

Southern Planning Committee

Agenda

Date:	Wednesday, 5th October, 2011
Time:	2.00 pm
Venue:	Lecture Theatre, Crewe Library, Prince Albert Street, Crewe, Cheshire CW1 2DH

Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 8)

To approve the minutes of the meeting held on 14 September 2011.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/2164C Booseys Garden Centre, Newton Bank, Middlewich CW10 9EX: Redevelopment to provide a Class A1 Retail Building, Car Park and Service Yard for Radcliffe Developments (Cheshire) Ltd** (Pages 9 - 30)

To consider the above planning application.

6. **11/2784N 48, London Road, Stapeley CW5 7JL: First Floor Side Extension and Single-Storey Front Extension for Councillor Andrew Martin** (Pages 31 - 36)

To consider the above planning application.

7. **11/3112N Land at Crewe Road, Wistaston, Crewe, Cheshire CW2 6PR: 13m High Joint Operator Telecommunications Street Furniture Tower, 1no Equipment Cabinet and 1no Meter Pillar for O2 and Vodafone** (Pages 37 - 44)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 14th September, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors P Butterill, W S Davies, M Jones, A Kolker, S McGrory, D Marren,
M A Martin, G Morris, D Newton and M Sherratt

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill and S Corcoran

OFFICERS PRESENT

Ben Haywood (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)

Apologies

Councillors J Clowes and A Thwaite

Apologies due to Council Business

Councillor L Gilbert

71 DECLARATIONS OF INTEREST

Councillor G Merry declared a personal interest in respect of application number 11/2520C on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor D Marren declared a personal interest in respect of application number 11/2370N on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct he remained in the meeting during consideration of this item.

Councillor D Marren declared a personal and prejudicial interest in respect of application numbers 11/2326N and 11/2324N on the grounds that he lived in close proximity to the site. In accordance with the code of conduct, he withdrew from the meeting during consideration of these items.

Councillor P Butterill declared a personal interest in respect of application number 11/2370N on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application number 11/2241N on the grounds that she had previously been a member of Worleston Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor S Davies declared a personal interest in respect of application number 11/2241N on the grounds that he was acquainted with the applicant. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor M Jones declared that he had expressed an opinion and therefore fettered his discretion with respect to application number 11/2241N. Councillor Jones exercised his separate speaking rights as a Ward Councillor and remained in the room but did not participate in the discussion or vote on this item.

72 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 24 August 2011 be approved as a correct record and signed by the Chairman, subject to the addition of the names of the officers present at the meeting: David Malcolm (Southern Area Manager – Development Management), Rachel Goddard (Senior Lawyer), Paul Moore (Principal Planning Officer) and Diane Moulson (Senior Member Development Officer).

73 11/2326N - 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL: ADVERTISEMENT CONSENT FOR SIGNAGE AND EXTERNAL GRAPHICS FOR MR M SUTHERLAND, MH & N SERVICES LTD

Note: Having declared a personal and prejudicial interest in this application, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Councillor D Brickhill (Ward Councillor) and Mr M Sutherland (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That the application for 6 non-illuminated vinyl signs be APPROVED subject to the following conditions:

- 1-5 Standard Advert Conditions
- 6. Plans

- (b) That, contrary to the planning officer's recommendation for approval, the application for a roof mounted externally illuminated fascia sign be REFUSED for the following reason:

The proposed sign, due to its size and prominent siting and unnecessarily large lettering would not be discreet and would have an adverse effect on the character of the street scene and would be out of keeping with the surrounding area, contrary to Policy BE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

74 11/2324N - 2 WESTON COURT, SHAVINGTON, CREWE, CW2 5AL: CONVENIENCE STORE, RETAINING EXISTING A1 CLASS USE (AS APPLICATION 7/16196). SHOP FRONT TO ACCOMMODATE EXTERNAL AUTOMATIC TELLER MACHINE AND EXTERNAL AIR CONDITIONING EQUIPMENT ON FLAT ROOF FOR MR M SUTHERLAND, M H & N SERVICES LTD

Note: Having declared a personal and prejudicial interest in this application, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Mr M Sutherland (applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor D Brickhill (Ward Councillor) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That the application be APPROVED subject to the following conditions:

- 1. Standard
- 2. Plans
- 3. Materials
- 4. Noise restriction of air conditioning units to 5 db(A) below existing night-time background noise

75 11/2241N - LAND SOUTH OF THE ROYAL OAK, MAIN ROAD, WORLESTON: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, ASSOCIATED ACCESS AND LANDSCAPING WORKS FOR MR R HOLLINSHEAD

Note: Councillor G Morris arrived during consideration of this item and, in accordance with the code of conduct, did not participate in the discussion or vote.

Note: All Members of the Committee declared that they had received correspondence regarding the above planning application.

Note: Having declared that he had fettered his discretion, Councillor M Jones exercised his separate speaking rights as a Ward Councillor and remained in the room but did not participate in the discussion or vote on this item.

Note: Mr R Janes (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr M Hemming (on behalf of the applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Hemming to speak.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to the completion of a Section 106 agreement to secure on-site provision of 2 affordable housing units on 50/50 split between social rented and intermediate.

and the following conditions:

1. Commencement of Development (Outline)
2. Submission of Reserved Matters
3. Time Limit of Submission of Reserved Matters
4. Materials to be submitted and approved
5. Surfacing Materials to be submitted
6. Boundary treatment
7. Removal of PD for extensions
8. Drainage to be submitted and approved
9. Height limitation – no greater than two storeys
10. Landscaping scheme to show a replacement hedgerow to Main Road Boundary and native hedge planting to rear boundaries

11. Pond to be retained details of its enhancement to be submitted with landscaping reserved matters application
12. If works carried out during bird breeding season, survey to be carried out and submitted
13. Details of enhancement features for House Sparrow to be submitted prior to commencement of development
14. Landscaping scheme to demonstrate the retention of trees, if removed detailed bat survey required
15. details of external lighting to be submitted and approved
16. Construction Hours
17. Details of Pile Driving
18. Details of the storage of bins/refuge to be submitted and approved.
19. Single point of access for each dwelling
20. Implementation of landscaping
21. Maximum of 5 dwellings

76 11/0573N - LAND ADJACENT, MINSHULL LANE, CHURCH MINSHULL, CW5 6DX: THE ERECTION OF POULTRY HOUSE AND FEED HOPPER WITH ASSOCIATED ACCESS ROAD AND HARDSTANDING FOR MR IAN HOCKNELL

Note: Councillor D Wallis (on behalf of Church Minshull Parish Council), Mr D Carr (objector) and Mr M Ludlam (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

- The proposal would not create or maintain employment; or involve the diversification of a farm business. It is not required for, and ancillary to, the use of the land for agricultural purposes and is not essential either to the agricultural operation, or to comply with current environmental and welfare legislation, or to the maintenance of the economic viability of the holding. It is therefore contrary to policy NE13 and NE14 of The Borough of Crewe and Nantwich Replacement Local Plan 2011.
- The proposal does not lie in or adjacent to an existing farm or commercial complex and therefore it is not satisfactorily sited in relation to existing buildings, in order to minimise its impact on the landscape and it would detract from the visual character of the landscape contrary to policies NE13, NE14 and BE2 of The Borough of Crewe and Nantwich Replacement Local Plan 2011.

77 11/2520C - THE SANDPIPER, 62 THE HILL, SANDBACH, CHESHIRE, CW11 1HT: A 1200 WIDE HARDWOOD EXTERNAL STAIRCASE FROM THE YARD AT THE REAR OF THE LICENSED PREMISES WITH A NEW TIMBER 850 X 1600 EXIT GATE FACED ONE SIDE TO MATCH EXISTING FENCE TO GIVE ACCESS TO BOOTH AVENUE (RETROSPECTIVE) FOR UNICORN BREWERY

Note: Councillor S Corcoran (Ward Councillor), Councillor A Wood (on behalf of Sandbach Town Council), Ms A Stone (objector) and Mr P Bradshaw (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

- The proposed staircase would result in customers of the public house entering and leaving the premises via Booth Avenue. This would result in disturbance and a loss of amenity to residential properties contrary to policy GR6 of the adopted Congleton Borough Local Plan First Review.
- The proposed staircase would not provide adequate and safe provision for access and egress by pedestrians to the public highway, due to the dangers posed by vehicles reversing out of driveways in Booth Avenue. The proposal is therefore contrary to Policy GR9 of the adopted Congleton Borough Local Plan First Review.

