall systems to introduce largely glazed elevations to the public realm. In this respect, your officers consider this approach to be entirely appropriate because it allows the introduction of contemporary design into the town centre in a sensitive manner bringing the vibrancy and activity inside buildings out into the public realm and whilst ensuring good levels of passive surveillance over the public realm.

At an upper floor level, where views of the development would be seen from higher vantage points, the design reverts back to a more traditional façade with brick elevations and a more regular window pattern. However, the design does incorporate a contemporary clock tower which would act as the signature for the development once completed although the exact final design of this town however, including materials to be used, will need to be secured by way of condition.

As a result, your officers consider that the design and layout of the scheme delivers high quality development in accordance with the requirements of PPS1, RSS policy DP1, DP2 and DP7, local plan policies GR1 and GR2 and the Princess Street Development Brief delivering in particular sustainable development which takes the opportunity to improve the character of the area and the way it functions.

### **Impact on Congleton Market**

As part of the site’s redevelopment it is proposed to demolish Congleton’s existing permanent brick built market that comprises 11 lock-up units and 85 stalls and relocate it to the proposed town square through the provision of 11 indoor units and 36 pop-up outdoor stalls which can be erected on market days and be removed on the remaining days allowing the square to be used for other events and public activity.

In its current location, the New Market Solutions (NMS) study, undertaken on behalf of Congleton Town Council, the then Congleton Borough Council and Modus to consider the implications of any redevelopment on Congleton's market, advised that Congleton's traditional two-day market is struggling partly because of its concealed location in a "basement" position, partly because of its type of build and lack of character and partly because competition in retailing is now so intense that small traders are being 'squeezed out' by big retail businesses. It went on to state that despite its position, nominally central to the retailing core of the town centre, the market is struggling and lacks the pedestrian flow that it needs to support its traders to maintain its vitality and viability and that without that vitality, its role in supporting the and partnering the town centre retail offer is very limited.

Following the first round of public consultation on these proposals it became apparent that market traders and management team were particularly concerned about the proposed development. In this respect, whilst a large number of issues were raised by traders, and to a lesser degree the market management team, your officers consider the main concerns can be summarised as follows.

Firstly, traders consider the proposed location for the temporary market within a basement unit underneath the existing Bridestone Centre to be entirely unsatisfactory in terms of its size, ceiling height, overall location (away from passing trade and in the centre of a building site), the general environment within the unit and because it lacked a service lift.

Secondly, traders consider that the servicing arrangements for the new market were, and still are, entirely unacceptable. Here traders were, and still are, opposed to having to use a lift(s) to service their stalls and argue that they need direct access onto the square for their vehicles for loading and unloading as well as having access to their stock during trading hours. They also argued that the provision of only one lift within the initial layout and design scheme would be insufficient to accommodate the number of traders.

Thirdly, that there were insufficient outdoor pitches and that only 7 indoor units were being provided when there were 11 '*indoor traders*' operating.

And finally that the layout of the proposed replacement market would fail to maximise the flow of shoppers around the stalls with some traders being left 'isolated' with little passing trade and that the use of pop-up stalls rather than something more substantial and weather proof.

We now move on to consider these, and other market related issues, in more detail.

#### *New Market Location*

In terms of the location for the replacement market, your officers and market management team are entirely supportive of its position within the new town square and consider it to offer significant benefits. It lifts the market from its

current isolated position beneath the Bridestones Centre into the heart of the new town square where it will be surrounded by other retail units and cafes and where it will benefit from significantly higher levels of footfall along the new retail circuit. Moreover, the location is entirely consistent with that recommended within the NMS Study which concluded that such a position is *“by far the best means of ensuring that Congleton Market has a sustainable future”* a recommendation with which your officers wholeheartedly agree.

### *Operational Matters*

Moving on to consider operational aspects of the market, your officers considered at great length the traders concerns identified during the first round of consultation. Following a number of meetings between the case officer, market management team and the applicants architect it was agreed that a number of revision would be made to the design and layout of the scheme to address the market manager and trader concerns.

