

# Strategic Planning Board

## Agenda

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**Date:** Wednesday 30th May 2012  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street,  
Crewe CW1 2BJ

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Members of the public are requested to check the Council's website the week the Strategic Planning Board 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 any 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 the Previous Meeting**

To approve the minutes of the meeting held on 2 May 2012 as a correct record (to be circulated to follow)

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**Please Contact:** Gaynor Hawthornthwaite on 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

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

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

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

5. **12/0800C - Former Twyford Bathrooms Site, Lawton Road, Alsager, ST7 2DF: Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works for Sainsbury's Supermarkets Ltd & Lagan Als**  
(Pages 1 - 28)

To consider the above planning application

6. **12/1211C - Bridestone Shopping Centre, Victoria Street, Congleton, CW12 1DA: Variation to Conditions 2, 7, 13, 40 and 41 and Removal of Condition 10 Attached to the Redevelopment of The Bridestone Centre (09/1018C) to Enable the Non-Provision of the Previously Approved Hotel and Associated External Alterations from the Scheme for Scarborough Developments**  
(Pages 29 - 76)

To consider the above planning application

7. **11/4549N - Rope Lane, Shavington** (Pages 77 - 82)

To consider the withdrawal of a reason for refusal relating to outline planning application 11/4549N for up to 80 dwellings including access at land off Rope Lane, Shavington

8. **Housing Supply Buffer** (Pages 83 - 90)

To consider a report on the Council's approach to a housing supply "Buffer" in the light of advice contained within the National Planning Policy Framework

**THERE ARE NO PART 2 ITEMS**

**Application No:** 12/0800C

**Location:** FORMER TWYFORD BATHROOMS SITE, LAWTON ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DF

**Proposal:** Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works

**Applicant:** Sainsbury's Supermarkets Ltd & Lagan Als

**Expiry Date:** 11-Jun-2012

#### **SUMMARY RECOMMENDATION**

#### **REFUSE**

#### **MAIN ISSUES**

**Impact of the development on:-**

- **Principal of Development**
- **Sequential Test**
- **Impact Assessment**
- **Loss of Employment Land**
- **Landscape**
- **Highway Implications**
- **Amenity**
- **Trees and Hedgerows**
- **Design**
- **Ecology**
- **Flood Risk and Drainage**
- **Renewable Energy/Sustainability**

#### **REASON FOR REFERRAL**

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

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

The application relates to 2.34 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the south of the site is the Crewe-Derby railway line. To the north there is tree cover which forms a TPO (Crewe Road/Linley Lane TPO 2007). The site is relatively flat and is well screened, the site includes part of a large factory and warehouse building which has a floor area of 64,095sq.m. An existing office building and a more modern warehouse building are located outside the red-edge for this planning application.

There is a separate planning application for residential development on a larger part of the Twyfords site (11/4109C) and there is a separate planning application for the formation of a roundabout on Linley Lane (11/4390C).

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store (3,903sq.m gross/2,345sq.m net sales area), a petrol station and 298 car parking spaces.

The access to the store would be taken via the access road which would be provided as part of a new roundabout off Linley Lane.

## **3. RELEVANT HISTORY**

ENQ/0181/12 – EIA Screening Opinion for a proposed supermarket – EIA not required 15<sup>th</sup> March 2012

## **4. POLICIES**

### **Local Plan policy**

PS3 – Settlement Hierarchy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

E10 – Re-use or Redevelopment of Existing Employment Sites  
S1 – Shopping Hierarchy  
S2 – Shopping and Commercial Development Outside Town Centres

### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP3 Promote Sustainable Economic Development  
DP4 Making 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 and Protection of the Region's Environmental Assets  
EM2 Remediating Contaminated Land  
EM3 Green Infrastructure  
EM5 Integrated Water Management  
EM 10 A Regional Approach to Waste Management  
EM11 Waste Management Principles  
EM17 Decentralised Energy Supply

### **National Policy**

National Planning Policy Framework

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Community Infrastructure Levy (CIL) Regulations 2010  
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review  
Cheshire Retail Study Update (April 2011)  
PPS4 Practical Guidance  
SPD 4 Sustainable Development  
Alsager Town Centre Strategy SPD

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

**Environment Agency:** No objection in principle but would like to make the following comments;

- The development site is within Flood Zone 1 with a low probability of river/tidal flooding
- There is an existing watercourse that flows through the site in culvert. For any proposed construction on the line of this culvert, or adjacent to the culvert, any additional loading should be avoided as a collapse of this culvert could result in causing a localised flooding problem.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site, via the existing surface water drainage system. For discharges above this, attenuation will be required for up to the 1% annual exceedence probability event, to include allowances for climate change. A variable discharge, at existing run-off rates, is acceptable in principle.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate
- The following conditions are suggested;
  - A scheme to dispose of and limit the surface water run-off generated by the proposed development
  - A scheme to manage the risk of flooding from overland flow of surface water
  - The submission of a contaminated land assessment
  - A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation
  - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
  - The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority.
- The Master Plan shows that the applicant intends to leave the watercourse in culvert. As part of previous enquires regarding this site the Environment Agency have consistently asked for the watercourse to be restored. The EA are very disappointed to see that the culverted watercourse will not be restored. The redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat.
- Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. The EA seek to restore and enhance watercourses to a more natural channel wherever possible.
- This stance is supported by the National Planning Policy Framework (NPPF) paragraph 109, which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.

**United Utilities:** No objection subject to the following;

- The site must be drained on a total separate system, with only foul drainage connected into the public foul sewerage system. Surface water should discharge to soakaway and or watercourse and may require the consent of the Environment Agency.
- A 12" water main crosses the site at the area of the proposed roundabout on Linley Lane. As we need access for operating and maintaining it, we will not permit development in close proximity to the main.

**Strategic Highways Manager:** The Strategic Highways Manager has assessed this application together with the provided Transport Assessment, Travel Plan and other highway related information.

The Transport Assessment did not fulfil the requirements of the Highway Authority and was returned to the applicant's consultant for appropriate revision. The Travel Plan also requires some revision.

Currently the Strategic Highways Manager remains in discussions with the applicant's highway consultant and it is understood from a conversation with them that revisions to the whole site, including the likely scale of development for the residential element which is not part of this application may well alter the potential traffic generation from the site. This will therefore alter the off-site impact on the existing highway network.

As a result the Strategic Highways Manager awaits further information from the applicant's highway consultant and is currently assessing some additional information recently received.

As a result of the above position it is not possible for the S.H.M. to recommend on this development proposal and the S.H.M. finds that the most pertinent position in highway terms would be for this application to be deferred until the highway aspects of this site are finalised.

The Strategic Highways Manager recommends that this application be deferred to allow full and detailed discussions with the developer and their highway consultant on all aspects of the revised scale of development.

**Environmental Health:** Conditions suggested in relation to hours of construction, pile driving, noise impact assessment, acoustic enclosure of any fans, compressors or other equipment and contaminated land.

In terms of air quality the assessment utilises 2009 monitoring data as its baseline year. This should be updated considering the most current annual data available. The impact of car park emissions and diurnal variation of the likely traffic flows should be taken into consideration within the report. In addition, the assessment should consider the cumulative impact of all live applications in the vicinity.

Emissions from the proposed biomass boiler should be assessed to ensure potential air quality impacts are controlled.

The report needs to also take into account the trend that NO<sub>x</sub> and NO<sub>2</sub> concentrations are not declining as expected (i.e. considering the potential effect of the development against the current baseline year).

The report as it stands states that the development is predicted to give rise to a medium change in NO<sub>2</sub> concentrations at one receptor, a small change at another and imperceptible at the remaining. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an AQMA.

**Natural England:** The nearest designated site is Oakhanger Moss Site of Special Scientific Interest and Midland and Meres Mosses Phase 2 Ramsar, which is a European Sites protected under the Conservation of Habitats and Species Regulations 2010. Natural England are satisfied that there is no direct hydrological link between the proposed development site and the above designated sites. Natural England considers that the proposed development will not materially or significantly affect the aforementioned protected sites. For information on protected species please refer to the Natural England standing advice.