78 11/2370N - 44 MARSH LANE, NANTWICH, CHESHIRE, CW5 5LH: NEW DETACHED HOUSE, GARAGE, DRIVEWAY FOR E. LEETHAM N. CLEAVE

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

79 11/2156N - BRIDGEMERE NURSERIES, LONDON ROAD, BRIDGEMERE, NANTWICH, CHESHIRE, CW5 7QB: DEMOLITION OF BUILDINGS AND ERECTION OF TWO STOREY GARDEN CENTRE SALES/RESTAURANT BUILDING FOR BRIDGEMERE NURSERY & GARDEN WORLD

Note: Councillor D Newton left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

The Committee considered a report regarding the above planning application.

The Principal Planning Officer reported that the consultation responses from the Strategic Highways Manager and United Utilities should read: 'No comments received'.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Commencement of Development
2. Plans
3. Materials to be submitted and approved
4. Tree Protection Measures to be submitted
5. Restaurant to remain in A3 use, no retail sales
6. Restriction of sale of goods to non food, associated to garden centre
7. Construction Hours

80 **APPEAL SUMMARIES**

The Committee considered a summary of appeal decisions.

RESOLVED - That the appeal summaries be noted.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor G Merry (Chairman)

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Application No: 11/2164C

Location: BOOSEYS GARDEN CENTRE, NEWTON BANK, MIDDLEWICH, CW10 9EX

Proposal: REDEVELOPMENT TO PROVIDE A CLASS A1 RETAIL BUILDING, CAR PARK AND SERVICE YARD

Applicant: RADCLIFFE DEVELOPMENTS (CHESHIRE) LTD

Expiry Date: 21-Sep-2011

Application No:	11/2164C
Location:	Booseys Garden Centre, Newton Bank, Middlewich. CW10 9EX
Proposal:	Redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area.
Applicant:	Radcliffe Developments (Cheshire) Ltd c/o Maze Planning Solutions.
Expiry Date:	21 September 2011
Ward:	Middlewich.

Date Report Prepared: 22nd September 2011

SUMMARY RECOMMENDATION - Grant Permission subject to conditions and the prior signing of a S106 Agreement

MAIN ISSUES

Principle of Development
Retail Impact and Town Centre Considerations
Design, Character and Impact
Residential Amenity
Environmental Health Related Issues
Highway Safety and Accessibility
Trees and Landscape
Flood Risk and Drainage
Archaeology
Ecology

REASON FOR REPORT

The application proposes a small-scale major development in excess of 1000m² floorspace.

DESCRIPTION OF SITE AND CONTEXT

The application site extends to include three separate parcels of land comprising Booseys Garden Centre, Middlewich Auto's and a residential dwelling at no 65 Chester Road known as 'The Bungalow'. In total the site amounts to approximately 1ha comprising for the most part, previously developed land with the exception of curtilage associated with the Bungalow.

The site is located within the Settlement Zone Line and lies to the northwest of Middlewich Town Centre. In retailing terms, there are a number of different perspectives as to whether the site falls to be considered as 'edge of centre' or 'Out of Centre' site; however this is discussed in more detail later into the report. At present, both Booseys Garden Centre and Middlewich Auto's remain in active commercial use and the Bungalow in residential use.

In terms of built form, the site contains a broad mix of building types. In the case of Booseys, buildings principally comprise large commercial greenhouses and canvas awning structures but also extend to include a number of small brick built units as well as a large conservatory extension. Middlewich Autos meanwhile comprises a range of brick built commercial buildings that serve to provide a showroom area, vehicle service area and small valet bay; there is also a large outdoor display sales area. 65 Chester Road being a small post-war bungalow set within a sloping plot that contains a number of trees including a large TPO Beech.

In the wider context, the site frontage faces northeast adjoining both Chester Road and Newton Bank which in turn form part of the larger gyratory system controlling traffic entering the town from Winsford off the A54 and both Northwich and Crewe off the A530. Properties adjacent to site frontage comprise two storey terraced housing, two and three storey Victorian Villas and the three storey 'Golden Lion' public house.

The sites southeastern boundary directly adjoins the side garden boundary of 29 Newton Bank and the rear garden boundaries of residential properties within The Crescent; two-storey post-war semi detached properties that directly overlook the site.

The southwestern boundary of the directly adjoins the side garden boundary of 5 Buckfast Way and rear garden boundaries of properties within Lindisfarne Close (no's 4, 6, 8 & 10). Similarly, the sites northwestern boundary directly adjoins the side boundary of Acer House, 67a Chester Road and rear garden boundary of Culver House, 67 Chester Road.

Site levels vary significantly across the site manifested by a series of slopes and terraced platforms across the site. More generally, the site could be described as having a southwest to northeast slope but with a prominent east to west slope to the site frontage along Newton Bank into Chester Road. As a result Booseys Garden Centre sits on a higher, but gently sloping platform above Middlewich Autos that is cut into a terraced platform approximately 1-3m below the Booseys site.

In terms of landscaping, the site currently has a high level of tree coverage with mature hedges around the site boundary. In the case of both 29 Newton and 11 The Crescent, these are screened by a substantial Leylandi hedge with Buckfast Way and Lindisfarne Close being

screened by Beech and Holly Hedges respectively. In the northwestern section of the site is a large TPO Copper Beech that is particularly prominent within the wider area.

DETAILS OF PROPOSAL

The application seeks permission for redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area.

In overall terms, the scheme would comprise a single, two-storey retail unit approximately 60m wide (across the site frontage), 42m deep with a roof height 12m in height on the corner features and 9.6m along the majority of the roof.

The design is such that the new building would comprise two glazed corner features interspersed with red terracotta rain screen cladding with the main body of the building in between comprising red brick walls, smooth, flat grey panels and aluminium framed windows. A simple glazed cantilever canopy is also attached to the building to create a covered walkway around ground floor level. The building would have a flat roof hidden behind raised eaves around the outer perimeter of the building.

Internally, the store would provide a Gross Internal Area (or GIA) of 2489m² comprising the sales floor, warehouse area, customer facilities along with element of ancillary staff accommodation on a first floor mezzanine level. In retail floorspace terms, the store would provide a Net Sales Area (or NSA) of 1390m² that would be split/disaggregated to provide 1110m² for the sale of convenience goods (food and drink etc) and 280m² for the sale of comparison goods (clothes and footwear etc).

Access to the store for both customers and delivery vehicles would be gained from Newton Bank utilising the existing garden centre access. This would lead into a 166-space car park area, which wraps around the northern and western elevations of the store, and the service yard road that runs along the eastern elevation and into the service yard area at the rear, or southeast, of the building. A further pedestrian access is also proposed via a staircase leading from the site down onto Chester Road

The redevelopment of the site would also see the existing site levels substantially altered in order to create a level development platform across the site. As a result, levels would be reduced at the rear of the site, through the construction of a service yard area 1.8–2m below Buckfast Way and Lindisfarne Drive, but raised substantially along the Newton Bank and Chester Road site frontage (by 4m at the highest point) thereby necessitating erection of a large brick retaining structure with integral landscaping.

A detailed landscape plan has also been submitted including various details of new, replacement planting, boundary treatments and external works detailing.

RELEVANT HISTORY

Whilst the site has an extensive history, the following planning applications are relevant to the determination of this application:-

29830/1 (1998) Booseys Garden Centre - Construction of Retail Foodstore - WITHDRAWN

08/0071/FUL – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment to provide a terrace of class A1 retail units and a stand-alone unit suitable for A class uses. APPROVED 20th August 2010.

10/3951C – Booseys / Middlewich Autos / The Bungalow, Booseys Garden Centre, Newton Bank, Middlewich. Redevelopment of site to erect one A1 retail unit with mezzanine level and associated engineering works, car parking, landscaping and Service Yard Area. WITHDRAWN.

Also, for reference due to its retail nature: -

09/1686C PACE Centre, Wheelock Street, Middlewich. Proposed foodstore development with associated parking, servicing and landscaping, & additional A1, A2, A3 Units at Land adjacent to Wheelock Street and St Anns Road. Approved 21st August 2009.