As a result, and in terms of the market, the revised plans secured the following changes: -

- An increase from 7 single indoor units to 11 mixed size indoor units set around a public walkway with four egress points out to the town square.
- Made provision for an additional service lift solely for market traders
- An increase in the number of outdoor pitches to 36no in a revised layout based on advice from the market manager at City Markets;
- Revised parking and servicing arrangements for traders including additional loading spaces at basement level and confirmation of van parking (for smaller vans) at basement level; and finally
- Provision of trader facilities at market square level including traders amenity area, storage area, toilet as well as a market managers office which directly overlooks the shared service vehicle bay beneath.

Following submission of the revised plans your officers consider the latest layout and design caters far more appropriately for the requirements of the traders and market management team in terms of both servicing and day-to-day operational aspects.

Whilst traders and the National Market Federation are still very concerned over the proposed servicing arrangements, both your officers and the Councils Market Management team are confident that the revised arrangements presents a workable solution. It would also be considered to be wholly undesirable to allow traders vehicles onto the town square having regard to pedestrian safety and the general damage which would undoubtedly occur to high quality surface materials as a result of oil, diesel and tyre stains.

In overall terms therefore, acknowledging that some day-to-day management of operational aspects would be required, it is considered that with appropriate

measures in place the market would function perfectly acceptably. Whilst your officers are therefore entirely satisfied with this position, the applicants have advised that they have recently secured an agreement with the owner of the adjacent Bridestone Centre to allow traders to use the upper deck of the existing multi-storey car park which is on the same level as the proposed town square and would allow for loading and un-loading of traders vehicles in close proximity to market stalls. Whilst it has not been possible to consult traders on this latest position, it is likely to go some way to address their concerns even though it is recommended a condition be attached to any permission to secure a scheme for implementation of physical barriers to prevent direct access onto the square.

#### *Temporary Market Location*

Whilst the matter of the temporary market is being considered under co-joined application 09/4176, also on the agenda, your officers share the concerns of the traders over the proposed basement location and consider that a temporary market on the Fairground site to be a far more appropriate option.

Taking into account all of the above however, your officers consider that the Congleton Market will benefit significantly from the proposed development and that the scheme is entirely compliant with the requirements of PPS4, Princess Street Development Brief and recommendations contained within the NMS Market Study.

#### **Sustainability**

In overall terms the scheme is considered to have good sustainability credentials. It would make efficient use of a previously developed site within the town centre location and would therefore rank highest under RSS policy DP4. It has good links into the public transport network, further enhanced by the proposed off-site highway works to Mill Street, and includes provision for cycle parking and facilities for the disabled including shop mobility facilities. The scheme would also significantly enhance pedestrian connectivity and is likely to generate an increased number of linked trips which will contribute to the delivery of sustainable economic development in line with the requirements of PPS4.

Similarly the development will also be required to meet RSS policy EM18 requirements to deliver 10% of the on-site energy demand (OED) from decentralised or renewable sources. At this stage, given the speculative nature of the scheme, the precise method by which the 10% will be achieved cannot be precisely identified. However the applicant's Sustainability Report indicates the most financially viable options, and those likely to be incorporated would be a small-scale centralised CHP plant (3.11% of OED), and Biomass boilers (5.5% of OED) and with the possibility of solar thermal roof mounted cylinders (0.63% of OED) if grant funding could be achieved. The applicant's sustainability report also advocates inclusion of power voltage optimisation to secure a 4.32% of saving of OED, however this method cannot count toward the 10% requirement although it serves to demonstrate significant reductions in energy use can be also achieved by other means for a small capital cost. Whilst further work is therefore needed on the part of the

applicants, your officers consider that a condition can be attached to secure precise details as to how the 10% requirement will be met and to also secure inclusion of the proposed Green Roof and power voltage optimisation system.