**Public Rights of Way:** No comments received at the time of writing this report

**Archaeology:** No comments received at the time of writing this report

**Cheshire Wildlife Trust:** Cheshire Wildlife Trust has the following comments to make;

- The application is accompanied by Chapter 6 Ecological Impact Assessment, which appears to be extracted from a much longer Environmental Statement prepared in 2010 in connection with a mixed-use Masterplan for the whole site, rather than having been written specifically for the proposed Sainsbury's supermarket development site. It is therefore difficult to isolate information which refers specifically to the development site. However, the EclA appears to have been carried out (with some exceptions – see below) at an appropriate level of detail and by suitably qualified consultants.
- The EclA recommends that full breeding bird surveys should be carried out in April/May 2011. There are no results to indicate whether these surveys were duly carried out. If not, this requirement is outstanding.
- Similarly, the EclA recommends that bat and badger surveys be repeated prior to the start of development. While additional bat surveys were undertaken in 2011, there do not appear to have been any additional badger surveys since the initial EclA. This requirement is therefore also outstanding.
- The EclA also recommends the preparation of a Woodland Management Plan and a Badger Mitigation Plan, to be agreed between CEC and professional consultants prior to the commencement of development on site. These documents do not appear to be included with the current submission.
- The EclA recommends that a culverted stream through the site is opened up, in order to enhance the ecological value of the watercourse. The Sainsbury's proposal does not achieve this – the stream remains culverted as it traverses the eastern edge of the development site, although sections of the culvert are in soft landscaped areas. This is a missed opportunity for biodiversity enhancement.
- Among the recommendations of the EclA is the suggestion (Para 6.8.6) that planting proposals for the site *'should include only native species of known biodiversity value...instead of planting the more standard Laurels and Hebe's, future detailed landscape plans could include fruit and berry producing trees such as Rowan, Wild Cherry and Hawthorn'*. Although the detailed planting plan for Sainsbury's includes some native species the proposals are still dominated by evergreen ornamental shrubs of low biodiversity value.
- The recently-published Draft Alsager Town Strategy, currently out for consultation, makes specific reference to the future development of the former Twyford Bathrooms site. Local community suggestions do include the provision of retail facilities on this site, but for *'small scale local retail development in the region of 200-300sq.m.'* The supermarket application is for a supermarket of 2345sq.m. net area (about ten times the size that the Draft TS favours). In this respect the application is directly contrary to current community aspirations.



- Should this application be given permission, CWT would recommend that the following (more fully worded) conditions are attached including (but not limited to):

- Submission for approval of Woodland Management and Badger Mitigation Plans
- Protection of existing vegetation
- Protection of actively nesting birds during the breeding season
- Provision of bird nest boxes and bat roosting boxes.
- Submission for approval of low-impact lighting proposals, to minimise disturbance of bats

**Network Rail:** No comments received at the time of writing this report

**Newcastle-under-Lyme Borough Council:** Objects to the application on the grounds that further consideration should be given to the impact of the proposed food store on the trade of the Tesco store in Kidsgrove which could reduce linked trips into Kidsgrove Town Centre and could therefore harm the vitality and viability of the centre.

## **6. VIEWS OF THE PARISH COUNCIL**

**Alsager Town Council:** The Town Council has no objection

**Church Lawton Parish Council:** Church Lawton Parish Council has the following comments to make;

- The National Planning Policy Framework reflects the approach taken in the adopted Local Plan and recognises that town centres should be at the heart of their communities & that Planning Authorities should pursue policies to support their viability and vitality.
- Where possible applications should be located in town centres, then in edge of centre locations & only if suitable sites are not available should out of centre sites be considered.
- Sainsbury's have provided a forecast for the retail sales impact of the new store. The Parish Council would expect that Cheshire East would conduct its own assessment of the retail sales impact to verify these figures.
- Ensuring the continuing individuality, vitality & viability of nearby Town Centres should be a major influence upon the determination of the application.
- Following the receipt of the illustrated plans prepared by Sainsbury's the Parish Council has further concerns over the proposed roundabout. The plans have been modified to the original planning application. The Parish Council's main concern is the adequate and safe access from the highway to the proposed site.
- The modified plans now show bus stops on both sides of the road on Linley Lane.
- Creating bus stops on this road would further impact the traffic flow. The Parish Council strongly feels that it would be dangerous for pedestrians to attempt to cross such a busy road.
- Bearing these safety concerns in mind the Parish Council would recommend that any bus stops are situated on the Supermarket site itself in order to avoid congestion & to ensure public safety.
- The modified plans now show access to the field just before the roundabout. This field is used for farming, and it should be noted that continued access would be required for tractors & machinery etc.
- Linley Road is used not infrequently as an alternative route by drivers when there has been a closure or partial closure of the M6 Motorway in the locality. It is questioned whether or not adequate account has been taken of the pressures exerted by such additional traffic flows. In particular, whilst roundabouts do generally maintain traffic flows during off peak times, at peak times they can cause significant tail backs

- The Parish Council considers that the Supermarket design is not of a sufficiently high quality design. The National Planning Policy Framework states 'In determining applications, great weight should be given to outstanding or innovative designs which will help raise the standard of design more generally in the area.'
- A further point is that the application does not state the opening hours of the petrol station. The Parish Council would like clarification of the opening hours. Particular consideration should be given to this aspect of the proposals because of the potential impact of late night traffic within the site upon the residential development which could take place next door to the proposed supermarket and filling station.
- Finally, the consultation on the draft Alsager Town Strategy carried out by Cheshire East Council has recently closed (2<sup>nd</sup> April). The draft Strategy referred to the Twyford's site as a "Preferred Development Site" and suggested that it may be suitable for a mixed use development involving a range of types of development including a small scale retail scheme in the region of 200 to 300 square metres of floor area. It is hoped that the results of the public consultation will be available prior to the Council making a decision on the future of this site and determining planning applications for its development.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 19 households raising the following points;

### Principal of Development

- The proposal is contrary to Policy S2
- The draft Alsager Town Strategy supports the protection of Alsager Town Centre
- The proposal is contrary to the advice contained within the NPPF
- No need for a supermarket
- There is a Tesco Store within 2 minutes of the site
- The site is in a un-sustainable location

### Retail Impact

- Detrimental impact upon Alsager Town Centre
- Undermine future investment
- Serious impact upon trade
- There would be a reduction in the number of people visiting the town centre
- There will be no linked trips despite the claim of Sainsbury's
- The Councils own retail study concludes that there is no need for any significant new food stores in Alsager
- Impact upon local businesses
- Businesses in the town centre will close
- Other towns have suffered from supermarket development such as Congleton
- The proposal will not serve the community like local stores
- The expansion of the Sainsbury's Store in Nantwich has resulted in town centre foot fall dropping by 20% according to the Chamber of Trade.
- Jobs will be lost in Alsager Town centre
- There are many supermarkets within a 5 mile radius of the site
- The development will create a ghost town in Alsager
- There is a significant level of objection amongst local businesses
- The application site is too far from the centre of town

### Highways

- Increased traffic congestion
- Highway safety
- The roundabout would be dangerous
- Poor visibility at the site access

### Amenity

- Deliveries to the store would cause amenity concerns to local residents
- Increased pollution
- Structural damage

A petition objecting to the application which has been signed by 269 local residents has been received.

Letters of support has been received from 47 households raising the following points;

### Principal of Development

- Support the new store
- Increased employment
- A petrol station is needed in Alsager
- The proposal will reduce the carbon footprint of residents as they will not have to travel as far to shop
- The application site is a brownfield site
- The site is on a bus route

### Retail Impact

- Promote healthy competition with the CO-op
- The Sainsbury store would reduce trips to Crewe
- The store would not have an adverse impact upon Alsager Town Centre
- The new Co-op will do more damage to the Town Centre
- The new housing proposed in the area will also benefit from the proposed development
- The proposal will enhance Alsager
- The proposal will attract people to Alsager from the surrounding areas of Kidsgrove, Rode Heath and Sandbach
- The Co-op redevelopment will not enhance provision within Alsager
- It will benefit Cheshire East if money is spent within the Borough instead of Stoke-on-Trent
- The residents of Alsager deserve greater choice
- Competition between stores will drive prices down
- Increased out of town shopping is a good thing
- Increased variety of goods will be available in the Sainsbury's store
- The objections are lead by the retailers within Alsager and do not represent the people of Alsager
- The Co-op has limited stock and expensive prices

A letter of objection has been received from Fiona Bruce MP raising the following points;

- It is acknowledged that opinion is divided within Alsager. However, there are concerns about the impact of out of town supermarkets upon local communities.
- I endorse the formal objections raised by the Alsager Partnership and Alsager Chamber of Trade

- Work has commenced on the Co-op store and this expansion has been assessed as providing the convenience retail need in Alsager up to 2015.
- The Alsager Partnership has severe concerns about the impact of the proposed store on the viability and sustainability of the town centre, its businesses and the focal point for community life
- In reality there would be no linked trips with Alsager Town Centre as the two zones are too far away and the supermarket would have a significant negative impact.
- The vacancy rate in Alsager is below average as people shop in the town centre. An out-of-centre supermarket would jeopardise this.
- The Cheshire East Retail Study Update 2011 identifies a total convenience retail floor space in the town of 1,791sq.m. The Sainsbury's convenience floor space would measure 2,016sq.m this is twice the size of all of the convenience floor space that currently exists in the town. The scale of the proposal is completely inappropriate and unnecessary.
- Independent retailers and businesses in Alsager have managed to show resilience during difficult trading conditions but have also had to contend with the closure of MMU and a reduction in capacity at Radway Green. Traders believe that such a development would further reduce footfall.
- The impact of out-of-town supermarket developments can be seen elsewhere namely Congleton where a large number of people are using the out-of-town Tesco and other retail units. One constituent has stated in recent correspondence that *'jobs are an enticement which might seem alluring in a time of no work but weighed against those jobs that their arrival will squash there is no net gain in employment'* and that local independent retailers cannot compete with the *'crushing buying techniques'* of the major retailers. These words of warning would be well heeded with reference to this application which in the strongest terms should be given very careful consideration.