POLICIES

National Policy

PPS1 'Delivering Sustainable Development' and supporting documents
PPS4 'Planning for Sustainable Economic Growth'
PPS4 'Practice guidance on need, impact and the sequential approach'
PPS5 'Planning for the Historic Environment'
PPS9 'Bio-diversity and Geological Conservation'
PPG13 'Transport'
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 'Marry Opportunity and Need'
DP7 'Promote Environmental Quality'
DP9 'Reduce Emissions and Adapt to Climate Change'
RDF1 'Spatial Priorities'
W5 'Retail Development'
RT2 'Managing Travel Demand'
RT9 'Walking and Cycling'
EM1 'Integrated Enhancement & Protection of the Regions Environmental Assets'
EM2 'Remediation Contaminated Land'
EM5 'Integrated Water Management'

EM11 'Waste Management Principles'
EM16 'Energy Conservation and Efficiency'
EM18 'Decentralised Energy Supply'
MCR4 'South Cheshire'

Local Plan Policy

PS4 'Towns'
GR1 'New Development'
GR2 'Design'
GR4 'Landscaping'
GR6 'Amenity and Health'
GR7 'Amenity and Health'
GR8 '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'
NR1 'Trees and Woodlands'
NR4 'Non-statutory Sites'
NR5 'Enhance Nature Conservation'
S1 'Shopping Hierarchy'
S2 'Shopping and Commercial Development Outside Town Centres'
S11 'Shop Fronts'
S12 'Security Shutters – Solid Lath'
S13 'Security Shutters – Lattice/Mesh Grilles'
S16 'Environmental Improvements and Traffic Management Measures'
DP4 Retail Sites 'Middlewich M1 - Wheelock Street / Darlington Street'

Other Material Considerations

- Cheshire Retail Study Update 2011
- The Cheshire Replacement Waste Local Plan March 2010
- Cheshire and Warrington Market Town Investment Prospectus
- English Partnerships Employment Densities Manual
- Circular 11/95 'Planning Conditions'
- Circular 05/05 'Planning Obligations'
- Chief Planning Officer Letters re the abolition of RSS.
- Advice Produced by the Planning Inspectorate for Use by its Inspectors. Regional Strategies – Forthcoming Abolition
- Planning for Growth – Ministerial Statement
- Draft National Planning Policy Framework

CONSULTATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to a number of conditions.

United Utilities:

No objection

Brine Subsidence Board:

Recommend strengthened foundations.

Highways:

No objection to the proposed development subject to conditions to secure off-site highway works for footpath improvements to, and part signalisation of, the Newton Bank gyratory and the signing of a S106 Agreement in order to secure a Travel Plan and contribution towards the improvement/addition of local bus services.

Environmental Health:

No objection subject to conditions relating to contaminated land, air quality and noise by way of acoustic mitigation and restrictions on the hours of operation.

VIEWS OF MIDDLEWICH TOWN COUNCIL

No objection subject to maximising the opportunities for connectivity to Middlewich Town Centre.

OTHER REPRESENTATIONS

A total of 17 representations (from 12-sources) were received. Of these representations, 9 local residents and Tesco object to the proposal whilst 2 local residents support of the proposal.

The main areas of objection can be summarised as follows: -

Retail Impacts

- Concern over the impact of the proposed development on retailing within the town in particular Wheelock Street.
- That the town is well served by supermarkets already (Tesco & Lidl)

Highway Safety and Congestion

- Concern over existing levels of congestion and that the area cannot accommodate the proposed traffic.
- Concerns over the nature and volume of construction traffic.
- Concern over accident risk to both pedestrians and vehicles

Impact on Residential Amenity and Character

- Impact of the development in terms of loss of views, size and impact of the proposed structure and its relationship with existing dwellings.

- Concern over the impact of additional lorry movements and times of operation associated with the proposed development over and above those at which Booseys currently operates.
- Concern over operational and HGV noise.
- Concern over the impact of external lighting and security fencing.
- That the area is predominantly residential and any such development would not be in keeping with the area.
- Loss of landscaping

Impact on Trees and Landscaping

- Concern over the impact of the scheme on trees and hedges

Other Matters

A number of other comments were also made by the objectors in relation relating to loss of property value, concern over structural issues and concern over ownership of land within the application site boundary. However these are not planning matters and cannot therefore be taken into account in the determination of the application.

Tesco Objection (Submitted by GL Hearn)

The objection from Tesco can be summarised as follows:

- That Tesco currently occupy a store on Southway in Middlewich Town Centre and have an extant permission from 2009 for a new supermarket on land off Wheelock Street;
- The application proposal is likely to undermine Tesco's future plans for a new supermarket on land off Wheelock Street
- Tesco have been considering their options in light of the outflow (32%). They consider that a much larger store, rather than another smaller supermarket, would be better in order to compete with Morrison's and Asda in Winsford;
- Tesco are therefore preparing an application for approximately 3500sq.m store which they consider will better retain levels of trade in the town than two smaller supermarkets;
- The Tesco site and proposal is within the town centre, the first choice location, and conforms with the Local Plan. Tesco consider this is not the case with the Booseys site which they consider to be an out of centre location and physically detached from the town centre;
- Given the significant levels of outflow to Winsford, there is an urgent need for a 'superstore' in the town to stem leakage;
- Surplus expenditure required to support a new Tesco superstore in Middlewich of a size that can compete with Winsford; If the Booseys proposal is approved, insufficient expenditure remains to support the Booseys proposal;
- There is clearly a quantitative need for a superstore only and the Tesco site is the sequentially preferable site.
- Booseys fails the sequential test identified at EC15 of PPS4.

Letters of Support

- That they consider most residents shop out of town and that Tesco have a monopoly in the town and that this results in higher prices (which they consider will be exacerbated by the new permission for Tesco) and that a new operator in the town can only be beneficial;
- That encouraging residents to stay in the town for their main food shop would benefit existing residents and may well encourage further shops in the town with less people shopping out of town;
- Middlewich residents have asked for improvements for a long time and that the scheme should be approved.

APPLICANT'S SUPPORTING INFORMATION

Plans, Elevations and Design & Access Statement

PPS4 Retail Impact Assessment

Transport Assessment

Land Contamination Report,

Air Quality Assessment

Noise Assessment and Update

Tree Survey Report and Update

Heritage Statement

Site Waste Management Plan

Ventilation and Extraction Statement

Flood Risk Assessment

PPS4 Addendum Note (12th August 2011)

Amended Elevations and Site Layout Plan (18th August 2011)

Supplementary Site Level Info (18th August 2011)

Pedestrian and Linkage Improvement Plans (22nd August 2011)

OFFICER APPRAISAL

Principle of Development

Whilst the principle of retail development in the manner proposed has not been established, the presence of the extant 2008 permission does establish the fact that the Council has previously been prepared to allow some form of retail development on application site. Similarly the application site is currently in use as a garden centre which, whilst a sui generis use, does comprise predominantly retail sales.

Whilst the applicant seeks to place significant weight on both the existing use and extant 2008 permission, officers do not share this view because the nature of the retail use now proposed is so markedly different to either of the existing use or extant permission in terms of both intensity and impact. Similarly, the extant permission was subject to numerous conditions which strictly controlled the type and nature retailing that could take place on the site which, whilst allowing up to 1380sq.m convenience retailing, would not allow a supermarket within any of the units.

Notwithstanding this however, in the time that has passed since the 2010 application was withdrawn (an application which Members will recall was recommended for refusal solely on retail policy grounds) there have been a number of major changes to matters to retail position in Middlewich and also in terms of the Governments approach to planning with the result that

it is necessary for the Council to consider afresh whether the principle of retail development in the manner proposed is acceptable.

In terms of retail policy, the Council has published an updated Town Centre Report (TCR) which identified additional quantitative and qualitative need in respect of convenience goods within Middlewich in order to improve choice and competition for local residents and in order to address the high levels of convenience trade leakage to other towns, and in particular Winsford. The applicant's revised PPS4 assessment now factors in this additional need as well as providing new evidence (following further survey work) within a revised catchment area which identified additional need over and above that within the TCR.

Members' will also be aware of the Coalition Government Ministerial Statement re 'Planning for Growth Agenda' which states that where possible 'the default answer to economic growth should be yes'

Moving onto more general considerations, a number of other factors weigh in favour of the proposals, notably the sites previously developed classification and position within the settlement zone, although these are only general considerations and carry only less weight than the main policy requirements identified within policy S2 of the local plan and EC17 of PPS4.

In short however, notwithstanding the previous recommendation, it is clearly necessary for the Council to consider afresh the proposal for a food store on the site against the requirements of local plan policy S2 and policy EC17 of PPS4; something now covered in more detail.

PPS4 and Retail Impact

Because the proposed development falls to be considered as main town centre use that is not in a centre and not in accordance with an up-to-date development plan, it is necessary to consider the application against the assessment criteria set out in policy EC17 of PPS4.

For the benefit of Members, policy EC17.1 advises that planning applications should be refused where the applicant has not demonstrated compliance with the requirements of the sequential test (policy EC15) and where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any of the impacts set out in policies EC10.2 and EC16.1.