Conditions would also need to extend to include further information in relation to the proposed site waste management plan in order to comply with the Cheshire Waste Replacement Local Plan Policy Note 10 and 11. In this respect opportunities for potentially recycling waste materials into aggregate do not appear to have been considered by the report with further details of recycling of commercial waste also needed once an end occupier has been identified.

### **Flood Risk Assessment (FRA) and Drainage**

Whilst the site is located within Flood Zone 2 of the Environment Agency indicative maps, an area identified at risk of flooding under Local Plan allocation GR21 and would also require the diversion of the culverted Howty Brook, the Environment Agency (EA) are satisfied that the proposed development is acceptable in terms of PPS25.

In this respect, whilst the proposed mix of uses are considered to be 'less vulnerable' and appropriate for the site under PPS25, with the applicants FRA also showing that the diverted Howty could cope with a 1 in 100 year flood (with allowance for climate change) the sites surface water drainage system is at risk of flooding from what PPS25 terms as 'event exceedance'.

This would occur during periods of severe rainfall where the surface water drainage strategy could become surcharged out of the drains leading to overland flow that could cause a flooding problem. The EA therefore considers that a condition is necessary to ensure that no development commences until a scheme to manage flood risk from surcharging has been approved by the Council and which is then fully implemented and maintained in accordance with details to also be agreed.

Therefore, subject to the imposition of the requested conditions, it is considered that the scheme would meet the requirements of PPS25 and policy GR21 of the adopted Local Plan.

### **Transport, Accessibility and Parking Provision**

#### *Proposed Vehicle Movements*

Following submission of a revised Transport Assessment (TA), the Strategic Highways and Transportation Manager (SHM) was satisfied that the vehicle movements generated by the proposed development could be safely accommodated within the existing highway network.

In this regard, the TA assessed the impact on three existing junctions within Congleton at Stonehouse Green/A54 Mountbatten Way, the Mill Street/Mountbatten Way/Aldi roundabout and finally the signal controlled junction at Mountbatten Way, Market Street/Worrall Street.



In all cases it was demonstrated that the increased traffic flows associated with the proposed development would not adversely affect the operational capacity of the critical junctions assessed within the TA. Whilst the TA identified that the exit from Stonehouse Green onto the A54 would operate close to its operational capacity during Saturday peak, this would still be within its operation capacity and the SHM was comfortable that this would not be an impediment to the redevelopment of the site. Moreover, in the case of the signal controlled junction to Mountbatten Way/Market Street/Worrall street, it was demonstrated that the junction could actually operate slightly better because existing Morrisons car park trips are likely to be re-assigned to the new food store resulting in fewer trips travelling through the junction.

The TA also serves to demonstrate that HGV vehicle movements associated with the development can be satisfactorily accommodated through the provision of dedicated service areas for the retail, hotel and market elements.

In overall terms therefore, the SHM agrees with the applicant's conclusion that the increased vehicle flows resulting from the development can be safely accommodated on the local highway network and on that basis the proposed development is considered to be comply with the requirements of policies GR1, GR9 and GR18 of the adopted Local Plan.

#### *Accessibility*

Similarly, for reasons identified throughout the course of the report, the site is considered to benefit from good accessibility by a range of transport modes and performs well when assessed PPS1, PPG13, RSS and Local Plan policies. The SHM will however require a number of off-site highway works to be implemented to mitigate the negative impacts of the development in terms of air quality, further enhance pedestrian accessibility to the public transport network and ensure appropriate levels of pedestrian safety to the proposed retail circuit along Mill Street. These have therefore been included within the proposed heads of terms identified in the relevant forthcoming section.

#### *Car Parking Provision*

In terms of car parking provision your officers are satisfied that 252 car parking spaces is sufficient to meet the needs of the proposed development.

Whilst the SHM expressed some initial concern at this figure, given it was below the maximum RSS standard of 420 spaces (328 for the food store element and 92 for the hotel), he is now satisfied that the provision of 252 spaces is sufficient to meet the needs of the development.