A letter of representation has been received from Cllr Fletcher raising the following points;

- Declares a personal interest as a member of the Coop
- The meeting at Alsager Town Council was well attended and confirmed that there is strong support from the people of Alsager for a large food store in the town
- The new Coop store is welcome but only has limited retail space
- There have been objections from the Coop, Chamber of Trade and Alsager Partnership who say it will take people out of Alsager and from Newcastle-under-Lyme Borough Council who say it will stop people travelling out of Alsager.
- It is an accepted fact that at present most Alsager people do their main shopping outside Alsager, especially at Tesco in Kidsgrove, Asda in Wolstanton, and Waitrose in Sandbach.
- Newcastle-under-Lyme Borough Council allowed Tesco to build a large supermarket on former railway sidings about 300 metres from the Cheshire Border. Asda Wolstanton is built on an old colliery site and it is expected that permission will be given for a large Marks and Spencers to be built there. Also Stoke-on-Trent City Council have given planning permission for a large Morrisons to be built on the outskirts of Tunstall.
- There used to be four petrol stations in Alsager now there are none.
- The view of some residents is that if permission is given for the Sainsbury's supermarket and petrol station they will no longer have to drive into Staffordshire to shop.
- When the Strategic Planning Board is considering this planning application will they please take environmental issues into account.
- If they are mindful to approve it will they should place conditions that will not allow Sainsbury's to sell white goods, clothes etc to protect the small businesses in Alsager.

A letter has been received from Alsager Chamber of Trade raising the following points;

- The application does not satisfy the sequential test and does not demonstrate that there are no other town centre or edge of centre locations. The existing Co-op is already being extended and the completion of the new store (which trebles the current trading space) should be delivered within the next 6-9 months.
- Alsager Chamber of Trade have considered significant amounts of research from existing academic studies and case reports of similar developments since 1998, sought advice from specialist planning consultants, undertaken surveys within the local community, reviewed and considered the conclusions of the existing Local Plan (2005) and the new Local Plan (2011 and currently going through the process of being formally adopted).
- The impact on the town centre will be detrimental to the long term sustainability and wellbeing of the town and its residents. There is no evidence from previous case studies and research that any perceived short term benefits will be maintained. The conclusions of all research and case studies prove, without exception, that the long term effects are negative.
- The “ghost town” effect of such developments has been fully researched and recorded in towns within the UK over more than a decade. Fakenham, Hunstanton, Stalham, Warminster and Dumfries are typical examples where footfall fell by over 30% within 6 months of the stores opening.
- There is also strong evidence that superstores alter the percentage of space given over to traditional consumer goods once the application has been approved. There is a growing move by trading entities such as Sainsbury to diversify into the sale of non-traditional goods which places further impact on traders who may believe they will be unaffected by the store.
- The Council’s Retail Study Update 2011 identified a total convenience retail floor space in the town of 1,791 sq. m. The Sainsbury’s convenience floor space measures 2,016sq.m – this is twice the size of all the convenience floor space that currently exists in the town, thereby clearly of an inappropriate scale.
- The proposed development does not comply with criterion II and III of Policy S2. Criterion III fails as the size and scale of the proposed development is considerably beyond any future requirement as already identified by retail studies of both 2005 and 2011. In terms of criterion I, the catchment area used in the Sainsbury’s application extends way beyond what could be readily classed as serving the needs of a locally resident catchment i.e. Alsager, as it extends to areas such as Kidsgrove, Sandbach, Church Lawton, Haslington and Audley to name a few.
- Sainsbury’s allege that the vast majority of trade will be drawn from other areas, particularly the existing Tesco in Kidsgrove and Waitrose in Sandbach. The application seeks to play down the impact on Alsager Town Centre and claims that the impact on other businesses within the Town Centre (outside of the Co-op and Sainsbury’s local) will be in the region of 6% and will not be “significantly adverse”, which is the test applied in national planning policy.
- Sainsbury’s also claim that Alsager is a ‘healthy’ town centre with relatively few vacancies and therefore it will be well placed to withstand any impact. The Alsager Chamber of Trade would challenge that assumption particularly as the view from a significant number of the businesses is that they are only just making ends meet at the moment without this additional level of inappropriate competition. Case studies and academic research collated since 1998 concludes that a drop in local town footfall occurs at a minimum level of 20% when an out of town store is built. This statistic occurs immediately from the date the store opens and has not been proven to recover naturally.
- Sainsbury’s allege that customers to their store will combine their visit with a “linked trip” to Alsager. However, given that there is not an easy, short or direct route between the supermarket site and the town and it is nearly 1km away, this is considered an over-optimistic assumption and that the new store will be a standalone “destination” in itself. This is backed up

by the number of parking spaces being proposed (which is equal to the Town Centre provision). Sainsbury's own household survey (submitted to 10,000 households in the area) has a question on this point. Q.8 of the survey asked respondents if they 'linked' their main shopping activity with another activity and nearly 65% of the total replied 'no'. This backs up the concerns that people will not link their trips.

- Sainsbury's state that 200 jobs will be created – this is not however split down into Full Time Employments, how many will be contract jobs and at what level. Equally, this is not a "net" jobs figure and does not take into account the reduction in jobs caused by local traders reducing staff numbers (as a result of lower turnover), or from jobs lost when a shop closes. Once this is taken into account, the "net" number of jobs created will be much lower, with the consequent weight to be attached to this factor in the Council's decision-making also being lower.
- An EIA may be required and it does not appear that the applicant has asked the Council for a screening opinion
- There does seem to be concern locally about the impact of the new roundabout (Alsager Chamber of Trade submitted an objection to this application In January 2012). Cheshire East's Highways engineers responded in detail to the separate roundabout planning application, and raised significant number of serious issues. It is understood that the developers and the applicant will seek to address many of these in their supplemental report but we still wish to raise concerns in respect of the cost to the local community and other related issues that were raised at the time.

A letter of has been received from Alsager Partnership raising the following points;

- The proposal is not in accordance with the Local Plan policies or the recently published NPPF
- The proposal does not satisfy the sequential test and the applicant has failed to demonstrate that there is no town centre or edge of town centre locations available for such development. Since the application has been made, work has commenced on the extension to the existing Coop store in a town centre location. The sequential approach outlined by the application ignores this location (which is clearly deliverable) and any of the surrounding car park / open space as being a possibility for further expansion of the retail offer. Therefore that the sequential test is not satisfied and the application should be refused.
- The application does not contain an adequate assessment of the impact on town centre viability and vitality in the context of the expanded Co-op store and investment. The White Young Green study states that the Co-op store will provide the convenience retail need for Alsager up to 2015. An analysis should therefore be done in the context of this expansion of the town centre provision which is already under development. For this reason the application is flawed.
- Surveys taken in 2010 and 2011 demonstrate that 32% of Alsager town centre users live outside the town, but within a 30 minute driving distance of Alsager, such as Kidsgrove, Rode Heath, Barthomley, Scholar Green and Audley. . By locating a supermarket out of town, those visitors will, in effect, be stopped at the boundary to meet their convenience shopping needs. Potential loss of such a high percentage of foot fall could seriously impact on the viability of independent businesses in the town centre, which represent 81% of business premises occupied.
- The proposal is out of town centre so will clearly not improve the offer of the town centre in itself and the prospect for linked trips will be at very best minimal. Alsager Partnership are very firmly of the opinion that people visiting the proposed store for their main food shop will not visit Alsager Town Centre for a linked trip to visit other shops. It is too far away and therefore the proposal will have a significant negative impact on the town centre by drawing shoppers away from the town centre convenience provision.