Policy EC17.2 then states that if no significant adverse impacts are identified these tests that the planning application should be determined by:

- a) Taking into account the positive and negative impacts under EC10.2 and EC16.1 and any other material considerations; and*
- b) Having regard to the likely cumulative effect of any recent permissions, development under construction and completed developments.*

Further advice is then provided at EC17.3 in respect of information that can be considered when assessing impacts which includes recent local assessments; in this case, the findings of the Town Centre Update Report.

These policy tests are now considered in more detail below.

EC15 'Sequential Assessment'

In overall terms officers consider that the applicant has satisfied the requirements of EC15 and that the site represents the next best available option for delivering the additional food store necessary to meet the identified qualitative and quantitative need within the town.

There are a number of reasons for reaching this view. Firstly, with confirmation that Morrisons is the end occupier, we agree that the allocated town centre site is unlikely to be available to the developer in the short to medium term because of Tesco's current interest in the site. Whilst PPS4 is clear that this is not justification for dismissing the site in its own right, we consider that with the clear quantitative and qualitative need identified within Middlewich in the short term, the application site represents the next sequentially best option for delivering both the choice and competition required in order to benefit residents and consumers within the catchment area and in order to claw back lost trade.

Similarly, the fact that the existing Tesco site is unlikely to become available before 2019 (and is ultimately dependent upon whether the Briden site is implemented) rules out the possibility of this site becoming available to the applicant. In the case of the only other potential site, unallocated land off Mill Lane and to the rear of King Street, we consider that access arrangement to this site and its position within the town mean this site is unsuitable to accommodate the proposed development and does not therefore fall to be considered as sequentially preferable.

Clearly however Tesco object to the proposed development on the grounds that the application site fails against the sequential test and argue that the best option to meet and address qualitative and quantitative need within the town would be for a single larger 'superstore' within the town centre. They also point to the fact that they are currently preparing a new planning application for a 3500sq.m store combining the existing and approved sites. However, whilst it is possible that a single larger store would be more attractive to shoppers, it is not considered that it would bring about the same qualitative benefits for residents that two, albeit smaller, stores would offer in terms of competition and choice; two of the main objectives for delivering prosperous economies as identified within PPS4.

In any case, and something discussed in more detail further into the report, the expert advice to the Council is that a new food store on the application site (if operated by Morrison's for example) delivered alongside the proposed new Tesco in the town centre would be likely to attract even more shoppers back from Winsford simply due to the fact that many shoppers already visit the Morrison's in Winsford.

Therefore, taking into account all these factors, we are satisfied that the applicants have satisfied the requirements of EC15.

EC10 'Impact Considerations'

Policy EC10.2 also sets out five criteria against which all planning applications for economic development must be assessed.

EC10.2 (a) Impact on CO2 emissions

In general terms it is accepted that the proposed building will be more energy efficient than those currently found on site. Its credentials could be further enhanced through imposition of a 10% energy condition (RSS policies EM17 & EM18) and through imposition of a condition requiring the building to achieve a BREEAM Very Good Standard.

The main concern however is the potential for the store, in this location, to encourage a modal shift from foot, cycle or bus (in the case of visitors to the town centre) to car use to visit this proposal which would clearly adversely affect emissions. In this respect however, it is considered reasonable to conclude that clawed back trade could potentially reduce car journeys out of the town because more residents choose to shop within Middleswich itself with the resultant decreases in carbon emissions. Furthermore, through a combination of measures proposed by the applicant and additional conditions that would be imposed on any permission (to improve links between the town centre and the site) it is likely that more linked trips can be encouraged with a view to further reducing carbon emissions.

EC10.2 (b) Accessibility

In general terms the Strategic Highways Manager (SHM) is satisfied that the site is accessible. The tests applied by the SHM however are different to those considered in terms of the retail impact and in this respect it is clear that the site lacks the accessibility of those within the town centre, is more difficult to access by bike or foot because it is located in the northwest of the town when the majority of the population reside to the south of Middleswich.

Whilst the site is not therefore as accessible as those within the town centre, the range of measures proposed by the applicant, in conjunction with measures proposed by officers in terms of enhancing pedestrian links with the town centre to improve accessibility and the physical attractiveness of the route, mean that the accessibility between the site and the town centre can be greatly enhanced. As a result, it is considered that the impact can be appropriately managed and mitigated.

EC10.2 (c) Design

Whilst matters relating to design are covered in more detail within the next section, we are now satisfied that the design of the scheme has been enhanced over the previous 2010 proposal and constitutes an appropriate design solution which serves to improve the character of the area and the way it functions in accordance with the requirements of PPS1.

EC10.2 (d) Impact on Economic and Physical Regeneration

The scheme will secure the removal of the existing, somewhat unsightly buildings associated with the garden centre site and bring about the beneficial re-use of the site thereby offering benefits in terms of the economic and physical regeneration of the area.

However the main issue for consideration here is the impact that the scheme would have on the planned investment and physical regeneration of the town centre through the delivery of the site allocation DP4 M1.

Dealing with this matter is far from straightforward however. On the one hand, the findings of the TCR coupled with evidence from the applicant in respect of greater expenditure, demonstrate that the proposed development could be delivered alongside the proposed town centre allocation without undermining it in any way and that this approach could actually benefit the town through much greater retention of leaked trade and resultant linked trips with the town centre. On the other, is the risk that the proposed occupier of the town centre site (Tesco) decides to move onto the application site prejudicing the ability to deliver the allocated town centre site for the foreseeable future; something which would have substantial, unacceptable consequences for planned economic and physical regeneration of the town centre.

Whilst this possibility is clearly a major concern, we consider the likelihood of it happening to be low in light of the evidence presented by the applicants to indicate that a contract has been entered into with Morrison's on the site (which Morrison's confirm). Nevertheless, Members need to be aware of this risk in reaching their decision because the Council would have no control over the future occupants of the proposed given that a personal permission restricting occupation to Morrison's would fail against Circular 11/95.

EC10 (e) Impact on Local Employment

In overall terms the applicant's suggest that the scheme is likely to generate 100 full time equivalent (FTE) jobs where as the expert advice to the Council is that a figure of 70-80 FTE jobs is more realistic. Whatever the final figure however, should permission be granted, the creation of 70-80 or 100 jobs is clearly desirable, particularly as this proposal could sit alongside a further new store within the town centre.

In order to secure maximum benefits for the local labour market within Middlewich (particularly for the long-term unemployed), we recommend that a local labour condition be attached to any permission to ensure that local residents are encouraged to secure work at the proposed supermarket thereby maximising the impact on local employment.

EC16 'Impact Assessment'

In overall terms, and following the submission of a PPS4 Addendum Note with the applicant's, overall methodology and approach to assessing the impacts from the proposed development in terms of the requirements of EC16 of PPS4. The main findings and considerations are now discussed in more detail below.

EC16.1 (a) Impact on Investment and EC16.1(c) Impact on Allocated Sites

As explained in an earlier paragraph, there was some initial concern that the grant of permission for a supermarket on the application site could undermine town centre regeneration and the delivery of the proposed Tesco store on the site allocation DP4 M1. However, for reasons discussed in the sequential section, it is clear that there is both quantitative and qualitative need within Middlewich for the town to be able to accommodate both the approved town centre store and the proposed store on the application site. Whilst

we have discussed the scenario of the town centre site being left undeveloped in favour of the application site, we consider that the likelihood of this scenario unfolding to be slim, albeit whilst identifying the risks associated with this particular scenario. The more likely and positive scenario is that a new food store on the application site, occupied by a rival supermarket, is likely to motivate Tesco to deliver the town centre scheme which would further enhance vitality and viability of the town centre. Nevertheless if Members were not prepared to accept this risk, and have substantial concerns that the scheme would adversely impact the ability to deliver the town centre scheme, this would amount to grounds for refusal of the application (although it must be recognised that this would be against Officer advice).

EC16.1 (b) Impact on Vitality and Viability.

It is clear that Middlewich is suffering from not being able to retain its main food shopping expenditure; a clear indicator being the level of vacancies within the town which has remained consistently above the national average. In recent years however the re-branding of Somerfield to Tesco has made a marked difference to the town with shoppers are now visiting the town centre which is considered to have a had a positive impact in recent years. This is likely to increase further with the implementation of the Tesco / Briden Investment planning permission and increase the level of retained expenditure in the town

Clearly, if the scenario existed whereby the application site undermined the planned investment in the town centre, the impact on vitality and viability would be significantly adverse. This would be because the main food shop would be in an edge or out of centre location (depending which view you take), significantly reducing the number of people visiting the primary shopping area through reduced linked trips. Furthermore, the quantitative and qualitative need of the town would not be met. However, in the previous section we outlined how this scenario is unlikely to happen and that in reality a new operator will be introduced into the town with the resultant trade benefits which would serve to enhance the vitality and viability of the town centre.