The SHM reached this view due to fact that, amongst other things, the revised TA successfully demonstrated that the application site benefits from good level of accessibility by a range of transport modes and because the proposed mix of uses has complimentary peak periods (i.e. different peak parking times between the hotel and food store elements) which served to demonstrate that the 252 would be sufficient to meet the demands of the development. Furthermore the SHM recognised that the higher figure was a maximum

figure, a view supported by 4NW who confirmed that car parking provision was within appropriate standards.

Your officers are therefore satisfied that the proposed development accords with the parking standards within RSS, meets the requirements of Local Plan policy DP11 and satisfies the requirements of test EC18 within PPS4 offering a level of parking proportionate to the size of the centre. In respect of ensuring that the proposed car parking serves the Town Centre as a whole, it is recommended that a condition be attached to any permission to ensure a minimum of 2-hours free parking on the site which would ensure linked trips could be made into the wider PSA.

Notwithstanding the above however, it is important for Members to note that the closure of the Princess Street Car Park (coupled with the loss of spaces on the Fairground site) is likely to result in a shortage of parking spaces within the Town Centre during the redevelopment of the site. Whilst this situation is unavoidable if the regeneration of the site is to be secured, discussions have been held with the Head of Car Parks who has confirmed he does not wish to object to the development and his service will act to address the matter should Members resolve to grant permission. Whilst it may be possible to mitigate some of the short-term harm by ensuring replacement car parking was delivered at the earliest possible stage (through the proposed phasing mechanism within the S106) this would be entirely dependant upon the proposed construction methods and site safety and would therefore require further discussions with the applicants.

## **Environmental Health Related Issues**

### *Air Quality*

The revised Air Quality Assessment (AQA) and supplementary technical data indicate that the proposed development will impact upon air quality as a result of dust from construction and as a result of additional vehicular movements within the Air Quality Management Area 4 at the A34/A54 Rood Hill (AQMA).

### *Traffic*

In terms of the impact from additional vehicle movements, the applicant's results show that predicted concentrations of Nitrogen Dioxide (NO<sub>2</sub>) at the junction of the A34/A54 will increase by +1.3% which they do not consider to be significant based on National Society for Clean Air guidance which advises increases of 1–5 % are deemed very small and thus only slightly adverse.

Whilst Environmental Health disagrees with this conclusion, because any increase within the AQMA is significant, they advise that the impact can be appropriately mitigated in two ways. Firstly, through the proposed replacement of the existing antiquated signal controller at the A34/A54 Junction which would serve to improve traffic flows and reduce NO<sub>2</sub> emissions and secondly through implementation of a Travel Plan Framework to encourage more sustainable behaviour.

### *Construction*

Similarly, whilst the proposed development has the potential to result in dust emissions during demolition and construction, any detrimental impact can be mitigated through measures to control dust during these times. Precise details by which this will be achieved can be secured by way of condition for submission of a Construction Environmental Management Plan (CEMP).

Your officers are therefore satisfied that, subject to these measures being secured within a S106 Agreement, the proposed development would avoid any conflict with local plan policies GR1, GR6, GR7 and GR8.

### *Contamination*

The applicants submitted detailed Phase 1 (desk top) and 2 (Intrusive Investigation) Assessments which concluded the risk to site users from contamination was low and, in the case of surface or culverted water features, to be low/ medium. On the basis of the findings within the applicant's assessment therefore both Environmental Health and Environment Agency have confirmed they have no objection to the redevelopment of the site in the manner proposed.

It will however be necessary to attach a number of conditions to any planning permission. The first of these relates ground gas because initial measured levels indicated some form of protection would be required. In this respect, it is likely further gas monitoring work will be required before a detailed scheme for gas protection measures is submitted and approved by the Authority ahead of development commencing.

Secondly, in terms of the Environment Agency, a condition will be required to ensure that should any evidence of previously unidentified contamination be found during development of the site then development shall cease until such time as a detailed scheme for remediation has been submitted to the Local Planning Authority for approval.