- The application should be refused in line with S27 of the National Planning Policy Framework because it is a significant out of town centre proposal, does not satisfy the sequential test and will have a negative impact on Alsager town centre vitality and viability.
- The Neighbourhood Plan for Alsager, currently under consultation will also be a consideration. This will show how sustainable growth can be delivered in Alsager to meet the growth agenda whilst ensuring the continued viability of the town centre. The location of this application will never form part of, or become adjacent to, an expanded town centre. The neighbourhood plan is absolutely clear in its wish to protect the town centre from out of town development.
- NPPF's core principle of "empowering local people to shape their surroundings" is one which the Alsager Partnership supports wholeheartedly. Alsager Partnership does not want or need an out of town development blowing Alsager town centre to pieces. The residents of Alsager and the Alsager Partnership have supported the redevelopment and enlargement of the Co-op store because it enhances the town centre offer and will support its continued growth and prosperity.
- Alsager works as a town centre because there is no major threat to the town centre in an out of town location. This proposal poses a real threat that to the town centre because out of town centre provision will have a significant detrimental effect on the centre by removing the need for linked trips and local top up shopping, which is vital to the success of a small town like Alsager.
- The Alsager Partnership wish to make it clear that they are not opposed to the development of the site for appropriate uses. Alsager Partnership recognises the need for change and the Government's desire for growth. Alsager Partnership would support the principle to develop housing within a mixed development on the site as previously outlined, and would support the development of a small convenience store (less than 450 sq m) to meet the needs of residents within the housing development.

A letter of objection has been received from the Co-operative Group which makes the following conclusions;

- The Local Plan Policies (in particular Policy S2) should be afforded significant weight and the proposal does not accord with this policy.
- The Co-op is currently implementing an extant planning permission which secures a comprehensive town centre redevelopment. The proposal would undermine this investment and would draw trade and expenditure away from the town centre
- The sequential test should look at sites more appropriately located within Alsager
- Policies S1 and S2 seek to promote and protect town centres from out of centre development which may undermine vitality and viability of centres. The proposal will redirect expenditure away from the town centre and will reduce the ability for existing businesses to grow and survive.
- The development would detract new businesses from locating within the centre of Alsager which would impact upon the overall confidence to invest within Alsager town centre.
- There is limited residential population within walking distance of the site and the nearest bus stop is 550m away. The site is not accessible by a variety of forms of public transport and is not situated within the most sustainable location.
- The proposal does not accord with the Draft Alsager Town Strategy. Within this document the application site is identified as a potential mixed use site. In relation to retail provision the strategy states that the development could include a *'small scale local retail development in the region of 200sqm-300spm'*

## 8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Planning Statement (Produced by Turley Associates)
- Design and Access Statement (Produced by Hadfield Cawkwell Davidson)
- Transport Assessment (Produced by Vectos Ltd)
- Ecological Impact Assessment (Produced by White Young Green)
- Retail Statement (Produced by Turley Associates)
- Tree Survey (Produced by Cheshire Woodlands)
- Air Quality Impact Assessment (Produced by White Young Green)
- Site Specific Flood Risk Assessment (Produced by Hadfield Cawkwell Davidson)
- Site Specific Drainage Strategy Statement (Produced by Hadfield Cawkwell Davidson)
- Badger Survey & Building Survey in Respect of Roosting Bats (Produced by Landscape Science Consultancy Ltd)
- Ground Conditions Assessment (Produced by White Young Green)
- Noise and Vibration Assessment (Produced by White Young Green)
- Lighting Specification (Produced by GE Lighting Outdoor Solutions)
- Summary of Consultation (Produced by Local Dialogue)
- Renewable Energy & Energy Efficiency Assessment (Produced by Sustainable Design Solutions Ltd)

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Principal of Development

In terms of retail development the proposal is located within an out-of-centre location being 800m from the defined town centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

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

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

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



The site is an existing employment site within the settlement zone line for Alsager. Policy E.10 does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses.

This advice is similar to that contained within the NPPF where it states that;

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

As part of this application it will be necessary to consider whether the application meets the requirements of Policy E.10

### **Sequential Test**

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

- Existing vacancies within Alsager and Kidsgrove Town Centres
- Land to the northwest of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street and north of Market Street, Kidsgrove
- Land between Liverpool Road and the Railway, Kidsgrove

In terms of the existing vacant units at the time of the submission of the application, there were 8 vacant units with Alsager Town Centre and 5 vacant units within Kidsgrove Town Centre. All of these units are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore accepted that these existing units are not suitable alternative sites.

The sites on Heathcote Street, Kidsgrove have been ruled out due to their size and topography and that they would be unsuitable and unviable, whilst the Liverpool Road site is considered to be too small. Furthermore in a recent appeal for a food store within the catchment area for this proposed store the Inspector concluded that the Heathcote Street sites were not suitable for the type of development proposed.

The Council has obtained advice from a retail planning consultant who has considered the sequential test and his response is based on the PPS4 practical guide and makes the following conclusion in relation to the sequential assessment:

*'It is apparent that the proposal fails to meet one or more of the PG (6.52) checklist criteria for assessing compliance with the sequential assessment. The proposal is a poorly accessed out-of-centre location and there may be sequentially superior out-of-centre sites that have not been considered. The proposal is of a much greater scale than needed locally and TA have not adopted a flexible approach in the sequential assessment. Clearly not all the sequential sites have been thoroughly tested as there is a potentially sequentially superior site in Talke that may be available and suitable for this type of retail development. The scale of development needed might also be met on smaller out-of-centre sites that are sequentially preferable. The proposal therefore fails the sequential assessment to site selection on the basis of information submitted to date'*

Given the conclusions made by the retail consultant it is considered that the sequential test has not been met and this issue will form a reason for refusal.

### **Impact Assessment**

The impact assessment is a key consideration and is referred to within policy S2. Greater detail on how to apply the impact assessment is given within the newly published NPPF as can be seen in the principal of development section above.

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 2,017sq.m (86%) of the sales area will be for the display of convenience goods with the remaining 328sq.m for comparison goods.

The applicant states the Co-operative Group is aware of Sainsbury's aspirations for Alsager and the Co-op is proceeding with the application to extend and redevelop the existing store in Alsager. Given this firm commitment, the applicant does not consider that the proposal will undermine investment in Alsager.

This has been considered by the Councils retail consultant he states that the applicants;

*'fail to demonstrate any capacity for an additional food store in the town. To justify the Sainsbury proposals they have to draw upon an unrealistic extensive catchment area and apply a 50% company average to the Co-op extension (to lower its claim on available capacity). There is no need for both developments'*

And in terms of the cumulative impact:

*'the Sainsbury proposal in addition to the Co-op extension is a cause for concern as it will impact directly on town centre stores that rely upon top-up expenditure. In addition, the proposal will impact on the anchor Co-operative store that provides parking and generates footfall for all stores in the town centre. Finally, TA fail to take account of the cumulative impact of the committed development at Talke just 2km south of the proposal site on the A5011 in their capacity and impact assessments'*

In relation to the positive effects of the proposal identified by the applicant, the retail consultant states that:

*'With regard to retaining retail expenditure in Alsager, this will not be in the town centre from which expenditure will be removed. Because of the peripheral location of the site and inadequate public transport access the proposal has no social inclusion benefits. The proposal therefore will not 'provide a significant boost to the local economy' as claimed'*

In terms of the impact upon vitality and viability, the applicant states that Alsager Town Centre is performing well and there is need to improve the relative retail offer of the town. The applicant considers that the proposal will have a positive impact improving the retail offer and it is still likely that linked trips will take place. The report also states that, as residents will not travel as far to undertake their main food shopping, they will have more time to visit Alsager Town Centre.

The Councils retail consultant considers that the proposed development is far too peripheral to generate any benefits to the town centre and identifies that the retail statement does not follow the Practical Guide to PPS4 for the following reasons:

- TA have identified a study area that far exceeds the PCA of Alsager town centre and the proposed supermarket. Most of the zones don't even form a secondary catchment area for Alsager as demonstrated by the trade draw of the Co-op store;
- The trade draw presented by TA in Table 7B is totally unrealistic. There is no prospect of the store drawing 60% of its trade from beyond zone 1 when the offer in the other zones and / or closer to the main centres of population within them is superior to the proposal;
- The trade diversions that build on the trade draw analysis are therefore skewed and do not appear to reflect current market shares within the zones;
- TA have adopted a zonal approach within the extensive study area but they don't present their trade diversion assumptions by zone; and,
- There is no prospect of the proposal diverting 58% of its trade from facilities outside this extensive (6 zone) catchment area in the form of clawback and inflow particularly when the strength and proximity of the competing centres / superstores / supermarkets is considered

The Councils retail consultant then goes on to conclude that the proposed development will have a 'significant adverse impact on the vitality and viability of Alsager Town Centre'. This issue will form a reason for refusal.

### **Loss of Employment Land**

The factory building was built in the 1950's and has since been occupied by Twyford's Bathrooms. The company has been downsizing their manufacturing operations since 2007 with the Alsager factory closing in 2011. The manufacturing facilities have been outsourced elsewhere and large parts of the site are currently vacant. It should be noted that an existing office building and B8 warehouse which are located outside the red edge application site are still in use and occupied by Twyford's Bathrooms.