EC16.1 (d) Impact on Trade / Turnover

In terms of impact on trade and turnover, the evidence submitted and advice to the Council is that the largest impact would occur on the existing Tesco store. However, if the proposed store is constructed and the New Tesco store implemented then the convenience goods turnover of the town centre will remain at a similar level to that currently achieved. Furthermore, people will be shopping at the new stores who previously did not shop in Middlewich at all and it is therefore reasonable to suggest that some of those new shoppers will undertake linked trips with other facilities in Middlewich (which reinforces the importance of ensuring improved pedestrian links and public realm treatment between the two sites). In summary therefore, whilst some trade would be diverted away from the town centre, we do not consider this would result in a significant adverse impact on the future vitality and viability of the centre as a whole.

EC16.1 (e) Appropriate Scale

Based on the advice of the Councils retail experts, who have considered the findings of the TCR and the applicants PPS4 Assessment, we are satisfied that the proposed development is both comparable and appropriate for Middlewich both in terms of its physical scale and the available expenditure within the local catchment area.

Summarising the PPS4 and S2 considerations

Whilst the circumstances and considerations surrounding this application are clearly complex, we consider that the proposed development is acceptable having particular regard to the fact that the scheme will help to claw back lost expenditure and provide greater choice and competition for residents in the town; two of PPS4's key objectives.

Whilst there is clearly a risk that the food store could undermine the planned investment in the town, which would significantly adversely affect vitality and viability of the town centre, we consider the likelihood of this scenario occurring to be limited. The more likely scenario being that two competing food stores are delivered within the town with resultant benefits in terms of retained expenditure, increased choice and competition and the likelihood of increased linked trips with the town centre to the benefit of vitality and viability.

In summary therefore, we are satisfied that the applicant has satisfied the sequential test (EC15) and appropriately addressed the impact considerations at EC10 & EC16 and therefore meets the requirements of policy EC17 and local plan policy S2.

Design, Character and Impact

The design of the scheme as originally submitted was considered to be poor and discussions have therefore taken place with a view to securing an enhanced design and layout. The scheme has now therefore been revised resulting in better symmetry, more visual interest to the facades (with two glazed corner features, additional glazing at ground floor and more sympathetic canopy) and a more attractive retaining wall with additional landscaping that now relates more appropriately to the street and wider area.

The opportunity to provide a more prominent and attractive pedestrian entrance onto the street has also been taken with the result that the scheme now has opportunity to create better links back into the town centre. This can be further enhanced by appropriate conditions in respect of public art, lighting and landscaping to ensure that the scheme can be further enhanced.

We are therefore satisfied that the design and layout represents an improvement over the scheme as originally submitted and that the requirements of PPS1 and local plan policies GR1 and GR2 have been addressed.

Residential Amenity

In overall terms, we are now satisfied that the relationship between the proposed development and adjoining neighbouring properties is acceptable and meets the requirements of GR1 (iii), GR2 (I) (D), GR6 and GR7 subject to the imposition of appropriate conditions.

Visual Amenity, Light and Privacy

In terms of visual impact, the scheme largely replicates the scale, mass and positioning of the extant 2008 permission but with a reduced width and loss of the building fronting Chester Road. The scheme is therefore acceptable from a visual amenity perspective and would in

actual fact have a lesser impact than the approved scheme whilst also representing an improvement for residents in Lindisfarne Close and no67a Chester Road.

Whilst concerns were previously expressed in respect of the loss of existing hedges along the sites southern boundary, more particularly the attractive Beech hedge located adjacent to no5 Buckfast Way, the scheme has now been amended to ensure that this hedge can be retained to ensure an attractive boundary treatment between the two properties. This now allows for a degree of 'soft' screening between the application site and dwelling which will screen the proposed service yard area. Furthermore, the existing Holly Bushes adjacent to the rear gardens of properties on Lindisfarne Close is also now proposed for retention in line with residents' requests even though officers considered that its removal and replacement with more appropriate landscaping would have potentially improved light and amenity for residents. These hedges will therefore be covered by appropriate conditions to ensure their protection during any construction period.

Members will note that the biggest impact from the proposed development is likely to occur as a result of the service yard area. However this largely replicates the replicates the layout of the extant scheme albeit now with a greater degree of landscaping due to the retained hedgerow around the site.

Service Yard, Delivery and Car Park Noise and External Lighting

The main concern in terms of impact on amenity however relates to the potential for noise from the service yard area and the impact this could have on the amenity of nearby residents, particularly dwellings at 5 Buckfast Way and 8 & 10 The Crescent.

In dealing with this mater, it is important to note that the extant 2008 permission related principally to the sale of comparison goods which would have been less intense and would require less deliveries than a solely convenience goods store. In addition, the service doors on the extant 2008 scheme were spread across the rear elevation at regular intervals thereby avoiding a concentration of activities in any one spot.

In the case of the scheme now proposed, it is considered the store will require more deliveries of fresh produce such as bread, milk and vegetables on a daily basis. Whilst this may not have been drawn out within the applicants Transport Assessment, or referred to by the highways engineer, this is based on experience of other food store schemes. In dealing with this issue, the applicant asserts that a restriction on delivery times (between 7am & 10pm), coupled with a 3m acoustic fence would protect amenity. Environmental Health are more cautious however indicating that the hours restriction needs to be more tightly controlled if amenity is preserved having specific regard to intensification, the single delivery point (with scissor lift access) and potential for significant noise from the steel cage pallets more commonly used for the delivery of frozen and refrigerated foods.

Taking all the factors into consideration, Environmental Health would have no objection to the scheme providing that the delivery hours were controlled and restricted to 7am – 8pm and that a series of measures were put in place to control noise particularly from the service and delivery doors at the rear of the building and external lighting to the service yard and car park areas.

In terms of the car park area, we are satisfied that the scheme will have an acceptable relationship with adjoining properties, particularly in terms of its relationship with no67a. The

car park will be separated from the curtilage of no67 by a band of retained trees with the car park area itself being set back on a higher level and, for the most part, screened by a decorative balustrade; the details of which are secured by condition to ensure an attractive design and appropriate mechanisms to screen car lights from the garden areas.

In overall terms therefore, it is considered that subject to a range of appropriate condition, the scheme can comply with the requirements of policies GR1 (iii), GR2 (I) (D), GR6 and GR7.

Environmental Health Related Matters

In terms of remaining Environmental Health considerations, it is considered that the proposed development is acceptable. In the case of air quality, whilst it would be necessary to secure a number of measures to mitigate the potential impact of development traffic on an area close to being designated as an AQMA, these could be secured by way of condition on any permission.

In terms of contamination, whilst further investigations are needed, it is considered that a suitably worded condition could be attached to cover the requirements for assessment and remediation. Similarly, whilst the site is likely to require the installation of plant and equipment, Environmental Health is satisfied that a detailed scheme could be secured by way of condition prior to installation. The requirements of Local Plan policies GR6, GR7 and GR8 would therefore met subject to imposition of conditions.

Highway Safety and Accessibility

Following detailed consideration of the proposed scheme and Transport Assessment, the Strategic Highways Manager is satisfied the proposed scheme is acceptable from a highway safety and accessibility perspective.

Whilst the proposed access leads directly onto the Newton Bank gyratory, which objectors consider cannot accommodate the development, the Strategic Highways Manager (SHM) is satisfied that the gyratory has capacity to accommodate development traffic albeit subject to the requirement for off-site highway that would be secured by way of Grampian condition. This would involve part signalisation of an arm of the gyratory, installation of pedestrian crossing point adjacent to the site frontage with Chester Road and various improvements to pedestrian crossing points and pavements along Chester Road.

In terms of accessibility more generally, rather than the more detailed considerations associated with PPS4, the SHM is satisfied that the site is sufficiently accessible by a range of transport modes including pedestrian and cyclists. It would however be necessary for the applicants to enter into a S106 in order to secure the proposed Travel Plan along with a financial contribution towards the improvement of/or addition to local bus services to secure quality partnership standard bus-stops (totalling £25,000).

As explained in the retail impact section, officers will also be imposing a range of conditions to secure improvements to the route between the site and the town centre to ensure a greater likelihood of linked trips.

It is therefore considered that the proposed development would satisfy the requirements of Local Plan policies GR1, GR9 and GR18.