Subject to the imposition of these conditions however, your officers are satisfied that the scheme adequately addresses the requirements of PPS23 'Planning and Pollution Control' and local plan policies GR1, GR6, GR7 and GR8.

### *Noise*

It is not considered that noise presents any form of impediment to the redevelopment of the site. Whilst it will be necessary to incorporate some degree of mitigation into hotel bedrooms onto the northern (towards Mountbatten Way) and western facades (Mill Street), this will simply necessitate appropriate glazing and ventilation to ensure noise levels within hotel bedrooms achieves the "good standard" as prescribed within PPG24 and BS8233: 1999 which can be secured by way of condition. Similarly, whilst the development will include installation of plant and equipment, particularly to upper floor areas such as air conditioning, Environmental Health advise that scheme to mitigate such noise from such equipment in accordance with BS4142 can be agreed by way of condition to cover each

phase of development and once more detail is known about the end user requirements and the particular specification of any equipment.

### **Archaeology**

A large part of the Town Centre, including land within the application site, is identified as an area of archaeological potential and the applicants were therefore required to submit a detailed desk based assessment to consider the impact of the proposed development.

The applicant's study identified three potential sites for further investigation. Site 1 was identified as possibly containing the remains of the wheelhouse, engine house and boiler houses of Stonehouse Green Mill and was also recommended for further sampling in relation to evidence of earlier land uses and possible deposits from Howty Brook. Site 2, an area adjacent to Mill Street and built upon in the late 18<sup>th</sup> century was identified as having potential for post-medieval and possibly medieval development. Comments in relation to site 3 were more general indicating that there is a possibility of the survival of some deposits probably relating to agricultural or horticultural use and possible early industry such as iron smelting.

Following assessment of this document, the Development Control Archaeologist (DCA) noted the identification of these and recommended that they should be subject to a programme of evaluation trenching to establish the need, if any, for further archaeological mitigation. At the time, the DCA advised the works should be carried out prior to determination and that any further work, which proved necessary, be secured by condition. However, due to land ownership constraints, and the fact that two of the in question were in car parking and market use the applicants were unable to undertake the further sampling work requested suggested by the DCA.

On that basis, and whilst the DCA would have preferred further trenching work to be undertaken prior to determination to establish whether further archaeological mitigation was required, your officers consider that the work undertaken to date is sufficient to meet the requirements of policy HE6.1 of PPS5 and that any further work can be secured by way of condition. Your officers reach this view because the desktop study presents a clear picture of the likely archaeological interests and confirms they are only likely to comprise items of local or regional significance only.

### **Ecology**

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

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

In this case of the development proposed, the applicant's survey found no confirmatory evidence of bats. Whilst some evidence pointed towards indicative occasional roosting by small numbers of Pipistrelle bats on or near the site the Council's Ecologist is satisfied that the proposed development would avoid any adverse impact on a protected species and that neither derogation from Article 16 of the Regulations or a licence from Natural England would be required to implement the development.

Therefore, subject to a suitably worded condition allowing the ecology reports recommendations to be fully implemented, it is considered that protected species would not impede redevelopment of the site and that the scheme would meet the requirements of EC Habitats Directive, Conservation (Natural Habitats &c.) Regulations 1994, PPS9 Biodiversity and Geological Conservation and ODPM Circular 06/2005 and local plan policy NR3.

### **Residential Amenity**

In overall terms, your officers are satisfied that the impact of the development on residential properties within the surrounding area will be negligible with any potentially detrimental impacts arising from construction, noise and odours being capable of control by way of various planning conditions. There are however a number of other aspects of the development which relate to residential amenity and which need to be considered in more detail.

In terms of the relationship between the scheme and the adjoining property, the development will directly impact two kitchen windows and single lower basement within the gable of 19 Mill Street (T&S Electrical) which led to an objection from the owner of the property.