The key points that the applicant is justifying the loss of employment land are as follows:

- The decline of manufacturing operations on this site is consistent with national and global trends
- An assessment of employee records shows that relatively few (only 7%) actually lived in Alsager. As a result the geographic spread means that the decline in operations on the site have not had a significant impact upon the local economy
- Due to its size and the bespoke nature of the building it would not be capable of accommodating another business unless substantially modified and subdivided which would require significant investment
- Cheshire East Employment Land Figures demonstrate that gross employment land take up rate for 2010/11 is 1.96ha and there is a gross supply of 296.69ha. This gives a supply of over 151 years
- The proposed development would reduce noise and disturbance that could be generated from the site
- The Sainsbury's Store would generate the short term creation of a large number of construction jobs and indirect jobs in the construction chain
- Around 200 permanent jobs would be created. This represents a substantial increase in the number previously supported on the wider Twyford's Bathrooms site
- Sainsbury's figures demonstrate that the extent to which employment is drawn from a small radius with 90% of employees living within 5 miles of their stores

On balance it is considered that the loss of part of this employment site is justified in this instance, based on the points raised by the applicant's agent and following the consideration of the advice contained within the NPPF at paragraph 22.

## **Landscape**

The development, together with the new roundabout and associated highway alterations, would result in the removal of roadside vegetation for a length of approximately 150 metres, opening up views to the supermarket and the wider site. The submission includes soft landscape proposals for this boundary.

The Design and Access Statement indicates that the supermarket service yard and car park will be recessed into the landform to reduce their visual prominence and will be screened by proposed new boundary planting, landform modifications and an acoustic barrier for the service area. The planting would consist of trees and shrubs. The boundary of the development and the new distributor road would be enclosed by a brick wall. References are made to further screening being provided in the wider development scheme for the Twyford's site.

The development would dramatically alter the appearance and character of the site when viewed from Linley Lane. There is no evidence that consideration has been given to the possibility of retaining existing peripheral vegetation which is regrettable. The roadside vegetation in particular would have provided a degree of screening from the outset of development. Nonetheless, in the context of the development proposed, the detailed soft landscape proposals provided appears reasonable.

## Highways Implications

The store would be accessed via a proposed three arm priority controlled roundabout which would be located on Linley Lane. The site access would form the western arm of the Linley lane roundabout and from this road the access to the store would be via a priority controlled junction which is 50 metres west of the Linley Lane junction. In terms of public transport it is proposed to install two bus stops onto Linley Lane and the TA states that there is a possibility for the site to be linked in with the existing bus services.

In terms of the traffic impact, the submitted TA identifies the following junctions which are relevant to the proposed development:

- Twyford Bathrooms site access/Lawton Road/Crewe Road
- Crewe Road/Linley Lane
- Liverpool Road/Congleton Road
- Crewe Road/London Road/Sandbach Road
- Crewe Road/Butterton Lane/Radway Green Road

The TA provides an assessment of 5 years after the submission of the planning application (2017) and includes the traffic associated with committed development proposals in the area.

The TA states that, in order to establish trip rates for the proposed development, reference has been made to the TRICS database. The TA predicts that the proposed store would generate 285 two-way vehicle trips during the weekday AM peak hour (08:00 – 09:00), 520 two-way trips during the PM peak hour (16:30 – 17:30) and 644 two-way trips during the Saturday peak hour (11:30 – 12:30). Due to the location of the site off the A5011 Linley Lane, the TA states that in the AM and PM peak hours 50% would be primary transfer trips with the rest split between pass-by trips and diverted trips. At Saturday peak the level of primary transfer trips would rise to 75%.

The TA then refers to the catchment zones for the store (as contained within the Retail Statement) and the proportion of trade draw which is predicted from each zone with 75% of trade drawn from zones 1 – 3 (Alsager, Kidsgrove, Scholar Green and Rode Heath).

The TA states that, in terms of the AM peak hour, none of the existing junctions above is anticipated to experience an increase in vehicles of more than 1 per minute. At the PM peak, the majority of the existing junctions only experience a nominal increase in traffic with a maximum increase of 1 vehicle per minute at the Crewe Road/Linley Lane junction. In terms of the Saturday peak hour, the Crewe Road/Linley Lane experiences the greatest increase in vehicle movements with an additional 3 vehicles per minute. The TA concludes that such changes in traffic are

*'in practice less than that which might be predicted through the daily fluctuations in traffic flow, considering the network flow as a whole'.*

Despite this conclusion, the applicant has also undertaken a capacity assessment of the Crewe Road/Linley Lane junction. This shows that the junction currently operates within capacity with a maximum degree of saturation of 79.6% during the evening peak hour on Linley Lane South. With the proposed development three arms of this junction would be operating close to capacity during the PM peak and the Saturday peak hours. In order to address this, the TA states that amending

the signal staging at the junction allows for 'significant capacity improvements' in all three peak hours so that they operate with a degree of capacity of less than 90%.

In terms of car parking, the proposal would provide 298 car parking spaces. The TA states that using Annex D to PPG13 (which has now been superseded) the maximum standards equate to 1 space per 14sq.m of Gross Floor Space, the TA then calculates that for this development there would be a requirement for a maximum of 279 car parking spaces. In addition, to this the TA states that for retail developments with more than 200 spaces, the car parking standards for disabled spaces included within the Traffic Advisory Leaflet 5/95 require 4 additional bays plus 4%. This would give an additional 18 spaces for mobility impaired users and give a total; requirement of 298 spaces.

The Highways Officer does not consider that the contents of the TA are acceptable. The Highways Officer has raised issues in relation to the safety audit, roundabout design, modeling within the TA together with concerns about the change in scale of the residential development which means that the TA is not appropriate. As a result, the Highways Officer has requested deferral. This is not considered to be an option given the other issues associated with the application. As a result, there is insufficient information to recommend approval and the highways impact will form a reason for refusal.

### **Amenity**

There are no residential properties in close proximity to the application site. Furthermore since the existing use of the site is B2 (General Industry), the proposed use would have less of an impact upon residential amenity.

In terms of air quality, the Environmental Health officer does not consider that the submitted Air Quality Assessment is acceptable due to concerns relating to the date of the data used, the car park emissions and diurnal variation of the likely traffic flows, the emissions from the biomass boiler, the need to also take into account the trend that NO<sub>x</sub> and NO<sub>2</sub> concentrations are not declining as expected and any necessary mitigation. The lack of a sufficient air quality assessment will therefore form a reason for refusal.

### **Trees and Hedgerows**

The trees within the roadside belt are part of wider tree cover on the site and are subject subject to the Congleton Borough Council (Crewe Road/Linley Lane) TPO 2007. The roadside vegetation is likely to have been planted as screening for the factory site. As identified above, the development would require the removal of vegetation for a length of approximately 150 metres on the eastern boundary of the site. This will involve the loss of a number of trees within woodland W3 of the TPO. The individual specimens are not outstanding however, the belt of vegetation is an established feature of the Linley Lane roadside and the loss of protected trees is a material consideration in the determination of the application.

In this case, replacement planting could be accommodated within the new development. Moreover, the submitted landscape scheme provides for tree planting on the Linley Lane frontage. The character and amenity value of such planting would inevitably be quite different from that which exists at present, but is considered to be acceptable in this instance.

## Design

The proposal is for a single storey (commercial scale) rectangular food store building located toward the western edge of the site, with a taller element toward the back of the building. A service wing encloses a frontage service yard, creating an L shape footprint. The service access is proposed directly off the new access spine into the Twyfords site from Linley Lane. At the north eastern corner of the site, adjacent to the proposed new roundabout, it is proposed to site the petrol filling station and a drive through car wash.

The store is proposed to be orientated to the east, overlooking a substantial area of car parking. The car parking extends to the south of the site between the building and the boundary with the railway. In the south east corner, gas and electricity substations are being retained with access proposed from the car park. Gas and electricity easements run along the southern part of the site. Landscape buffers are proposed along the southern and eastern boundaries (replacing the existing hedge line on the Linley Lane boundary). The northern boundary would be defined by walling and trees and shrub planting. The service yard is enclosed by a high timber screen with frontage landscaping.

Pedestrian routes are proposed into the site from Linley Lane and from the new access road to the north, creating a connection to the proposed housing site. This route would pass through a modest area of planned hard space set within the landscaped northern perimeter of the site.

The building is to be faced in timber and glazing on the eastern elevation but will be predominantly metal cladding on other elevations, with a modest timber return on the southern elevation and a limited amount of glazing on the southern and western elevations.

The orientation and layout of the building is introverted, focused upon the frontage car park, and creating inactive frontages to the western and northern elevations of the building. This is worsened by the location of the servicing yard to the north of the building, directly off the proposed spine road serving the entire development.