Trees and Landscaping

Following the submission of additional information, the concerns in relation to the impact of the scheme on the protected trees within the curtilage of No67 Chester Road (Shown as 65 on maps and plans) have been addressed with the plans clearly demonstrating that the retaining wall can be delivered outside the root protection zones (RPZ) thereby avoiding harm to the trees.

Members will also have identified that the scheme results in removal of the majority of trees from within the site, in particular the large TPO Beech tree which is extremely prominent both from within the site and more immediate areas around the site. However, in this respect, the submitted scheme simply reflects what has already been approved under the extant 2008 permission and it is not therefore considered a reason for refusal could be sustained.

Existing hedgerows to Buckfast Way and Lindisfarne Close are however now proposed for retention which is a marked improvement over and above the previously withdrawn 2010 application.

It is considered that proposed development meets the requirements of Local Plan policies GR1 (II), GR2 (II) and NR1.

Flood Risk and Drainage

The applicant's Flood Risk and Drainage Assessment has demonstrated that the proposed development would avoid adverse impact upon flood risk within the area and complies with the requirements of PPS25 'Development and Flood Risk'. The Environment Agency concur with this view and advise that they have no objection to the proposed development although a number of conditions would be required to secure precise details of the proposed surface water and foul drainage strategies. It is therefore considered that the proposed development would comply with the requirements of PPS25 as well as local plan policies GR1, GR20 and GR21.

Archaeology

Similarly, following an assessment of the applicants statement by the Archaeological Unit, it is considered that a condition imposed on any permission would allow for the sites archaeological remains (an ice house on the western boundary) to be fully investigated and recorded prior to its destruction. The scheme could therefore comply with the requirements of PPS5 'Planning for the Historic Environment'.

Ecology

The applicant's ecological assessment serves to demonstrate that there are no ecological issues that would prevent the grant of permission with the scheme. The site has limited ecological value and no adverse impacts would arise through its redevelopment in terms of protected species. The scheme therefore complies with the requirements of PPS9 and Local Plan policies GR1 (ix), NR3, NR4 and NR5.

CONCLUSION AND REASON FOR THE DECISION

The proposed development will meet the identified quantitative and qualitative need identified for Middlewich and its catchment area and will serve to increase competition and choice for

residents of Middlewich, one of the main objectives within PPS4. The proposed development can be accommodated alongside the proposed town centre scheme on site allocation DP4 M1 and it is not therefore considered that the scheme would undermine the delivery of the planned private investment into the town centre or the vitality and viability of the town centre.

Whilst there is clearly risk associated with approving this scheme, in terms of the potential to jeopardise the delivery of the approved town centre site, this risk is considered to be minimal with the more likely outcome that the permission will act as a stimulus to drive forward the delivery of the allocated town centre site and deliver the increased choice and competition that the town needs.

The layout and design of the scheme has now been amended since the previously withdrawn 2010 application and is now considered to offer an acceptable design solution which is appropriate to the character of the area and which is likely to offer greater opportunity for access the town centre.

In terms of residential amenity, we are satisfied that potentially adverse impacts associated with the scheme in terms of noise and external lighting can be addressed by way of planning conditions. The revised scheme now also seeks retain existing hedgerows around the rear of the site which will address some of the concerns raised by residents in respect of visual screening and amenity.

Matters relating to highway safety / accessibility, archaeology and flood risk have been adequately addressed by the applicants and the scheme therefore satisfies the relevant policies of the adopted Local Plan, RSS and national planning policy.

Recommendation

That planning permission is granted subject to the prior signing of S106 Legal Agreement and subject to the following conditions:

S106 Agreement Heads of Terms

- Secures a financial contribution of £25,000 (prior to the commencement of development) towards local bus services;
- Secures the submission and implementation of a travel plan and an associated financial contribution of £5000 towards a monitoring

Conditions

Standard

1. 3-year time limit.
2. Approved Plans and Site Levels.
3. Materials to be submitted.

Landscaping and Public Realm

4. Landscape plan.
5. Landscape implementation.
6. Tree and Hedgerow Protection Measures.
7. Scheme for Public Art.
8. Scheme for External Lighting.

- 9. Boundary Treatment and Materials.
- 10. Town Centre Signage Scheme.

Retail Restrictions

- 11. Restriction of net retail floorspace.
- 12. Restriction on convenience and comparison split.
- 13. No subdivision of units.
- 14. Local Labour Agreement.

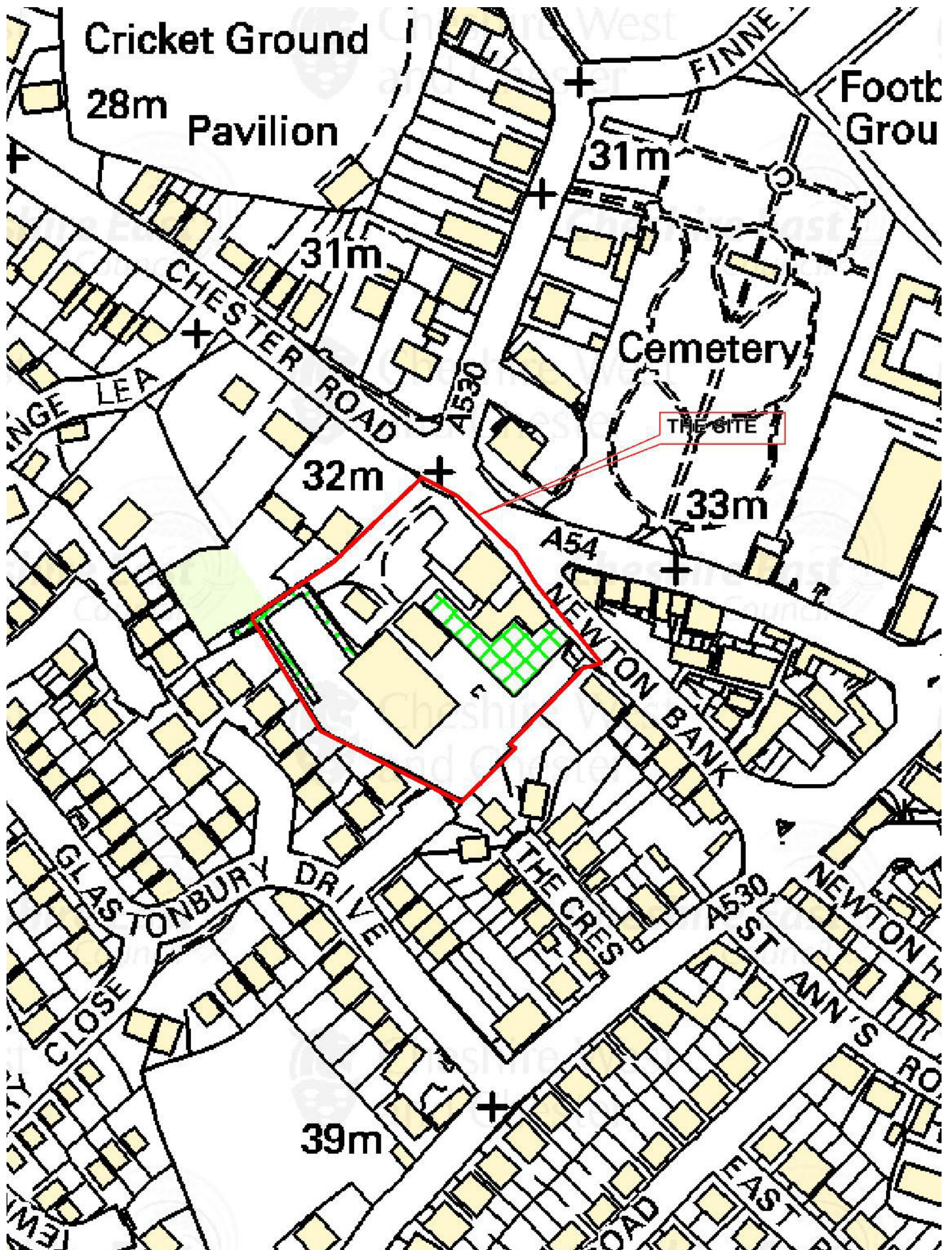
Highways

- 15. Detailed scheme and implementation of part signalisation of gyratory system (based on submitted scheme) including proposed pedestrian crossing.
- 16. Scheme for pedestrian improvements to Newton Bank Gyratory for dropped kerbs and tactile paving.
- 17. Detailed scheme for public realm enhancements between the application site and Middlewich Town Centre (along Newton Bank and Chester Road) extending to include pavement surfaces, new trees and street furniture, enhanced lighting and new directional signage. Details agreed prior to commencement of development and implemented prior to first occupation.
- 18. Site access fully constructed prior to first occupation.
- 19. Pedestrian access fully constructed prior to first occupation.
- 20. Car park surfaced, laid out and available for use prior to first occupation.
- 21. Cycle hoops to be fully installed and available for use prior to occupation.
- 22. Service yard to be surfaced and available for use prior to occupation.