In dealing with this matter, and even though kitchen windows are not classed as habitable room windows which benefit from a degree of policy protection, revised plans were submitted to address the objectors concerns. The revisions successfully retained the Mill Street façade but secured the inclusion of a light well thus allowing much higher levels of natural light to reach the kitchen windows. Your officers are therefore entirely satisfied that issue has been satisfactorily address by the revised plans and that the retention of a continuous, high quality built façade to Mill Street is not compromised. In terms of the objectors concerns over ventilation to a lower basement window, your officers advise Members that this is a civil matter between the applicants and property owner and not a material planning consideration. Whilst 19 Mill Street also has a number of habitable room windows in its rear elevation, your

officer are satisfied natural light would remain largely unaffected given the position of the development to the north of the property.

In considering amenity, your officers are satisfied that the northern façade of the proposed development has an acceptable relationship with Brook Mill in terms of light, privacy and general proximity. The proposed development, in overall terms, is therefore considered to meet the requirements of the adopted Local Plan GR1, GR6 and GR7.

### **Other Matters**

Whilst Members may be aware of an alternative Town Centre development proposal which is currently being promoted (understood to partly involve the CWC Group) this proposal is at an early stage with no indication of likely dates when an application could be submitted to the Local Planning Authority. It is important for Members to note that this is not a valid ground for either deferring or refusing the application. Members must judge the current application strictly on its merits having regard to the provisions of the Development Plan and any other relevant material considerations.

## **HEADS OF TERMS**

### **Need for Planning Obligation**

If members resolve to grant planning permission it will be necessary for the applicants to enter into a S106 Agreement with the Council that would need to be signed before planning permission could be issued.

The proposed heads of terms are listed along with an explanation as to why they are necessary having regards to the requirements of S122 of the 2010 Community Infrastructure Regulations and the advice contained within Circular 05/05 Planning Obligations.

### **1. Off-site Highway Works**

#### *a) Mill Street Enhancements*

Secure the implementation, delivery timeframe and detailed material specification for the Mill Street off-site highway works in accordance with SAB Plan 11 DWG no N60749/11 Rev D or an alternative design which emerges following completion of the Town Centre Public Realm Study.

This is necessary in order to allow for the safe implementation of the proposed retail circuit and also facilitate enhanced public transport provision.

#### *b) A54/A34 Rood Hill Junction Improvement*

Secure a financial contribution of no more than £45,000 towards the upgrade of the junction through replacement of the existing signal controller.

This financial contribution is required in order to mitigate the identified impact on the AQMA and in order to enhance pedestrian accessibility to the residential areas to the north of the A34 Rood Lane.

*c) Treatment of the Public Realm within Bridge Street and Duke Street*

To secure a detailed scheme for implementation a maximum of four new planters, benches and individual /grouping of street trees in accordance with the details to be agreed.

Financial Contribution of no more than £10,000 towards either cleaning of the existing carriageway /shared surface to Bridge Street and Duke Street which can alternatively be put towards a scheme for public realm enhancements to the surface materials within Duke Street and Bridge Street.

*d) Treatment of Victoria Street*

Continuation of the agreed public realm treatment for the proposed Town Square along the length of Victoria Street connecting to Bridge Street in accordance with precise details to be agreed.

C & D being necessary to tidy and enhance the appearance of the existing town centre public realm and in order to help visual connectivity between the proposed development and existing town centre an in order to further reinforce the proposed retail circuit.

e) Provision of new surface level pedestrian crossing island to Market Street in accordance precise design and timeframe to be agreed with the Council.

This is necessary to reinforce pedestrian connectivity to other areas of the Town Centre to the east of the site including the Bus Station, Library and 'Civic Quarter' as identified within the Informal Town Centre Plan.

## **2. Phasing Agreement**

A phasing mechanism to ensure: -

a) That a construction timetable and overall build approach is agreed with the Council prior to the commencement of development and is fully implemented in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

b) Requiring that no part of the development be occupied until such time as the development has been fully constructed and completed in accordance with the approved plans.