The options identified in the Design and Access Statement set out a number of layout scenarios. In urban design terms, and having regard to the proposed housing to the north, the proposal is the weakest urban design solution, and is primarily determined by the functionality and efficiency of the use and not by place shaping or achieving good urban design.

This proposed arrangement results in 3 inactive frontages and most worryingly a very poor interface between the site and the proposed housing area to the north of the site. The sole interaction between these neighbouring uses would be via a pedestrian route between the housing and the store, crossing the new spine road. The placement of the service yard adjacent to this road will create a negative and inactive frontage in proximity to future housing.

The proposed layout is a wholly missed opportunity to integrate the retail and housing proposals and there is a strong argument that a masterplan led approach should have informed their design.

Given the peripheral location and the scale of residential development also being proposed, it is considered that there is also scope to introduce a modest element of finer grain mixed use that could have helped to create a stronger and more cohesive form of development. The NPPF states:

*'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (NPPF p 17)'*

Aside from operator convenience, there is no valid justification for siting the service yard in the most sensitive location in terms of its prominence and impact. This severely affects the scheme and compromises how it relates to the proposed future housing development. This will result in a poor street environment and outlook for future housing. It is a poor urban design solution to servicing the site.

The proposed parking is fully surface level, which creates significant open areas within the site. Some parking could be accommodated below the building to reduce the land take and free up the potential for more and better quality public realm and possibly some smaller uses to complement the large floor plate retail and residential (such as small scale employment, leisure and crèche facilities).

For the above reasons it is considered that the scheme has failed to take the opportunity to positively place shape the site as part of a more comprehensive approach for the former Twyfords site.

In terms of the detailed design of the building, the design is generic and, aside from the orientation being introverted in nature, the building is bland and uninspiring. The front elevation is enlivened by the canopy and sections of full height glazing but even this seems to be generic in character. The store design reads as one that has been used elsewhere rather than being specifically designed for the site. More could be done to enhance the quality of detailing and to introduce materials within the palette to help better tie the building into the wider area, such as using brickwork. Re-development of the wider Twyfords site is an opportunity to reinforce local character and sense of place, but also promote innovative and progressive design.

Three of the elevations are largely inactive and inanimate. This is not welcomed. Whilst it is accepted that one part of the building will be inactive and used for servicing, the remaining elevations could and should express high quality in terms of appearance and how they interface with the adjoining site. As proposed the northern and western elevations present a particularly poor character and relationship to the main street frontage and to open space indicated within the proposals for the adjacent housing site.

The appearance of the screen fence to the service yard is likely to present a poor approach into and outlook from the adjacent housing scheme, notwithstanding the proposed landscaping between it and the road.

In respect to architectural design, the scheme has failed to take advantage of the opportunities presented by the re-development of the site to create a distinctive and high quality building that positively relates to its surroundings.



The area of public realm off the spine road is extremely modest and will be ineffective as genuinely planned space defining a pedestrian gateway into the site. It is, to all intents and purposes, an area of spare land laid to paving, sandwiched between landscaping and the road, rather than a planned high quality space to welcome visitors on foot and create a positive interface between the different land uses.

A further key concern in relation to the landscape design is the lack of trees and greenery within the car park. All of the landscaping is peripheral. This is a weakness both in terms of landscape character and appearance but also in terms of climate change adaptation. Trees and vegetation should be located within the car park to provide shading (especially for the longer term) and to help break up the car park and define pedestrian routes through it.

The overall, poor quality layout and relationship to the surrounding proposed development, the bland appearance of the building and the poor quality public realm and landscaping will form a reason for refusal.

## **Ecology**

### Bats

No buildings or trees with any significant potential to support roosting bats were identified on site during the survey. The proposed development is therefore unlikely to affect roosting bats. There may be some loss of foraging habitat associated with the loss of vegetation on the eastern boundary of the site. However, this is not likely to have significant impact on the species of bats known to be active on the site.

### Birds

The proposed development will result in the loss of a narrow area of plantation woodland along the eastern boundary of the site. This will be partially compensated for by the proposed landscaping scheme developed for the site which includes an element of native species planting. Due to the loss of this vegetation, it will be necessary to attach a condition relating to the timing of works and breeding birds.

### Other Protected Species

An outlying sett of another protected species has been identified has been found as part of the surveys on this site. To mitigate the impacts of the development the submitted report recommends the closure of the sett under a Natural England license and the construction of an artificial sett in the woodland to the north of the application boundary. This approach is accepted by the Councils Ecologist.

The report also recommends the provision of a tunnel below the proposed roundabout to allow the protected species to continue to move in a north/south direction along the eastern boundary of the site. Considering the amount of development proposed and the resulting level of activity anticipated during the operational phase in close proximity to this part of the site, it is unlikely that the protected species would continue to utilise this route once the site is in operation despite the provision of the tunnel. An alternative mitigation strategy has been suggested. The tunnel is instead provided to the north of the new round-a-bout to allow the protected species passage from

the application site beneath Linley lane to the open countryside on the eastern side of Linley Road. An amended mitigation strategy has been provided and an update will be provided in relation to this issue.

### **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment and Drainage Statement have been submitted in support of the application. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The FRA identifies that the site is unlikely to be subject to flooding from overland flows, fluvial flooding, groundwater, local failure of sewers and of local failure of on-site drainage /the culverted watercourse.

The proposal also includes the provision of SUDS techniques within the design of the site. This includes a rainwater harvesting system either an infiltration system (runoff is discharged into soakaways and infiltration blankets beneath the car park using a voided sub-base) or off-site discharge (attenuation storage with a hydro-brake control which would discharge into the watercourse. The Environment Agency has considered these proposals and have raised no objection to the proposed development subject to conditions.

The Environment Agency has raised concerns about a watercourse which would remain in culvert as part of the proposed development. The EA identify that the redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat. The EA also identify that engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. Given the support within the NPPF to conserve and enhance biodiversity it is considered that the watercourse could be opened up and this issue will form a reason for refusal.

### **Renewable Energy & Sustainability**

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a wood pellet Biomass Boiler this would be installed to provide heating and hot water. The Biomass Boiler has been calculated as providing an energy consumption saving of 35.9% which exceeds the target of 10% contained within Policy EM18 of the RSS.

The proposed store would have limited connectivity to the surrounding residential areas in terms of pedestrian/cyclist connectivity and public transport. The site is not considered to be sustainably located, with the nearest bus stop being over 500 metres away from the site.

The TA does identify the possible provision of new bus stops onto Linley Lane. However there would be no change in services as part of the development and there would be no buses in the morning or evening peak or on Sundays.

## 10. CONCLUSIONS

The site is located within the Alsager Settlement Boundary and relates to an out-of-centre supermarket. The application fails to satisfy the sequential test or the retail impact tests and is therefore contrary to the NPPF and Policy S2 of the Local Plan.

The design and layout of the store is poor and it would have an unsatisfactory relationship with the proposed housing which would surround the site. The proposed development does not take the full opportunities available to improve the character and appearance of the site.

The information contained within the TA is not considered to be adequate to enable the application to be determined in relation to the highway/traffic implications of the proposed development.

The application is considered to be acceptable in terms of its impact upon trees/hedgerows and protected species. An update will be provided in relation to protected species.

The application is considered to be acceptable in terms of flood risk and drainage. However the application does not take the opportunity to open up the culvert and improve biodiversity which is contrary to guidance contained within the NPPF.

The development would not have a detrimental impact upon residential amenity however the AQA submitted with the application is not considered to be acceptable and this will form a further reason for refusal.

The application is considered to be acceptable in terms of the loss of employment lands and the provision of renewable energy on this site.