Environmental Health

- 23. Contaminated Land.
- 24. Air quality mitigation implemented during construction.
- 25. Restriction on hours of construction to
08.00 – 18.00 Mon – Fri and
09.00 – 14.00 Sat (no work Sundays or Bank Holidays).
- 26. No piling works outside the hours 9am – 5pm Monday to Friday.
- 27. Restriction on deliveries:
7am – 8pm Mon – Fri
9am – 1pm Sat – Sun

28. Scheme for acoustic screening to loading/delivery bay to be submitted and agreed before development commences and fully implemented prior to first occupation.
29. Implementation of the acoustic screening around the site perimeter prior to first occupation.
30. Scheme for the acoustic enclosures of fans, compressors and air conditioning equipment.
31. Programme of archaeological investigations submitted and fully implemented.



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Application No: 11/2784N
Location: 48, LONDON ROAD, STAPELEY, CW5 7JL
Proposal: First Floor Side Extension And Single-Storey Front Extension
Applicant: COUNCILLOR ANDREW MARTIN
Expiry Date: 15-Sep-2011

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

Main issues:

- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity

REASON FOR REFERRAL

This planning application is automatically referred to Southern Planning Committee because the applicant is a Councillor.

DESCRIPTION OF SITE AND CONTEXT

The application property is a 1980's, two-storey, detached dwelling located on the western side of London Road within the Nantwich Settlement Zone Line.

The dwelling has a red brick finish, brown uPVC fenestration, a brown concrete tiled pitched roof and has an integral garage.

To the south of the proposal is No.52 London Road, a large Victorian semi-detached dwelling which is separated from the applicant by a 2 metre tall boundary hedge.

DETAILS OF PROPOSAL

Planning permission is sought for a first floor side extension over the garage, and a single-storey front extension.

The proposed first floor side extension would measure approximately 6.0 metres in length, 5.6 metres in width, and 4.6 metres in height and would have a dual-pitched roof with a maximum height of 6.7 metres from ground floor level. This extension would provide a bedroom.

The proposed single-storey front extension would be stepped, and combined, would measure approximately 3.6 metres in length, 5.1 metres in width and would have a mixture of a dual and mono-pitched roof with maximum height of 4.0 metres. This proposal would provide a kitchen extension and a porch.

RELEVANT HISTORY

P04/0823 – First Floor Side Extension and Single Storey Front Extension – Approved 23rd August 2004

7/10699 – Detached house – Approved 2nd February 1984

7/10051 – Dwelling – Approved 7th June 1983

POLICIES

National policy

PPS1 – Delivering Sustainable Development

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

RES.11 – Improvements and Alterations to Existing Dwellings

SPD Extensions and Householder Development

CONSULTATIONS (External to Planning)

N/a

VIEWS OF THE PARISH COUNCIL:

Stapeley & District Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received time of report

APPLICANT'S SUPPORTING INFORMATION:

No supporting information

OFFICER APPRAISAL

Design

In relation to the first floor side extension, the drop in ridge height (by 0.6 metres) and the set-back (by 0.8 metres) would ensure that the proposal would appear subordinate to the existing dwelling.

It would have a dual-pitched roof design and the angle of the pitch would match that of the main dwelling as would the materials that would be used to construct the proposal.

With regards to the proposed ground floor extension, this would appear subordinate to the existing house due to its single-storey nature. It would include a mixture of pitched roof designs, each of which would respect the roof design of the main dwelling. It would also be constructed from materials to match the existing house.

As a result of the above, it is considered that neither proposal would have a detrimental impact upon the streetscene.

Both proposals would adhere with Policy BE.2 of the Local Plan.

Amenity

The first floor side extension would be approximately 2.3 metres in from the boundary of the most impacted neighbour No.52 London Road.

The boundary between these properties at the relevant point consists of a hedge approximately 2 metres tall.

There are no openings proposed on the side elevation of either of these extensions ensuring that the proposal would not have a detrimental impact upon privacy or visual intrusion for this neighbour.

With regards to loss of light, this neighbour would be positioned to the south of the proposals which would eliminate any issues with regards to overshadowing due to this natural orientation.

There would be no amenity issues created to any other side.

As a result of the above, it is considered that this development would adhere to policy BE.1 of the Local Plan.

Other Matters

There would be no parking issues created as a result of this development.

CONCLUSIONS

It is considered that the proposal is of an acceptable design that would have a minimal impact upon neighbouring amenity. As a result, the development would adhere to Policies BE.1 (Amenity), BE.2 (Design) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

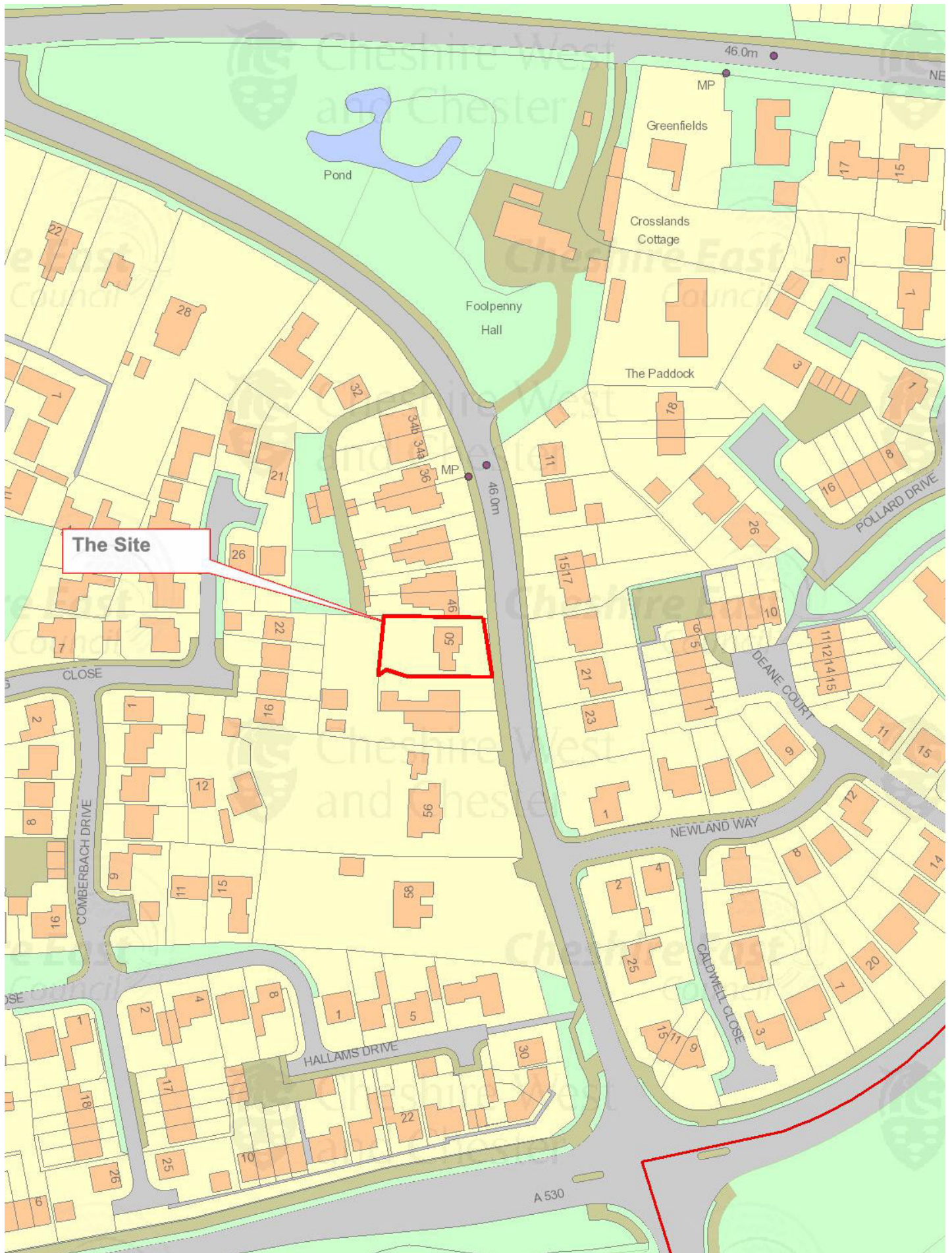
RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard (3 years)**
- 2. Plans**
- 3. Materials as per application**