## **3. Market Provision**

Provision to cover the following: -

a) The applicants to purchase for the Council a minimum of 36 new pop-up market stalls in accordance with a detailed specification to be agreed in writing with the Council.

b) The applicants to purchase anchor points for any new stalls which are to be laid out in the new public square in a location and arrangement to be agreed in writing with the Council within an agreed timeframe.

c) The applicants to install pop-up sockets (or alternative power point specification) which are to be installed within the new public square in a location and arrangement to be agreed in writing with the Council within an agreed timeframe.

This is necessary to ensure that the market is fully catered for within the new development and that enhanced provision is made to contribute towards the long-term future of Congleton market.

#### **4. New Public Square**

Provisions to ensure the following: -

a) That no less than 12 events per annum, where they are agreed with the Town Council and Cheshire East Borough Council, can be held within the proposed public square.

b) To secure installation of facilities for lighting and power for public events within the new square in accordance with details to be agreed within the Council prior to the commencement of development.

c) Ensure public access to the square at all times unless otherwise agreed in writing with the Local Planning Authority (LPA).

d) That prior to the commencement of development, the detailed design, material specification and landscape plan for the proposed public square is agreed in writing with the LPA and fully implemented in accordance with the approved plans prior to the first occupation of the development.

A-D are required in order to ensure that the public space can be used to deliver public events, appropriate equipment and facilities are designed into the scheme from the start and because the proposed public square is likely to remain unadopted.

#### **5. Restrictions**

a) Prevent the erection of shelving and display of advertisements within windows overlooking public realm within the proposed public square and Pedestrian walk way connecting to Mill Street and that a minimum of 75% of the ground floor windows overlooking Mill Street remain un-obscured of shelving, any form of advertisements or other structures.

b) That a café use by incorporated the food store floorspace overlooking the public square in accordance with precise details to be agreed in writing with the Council prior to first occupation of the development.



A-B being necessary to ensure the quality of the public realm is maximised and safeguarded in the longer term.

## **6. Framework Travel Plan**

a) To secure submission of a detailed Travel Plan based around the Framework Travel Plan and which is agreed in writing by the Council with specific provisions for the occupiers of the food store and hotel elements.

b) Secure a financial contribution of £5000 toward monitoring of the Travel Plan, returnable after 5-years should the Council not utilise the funds for monitoring of the agreement.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

In overall terms it is considered that the proposed development will secure the comprehensive regeneration of a highly accessible, allocated site with a mix and quantum of development that is entirely appropriate for Congleton Town Centre and which will deliver sustainable economic development in accordance with the requirements of PPS1 and PPS4 in particular.

The layout and design of the scheme are considered to deliver high quality development that will improve the character of the way it functions having particular regard to the enhanced public realm, pedestrian connectivity and market provision which in turn have potential to increase footfall within the Principal Shopping Area thereby serving to reinforce its vitality and Viability.

Whilst the scheme will increase the number of vehicle movements on the highway network, the Strategic Highways and Transportation Manager is entirely satisfied that the vehicle movements associated with the proposed development can be successfully accommodated within the highway network without any adverse impact in terms of either traffic congestion and both pedestrian and vehicular safety. The scheme is highly accessible by a range transport modes and the submission of a detailed travel plan is also likely to contribute to a reduction of vehicles movements over the longer term following completion of the development.

The applicants have demonstrated that the scheme has an acceptable impact in environmental terms, notably contamination, air quality, noise and flood risk with the adverse effects resulting from the development being capable of mitigation by way of S106 and/or planning condition. Similarly, the impact on ecology is considered to be minimal with any possible minor impacts being capable of mitigation through provision of ecological enhancements which can be design into the scheme and secured by condition.

**RECOMMENDATION: APPROVE Planning Permission subject to the prior signing and completion of a S106 Agreement and the following conditions:**

### *General Conditions*

1. 3 Year Time Limit.
2. Development in accordance with the approved plans.
3. All external facing materials to be submitted and approved prior to the commencement of development and implemented in accordance with the approved details.