## 11. RECOMMENDATIONS

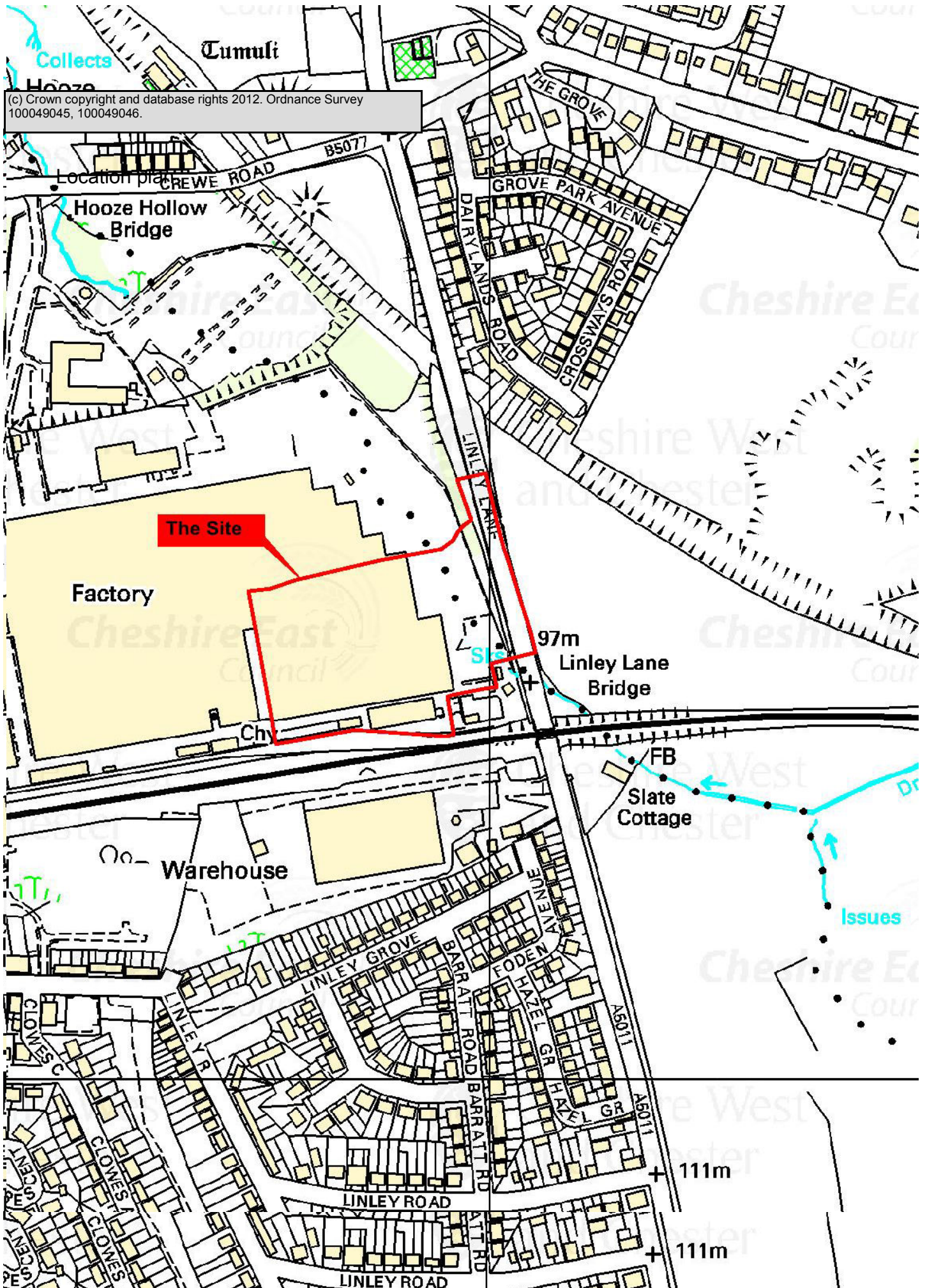
**REFUSE for the following reason;**

- 1. The proposed development relates to an out-of-centre supermarket which fails to satisfy the sequential test and does not satisfy both retail impact tests of the NPPF (para 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed store would not be accessible by a choice of means of transport and would be reliant on carborne trade. As a result the proposed development is not considered to be sustainable development and would have a significant adverse impact upon Alsager in terms of the impact upon committed private investment and the impact upon the vitality and viability. The proposed development is therefore contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.**
- 2. The proposed development fails to take the opportunities available for improving the character and quality of the area. The proposed development would create an introverted and separated use that presents the worst aspects of its operation to the proposed neighbouring housing. Furthermore, the detailing of the building and interface and public realm of the store is not of a quality which would be acceptable**

given emphasis for good design contained within the NPPF. As a result, the proposal is not considered to be sustainable development and is contrary to the NPPF and Policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review (2005) which seek to achieve high quality and inclusive design for all development.

3. The Transport Assessment which has been submitted with the application is not considered to be acceptable due issues relating to the safety audit, roundabout design, modeling within the TA together with concerns about the change in scale of the residential development which means that the TA is not appropriate to the development proposed, it is therefore not possible to accurately assess the impact upon the highway network. As a result insufficient information has been provided to allow the Local Planning Authority to determine the highway implications of the development and the proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.
4. The plans show that a watercourse which crosses the site would be left in culvert. The redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat. As a result, the proposed development does not conserve and enhance biodiversity and would be contrary to the NPPF.
5. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality. The submitted air quality assessment is considered to be inadequate due to concerns relating to the date of the data used, it does not consider the car park emissions and diurnal variation of the likely traffic flows, it does not consider the emissions from the biomass boiler, the need to also take into account the trend that NO<sub>x</sub> and NO<sub>2</sub> concentrations are not declining as expected and any necessary mitigation. As a result the development could have result in a harmful impact upon air quality. The lack of a sufficient air quality assessment is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution.





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**Application No:** 12/1211C

**Location:** BRIDESTONE SHOPPING CENTRE, VICTORIA STREET,  
CONGLETON, CHESHIRE, CW12 1DA

**Proposal:** Variation to Conditions 2, 7, 13, 40 and 41 and Removal of Condition 10 Attached to the Redevelopment of The Bridestone Centre (09/1018C) to Enable the Non-Provision of the Previously Approved Hotel and Associated External Alterations from the Scheme.

**Applicant:** SCARBOROUGH DEVELOPMENTS

**Expiry Date:** 28-May-2012

**Date Report Prepared:** 17 May 2012

## **REASON FOR REPORT**

The application has been referred to Strategic Planning Board, because it seeks to amend a development that was originally granted planning permission by the Board.

### **SUMMARY RECOMMENDATION**

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

### **MAIN ISSUES**

Removal of the top floor hotel from the scheme - Implications for the detailed design of the scheme as a result of the changes particularly to Mill Street of the reduction in height, scale and mass of the proposal as originally granted under permission 09/1018C.

Compliance with the Planning Brief –implications of loss of hotel use from the scheme.

Compliance with Draft Congleton Town Strategy

Heads of terms for the S106 Agreement

Proposed Conditions

## **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises approximately 0.75ha of previously developed land within 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 comprises 4 distinct areas –

- 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 (vacant) retail units to Mill Street and a small parcel of vacant land to the west on Mill Street;
- a group of commercial units within a central section fronting Princess Street which runs directly through the middle of the site.

A full appraisal of the site is attached within the original Committee report and later update report, which are attached as Appendix 1 and 2 respectively.

## **DETAILS OF PROPOSAL**

At the Strategic Planning Board meeting of 11<sup>th</sup> July 2011, Members resolved to grant planning permission, subject to S106, for the following -

*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.*

Following the Completion of the S106 Agreement, the Planning Permission was formally granted on 23 February 2012 subject to 41 planning conditions.

A 65 bedroom hotel formed part of the scheme as approved. The hotel was intended to occupy the top floor of the development with an associated ground floor entrance lobby.

The current application seeks to vary condition numbers 2, 7, 40, 41 and the removal of condition 10 attached to permission 09/1018C under Section 73 of the Town and Country Planning Act 1990.

Conditions 2, 7, 40 and 41 attached to 09/1018C relates to the approved plans and concerns the detail of the external appearance of the development.

Condition 13 relates to ventilation equipment and refers specifically to the hotel element within the mixed use scheme. Variations are sought to these conditions to allow the development to proceed without the hotel.

Condition 10 concerns noise mitigation for the hotel bedrooms specifically. The Applicant seeks to remove this condition entirely.



The application effectively removes the top floor (hotel) element of the Bridestones shopping centre redevelopment and allows for the consequential minor modifications to the external appearance of the scheme, including the new town square, the installation of a new clock tower, the rear elevations as a result of the non development of the hotel part of the mixed use scheme. In all other respects the application detail remains as originally approved. The Mill Street elevation will retain a terraced vernacular, as previously approved, at a reduced height.

## **RELEVANT HISTORY**

### APPROVED – 23 February 2012

09/1018C - 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.

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **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'

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

- NPPF
- Development Brief for Congleton Princess Street Area Adopted 25<sup>th</sup> March 2008
- Circular 11/95 'Planning Conditions'
- Draft Congleton Town Strategy March 2012

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

**Environment Agency :** Howty Brook is designated as a main river. The proposals include a diversion of part of the culverted section of the Howty Brook culvert and Flood Defence consent has been granted for this (Consent no. SFD 75/2011 was issued in April 2011). There are no objections to the proposal.

**Highways:** The proposal does not alter any of the previously approved car parking or access/highways arrangements. The Strategic Highways Manager therefore has no comment to make on this proposal.

**Environmental Health:** No objection to the variation of the conditions. The removal of condition 10 only relates to the hotel use – which is no longer necessary given the removal of the hotel from the proposal.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

None received at time of writing this report.

## **OTHER REPRESENTATIONS**

None received at the time of writing this report

## **APPLICANT'S SUPPORTING INFORMATION**

The design aspirations are relatively unchanged from the scheme approved under reference 09/1018C.