Application for Householder

RECOMMENDATION:



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Application No: 11/3112N

Location: LAND AT CREWE ROAD, WISTASTON, CREWE, CHESHIRE, CW2 6PR

Proposal: 13m High Joint Operator Telecommunications Street Furniture Tower, 1no Equipment Cabinet and 1no Meter Pillar

Applicant: O2 and Vodafone

Expiry Date: 27-Oct-2011

Planning Reference No:	11/3112N
Application Address:	Land at Crewe Road, Wistaston
Proposal:	13m High Joint Operator Telecommunications Street Furniture Tower, 1no Equipment Cabinet and 1no Meter Pillar
Applicant:	O2/Vodafone
Application Type:	GDO Telecom 56 days
Grid Reference:	369422 354060
Ward:	Wistaston
Earliest Determination Date:	5 th October 2011
Expiry Dated:	27 th October 2011
Date of Officer's Site Visit:	19 th September 2011
Date Report Prepared:	21 st September 2011
Constraints:	None

SUMMARY RECOMMENDATION

MAIN ISSUES

- The design, siting and external appearance
- The exploration of alternative sites
- Health & Safety considerations

SUMMARY RECOMMENDATION:

That details of siting design are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Simon has requested it to be referred to Committee for the following reasons;

'My reasons for call in are primarily the height of the mast its visual impact together with concern regarding highway safety at this location which is immediately adjacent to the shared entrance/exit for the Tesco Express, Kwikfit and Grocott's Garage site. This is a prominent location within the residential area of Wistaston and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area'

2. DESCRIPTION OF SITE AND CONTEXT

The site is located on the northern side of Crewe Road within the Crewe Settlement Boundary. The site is currently a grassed verge with a footpath between the site and the buildings to the north. This stretch of Crewe Road includes 10 metre high lighting columns. To the north of the site are a Tesco Store, a Kwik Fit Garage and a Petrol Filling Station. The rest of the surrounding area is predominantly residential and includes a mix of house types including both single and two storey detached and semi-detached properties. The nearest residential property would be 607 Crewe Road which stands a distance of 28 metres away from the proposed installation.

3. DETAILS OF PROPOSAL

This is an application for prior approval for the siting and appearance of a 13 metre telecommunications installation with 3 antennas and 1 associated equipment cabinet. The equipment cabinet would be 0.798 metres in width, 1.898 metres in length and 1.647 metres in height.

4. RELEVANT HISTORY

11/1151N - 14.8m High Joint Operator Street Furniture Type Telecommunications Tower, 1No Equipment Cabinet and 1No. Meter Pillar – Refused 28th April 2011 for the following reason;

'The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011'

5. POLICIES

The relevant development plan policies are:

Policies in the Local Plan

NE.18 – Telecommunications Development

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

Government Guidance

PPG8 – Telecommunications

6. CONSULTATIONS (External to Planning)

Highways: No comments received at the time of writing this report

Environmental Health: No objection

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS:

Letters of objection have been received from the occupants of 554 Crewe Road and 8 Broughton Lane raising the following points of objection;

- The impact upon road safety
- Impact upon driver visibility
- Health implications
- A previous application has been refused

9. APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement and Design and Access Statement

ICNIRP Declaration

10. OFFICER APPRAISAL

Principle of Development

This is an application for prior-approval under Part 24 of the General Permitted Development Order. The Local Planning Authority has 56 days beginning with the date on which it receives a valid application, in which to make and notify its determination on whether prior

approval is required to siting and appearance and to notify the applicant of the decision to give or refuse such approval. There is no power to extend the 56 day period. If no decision is made, or the Local Authority fails to notify the developer of its decision within the 56 days, permission is deemed to have been granted.

Alternative Sites

Government guidance aims to facilitate new telecommunications development, and consideration needs to be given as to whether all suitable alternative locations have been explored.

The search area is predominantly residential and it is likely that any location within this search area would be in close proximity to residential properties. The sites listed in the supporting information section of this report have already been considered and discounted, and on this basis it is accepted that the operator has complied with guidance and explored suitable alternative sites. The lack of consideration of alternative sites did not form a reason for refusal as part of the previous application when it was determined by the Southern Planning Committee.

Siting, Design and Street Scene

The proposed installation has been designed as a slim line pole designed to mimic a lighting column. The pole and equipment cabinet would be located within the existing grass verge. The mast would be 13 metres in height which would make it taller than the surrounding lighting columns which are 10 metres in height. It should also be noted that the mast has been reduced in height following the previous refusal where the application proposed a mast of 14.8 metres in height.

Policy NE.18 (Telecommunications Development) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPG8 will be used to assess this proposed development.

In terms of the policy guidance in relation to telecommunications development, PPG8 states that the government policy is to;

'facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has a responsibility for protecting public health. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available'

The proposed installation at 13 metres in height would be taller than the existing street lighting columns in the area which are approximately 10 metres in height. The mast would mainly be viewed by vehicles and pedestrians travelling along Crewe Road and when visiting the Tesco Store, Kwik Fit and Shell Garage.

The proposed mast would sit taller than the existing telegraph poles and lighting columns in the vicinity by approximately 3 metres. However, this is not considered to be significant in this location given that the site would be seen in relation to the adjacent commercial units and the backdrop of mature trees which are located to the rear of the commercial premises and within the front gardens of the properties along Crewe Road. It should also be noted that the land level rises to the west and the lighting columns appear taller in this direction. The proposal would successfully assimilate with existing street furniture and would be marginally taller than the lighting column to the west. As a result would not appear as an alien or incongruous feature or out of scale within the locality.

Furthermore it is considered that the benefits of extending the telecommunications network in the area outweigh the limited visual impact of the proposed development upon the character and appearance of the area.

Health and Safety

Concern has been expressed nationally with regard to the effect of mobile phone base stations to human health. The Stewart Report (2001) concluded that there are gaps in the knowledge to justify a *'precautionary approach'* in regard to the siting of base stations. There have been various High Court judgements which have ruled either way on the issue of whether health considerations can be material in determining an application for planning permission or prior approval.

The perceived risk is acknowledged and consideration should be given to any long-term effect to the quality of life and well-being of local residents. Due to the design of the proposal mimicking a street lighting column, its siting and the surrounding vegetation the proposal would not register as an enduring reminder of a source of radio frequency radiation and would therefore have little effect on the well-being and amenity of local residents.

Paragraph 98 of PPG8 states that *'In the Governments, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'*. In this instance an ICNIRP certificate has been provided.

Highways

Although the comments of the Strategic Highways Manager have not been received at the time of writing this report the proposed development will not have any detrimental impact upon vehicular visibility splays when making use of any road junctions within the area. Furthermore this issue did not form a reason for refusal as part of the previous application.

The applicant has stated that the proposal will be maintained 1-2 times per year and accessed by an engineer travelling by foot/standard sized vehicle. When accessing any site the operators' engineers must abide by standard traffic laws, parking restrictions, and the

operator's own health and safety regulations. As such, they are instructed to park any maintenance vehicles legally, safely, and with common sense, and to act sensitively to both pedestrian and vehicular safety.

The only time any large vehicle would be required to be parked close proximity to a site for any length of time would be at construction and decommissioning stages, or in the very rare case of emergency maintenance, all of which would be undertaken with the full cooperation and agreement with the Council's Highways Department.

Given the frequency of the maintenance requirements of the mast it is not considered that the mast could be refused on highway safety grounds. As a result the proposed development is considered to be acceptable.

11. CONCLUSIONS

The siting of base stations is a highly emotive area of planning and is dictated largely by the need to provide coverage to populated areas. It is rare for such development to be sufficiently remote that no objections are raised from residents. Alternative sites have been considered as part of the selection process and have been rejected for a number of reasons including technical coverage requirements, the proximity to residential properties and also the unwillingness of site owners to allow development on their land. Accordingly the proposal is not considered to appear as an alien or incongruous feature within the locality. It is considered that in this instance the proposed development is compliant with local and national policy.

12. RECOMMENDATIONS

RECOMMENDATION: That details of siting and design are required and that these details are approved subject to the colour and finish of the proposed pole and equipment cabinets being agreed

1. Standard – 3 years
2. Monopole and antenna to be grey in colour, equipment cabinet to be green
3. Development to be completed in accordance with the approved plans

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