### *Design Related Matters*

4. Development to be constructed with Green Roof, the details of which shall be submitted and approved prior to the commencement.
5. Precise design and materials specification of the clock tower submitted and approved prior to the commencement of development.
6. Precise layout and materials specification for the town square to be submitted and approved prior to the commencement of development.
7. Minimum 100mm window reveal depths to the Mill Street Façade unless otherwise agreed in writing by the Local Planning Authority.
8. Site levels in accordance with approved drawings

### *Environmental Health*

9. Environment Agency contaminated land condition.
10. Further gas monitoring to be undertaken and scheme for gas protection measures submitted and approved prior to commencement of development.
11. Scheme for noise mitigation to achieve a BS8233: 1999 “*Good Standard*” to hotel bedrooms to northern and western facades to be submitted and approved prior to the commencement of development.
12. Scheme for noise mitigation to plant and equipment within the development for each phase of development in accordance with BS4142.
13. Submission of a Construction Environmental Management Plan to cover the following areas: -
  - a) Restriction on hours of demolition, construction and deliveries in accordance with those specified by Environmental Health
  - b) Submission of detailed scheme for measures to mitigate dust
  - c) Details of road sweeper provision during demolition and construction

- d) Identification of storage and delivery areas within the site
  - e) To prevent materials being burnt on site
14. Scheme for ventilation and extraction equipment for the café and restaurant uses, extending to also include kitchen and bakery areas within the proposed hotel and or food store, to be submitted and approved for each phase of development and implemented thereafter.

#### *Retail Conditions*

15. Ensure total net retail floorspace with the food store is restricted to 3677m<sup>2</sup> with a maximum 2574m<sup>2</sup> net convenience floorspace and a maximum 1013m<sup>2</sup> net comparison floorspace.
16. Restriction within the food store to prevent the inclusion of an in-store pharmacy, post-office and sale of newspapers and magazines.
17. Minimum two hours free parking.
18. Restriction on food store opening hours

#### *Highway and Drainage Conditions*

19. All car parking spaces proposed within the development to be fully available prior to the first use of the hereby-approved development.
20. Submission of surface water regulation and drainage strategy prior to the commencement of development and implementation of thereafter.
21. Prior to first occupation, precise details of cycle parking facilities to be submitted and approved.
22. Site to be drained on a separate system with only foul drainage connected into the existing foul public sewer which crosses the site. Surface water to be discharged into the Howty Brook.

#### *Specific Conditions*

23. Relocation of War Memorial to a location to be agreed in writing prior to the commencement of development and fully implemented thereafter.
24. No development to commence until the temporary market facilities to the Fairground Site have been fully implemented in accordance with approved details unless otherwise agreed in writing with the Local Planning Authority.
25. Scheme for detailed archaeological investigation to be submitted and agreed prior to the commencement of development with a mechanism to ensure a mitigation strategy is agreed with the Local Planning Authority where necessary and fully implemented thereafter.

26. Prior to commencement of development a scheme for CCTV to be submitted and approved by the Local Planning Authority and fully implemented thereafter.
27. Prior to commencement of development a scheme for external lighting for the development site shall be submitted and approved by the Local Planning Authority and fully implemented thereafter.
28. Prior to commencement of development detailed scheme for lighting and physical security measures for the Princess Street underpass to be submitted and approved by the Local Planning Authority and fully implemented thereafter.
29. Prior to commencement of development detailed scheme for security measures to all retail (excluding the food store) and internal market units to be submitted and approved by the by the Local Planning Authority to include details of internal roller shutters, panic and intruder Alarms and CCTV and fully implemented thereafter.
30. Prior to commencement of development, precise details of toilets which are available for public use to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter.
31. Detailed Landscape Plan to be submitted
32. 5-year landscape management condition

#### *Ecology*

33. Detailed scheme for implementation of Bat habitat creation/mitigation in accordance with recommendations within the applicants report to be submitted and approved in writing by the Local Planning Authority and fully implemented thereafter.
34. Standard breeding bird condition