Travelodge – the Hotel Provider, who was to take up the hotel within the re-development - have decided to pull out of the scheme as a result of their well publicised trading difficulties. The only other Hotel Operator who would potentially seek this kind of hotel accommodation is Premier Inns, who have confirmed that they are not currently looking to locate in Congleton. This application is therefore necessary to move the whole development forward and to allow the development to proceed.

The development is intended to be undertaken in such a way that, if at some future date a prospective hotel occupier was to come forward, the scheme as originally approved under reference 09/1018C could still be built out.

One additional speciality independent retail unit has been inserted, to replace the hotel entrance lobby.

## **OFFICER APPRAISAL**

### **Assessment**

The principle of the development has already been accepted by virtue of the granting of planning permission under reference 09/1018C. It is not the purpose of this report to revisit the merits of the proposal.

The changes to the conditions are to allow the Bridestones scheme to proceed without the hotel component. The key issues for members to consider are whether the proposed design alterations to the scheme (as a result of the loss of the hotel component) are acceptable in

design terms and whether the non provision of the hotel has any significant planning policy consequences.

### **Changes to the Design/External Appearance**

The overall design concept of the development scheme remains as it was originally approved. The removal of the hotel from the development will inevitably reduce the overall height of the building by one floor. This is considered to be a benefit in urban design terms , particularly to the Mill Street frontage, which retains the original appearance of individual terraced units to that frontage.

The removal of the hotel allows for the relocation of the clock tower within the scheme. This is considered to be a benefit to scheme because it allows the clock tower to become a more prominent focal point as a vertical extension of the foodstore stair and lift. This will compensate for a loss of overall height in the public square.

The variation of these conditions would still meet with the tests of the conditions circular 11/95. A high quality palette of materials will still be necessary to protect the public realm.

### **Compliance with the Planning Brief for the Redevelopment of the Princess Street Area**

The Brief, having been through Public Consultation and has been adopted by the former Congleton Borough Council. Therefore it is an important material consideration in the determination of an proposal.

The Brief envisaged the development would be predominantly retail including significant convenience and comparison floorspace. Other uses mentioned are

- residential ; which is now well underway by virtue of the Silk Mill redevelopment to the northern part of the Brief area;
- Restaurant uses;
- offices
- hotel;

the mix of which all seek to contribute to overall vitality and increased surveillance within the area.

A hotel, whilst a possible use mentioned as being appropriate within the context of an appropriate mix of uses within the Brief, is not an essential requirement of the Brief. Whilst it is regretted that the Hotel provider has confirmed that they do not wish to proceed with this site, the development will be developed in such a way on site to enable another Hotel provider to come on board later. This is welcome, however the proposal without the hotel, still comprises an appropriate mix of land uses for a town centre location.

Overall, it is considered that the changes to the exterior of the building as a result of the removal of the hotel will have a neutral impact upon the townscape and in some areas, particularly by virtue of the reduction in height of the development to the Mill Street frontage, will be a positive benefit to the character and appearance of the area.

The Draft Congleton Strategy, has been published after the scheme was considered by Committee. Whilst not adopted, this document can only be afforded limited weight in the determination of applications.

The stated objectives within this document for the town centre are :

*'To create a vibrant town centre both during the day and evening by enhancing the provision of retail, leisure and cultural facilities and improving the public realm.*

*To consolidate and refocus the town centre area.*

*To promote a vibrant market in the town....'*

It is considered that this proposal will achieve these objectives. It is the developers intention to undertake the public realm works, develop the town square and deliver the scheme to provide the replacement market. The scheme will continue to comply these objectives and conditions are recommended as originally stated.

### **Heads of Terms**

Should Members be minded to approve the application, another S106 legal agreement will be necessary. However, the changes to the scheme do not impact upon the detailed requirements of the existing S106 which can stand alongside the original planning permission.

The existing S106 includes the following matters which will need to be updated within a new S106 Agreement, specifically related to this proposal.

### **Off-site Highway Works**

#### **(a) Mill Street Enhancements**

That prior to the commencement of development, the agreement shall secure the submission, delivery timeframe and detailed material specification for a scheme for public realm enhancements to Mill Street. The scheme shall be based around the provisions of SAB Plan 11 - DWG no N60749/11 Rev D with alterations to more accurately reflect the alternative design which emerges from the Town Centre Public Realm Study. The approved scheme shall then be implemented in accordance with an approved timescale

#### **(b) Stonehouse Green**

That prior to the commencement of development, a detailed scheme for enhancements to the Stonehouse Green pedestrian route is submitted, approved and implemented in accordance with a detailed timetable to be agreed. That the provision of funding for these works can be alternatively invested into the proposed works to Mill Street as identified at 1(a)

#### **(c) A54/A34 Rood Hill Junction Improvement**

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

(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 and timeframe to be agreed.

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

## **2. Market Provision**

Provision to cover the following: -

a) That prior to the first occupation of the hereby-approved food store, or an alternative timescale as may be agreed in writing by the Local Planning Authority, the applicants purchase and make available for use 36 new pop-up market stalls in accordance with a detailed specification to be agreed in writing by the Council.

b) The applicant 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 applicant to install pop-up sockets (or alternative power point specification) within the new public square in a location and arrangement to be agreed in writing with the Council within a timeframe to be agreed in writing by the Council.

## **3. 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 and implemented prior to the first occupation of the food store or other such time as may be agreed in writing by the Local Planning Authority.

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

## **4. 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 floor space overlooking the public square in accordance with precise details to be agreed in writing with the Council prior to first occupation of the development.

#### **5. Framework Travel Plan**

a) To secure submission and implementation of a detailed Travel Plan based around the submitted Framework Travel Plan, to be agreed in writing by the Council with specific provisions and trigger mechanisms 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.

#### **6. Secure Two Hours Free Parking**

#### **7. Public Realm**

A contribution of £10,000 or 50% (whichever is the lower) to the cost of a Public Realm Design Strategy commissioned by Congleton Town Council. Any cost savings which arise between (i) the implementation of the specification contained in the Strategy or of off-site highway works (if completed beforehand) and (ii) the applicant's indicative costings for those works, shall be used to further enhance the public realm.

#### **Levy (CIL) Regulations**

The original report considered the detailed requirements of the original S106 against the Community Infrastructure Regulations. This issue does not need to be re-examined in this case since the removal of the hotel bears no impact upon the S106 Agreement since there were no clauses of direct relevance to the S106 Agreement

#### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed amendments are considered to be acceptable in design terms. The variation of the conditions would meet with the tests of the conditions circular 11/95, which remains in force. Condition 10 attached to the original permission now fails to meet the 'reasonable test' of the Circular after the removal of the hotel and can be removed. The conditions which are to be altered have been amended in line with the changes to the development and will enable the development to proceed.

#### **RECOMMENDATION**

A recommendation of approval is therefore made, subject to the receipt of comments from outstanding consultees, the following conditions below and the prior completion of a s106 legal agreement.

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. Minimum 100mm window reveal depths to the Mill Street Façade unless otherwise agreed in writing by the Local Planning Authority.
7. Site levels in accordance with approved drawings Environmental Health
8. Environment Agency contaminated land condition.
9. Further gas monitoring to be undertaken and scheme for gas protection measures submitted and approved prior to commencement of development
- 10 Scheme for noise mitigation to plant and equipment within the development for each phase of development in accordance with BS4142 – hotel deleted.
11. 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
12. 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.
13. Ensure total net retail floorspace with the food store is restricted to 3583m<sup>2</sup> with a maximum 2480m<sup>2</sup> net convenience floorspace and a maximum 1013m<sup>2</sup> net comparison floorspace.
- 14 Restriction within the food store to prevent the inclusion of an in store pharmacy and post-office.
15. Restriction on food store opening hours
16. Mezzanine floor to be used only as ancillary accommodation as shown on 1SG1 1-005P 'Site Plan at Foodstore level'
17. All car parking spaces proposed within the development to be fully available prior to the first use of the hereby-approved development.
18. Submission of surface water regulation and drainage strategy prior to the commencement of development and implementation of thereafter.
19. Prior to first occupation, precise details of cycle parking facilities to be submitted and approved.
20. 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.
21. Relocation of War plaque to a location to be agreed in writing prior to the commencement of development and fully implemented thereafter.
22. 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.
23. 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.



24. Prior to commencement of development a scheme for CCTV to be submitted and approved by the Local Planning Authority and fully implemented thereafter.
25. 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. This is to also include town direction signage.
26. 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.
27. Prior to commencement of development (excluding demolition and remediation) 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.
28. 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.
29. Detailed Landscape Plan to be submitted
30. 5-year landscape management condition
31. 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
32. Standard breeding bird condition
33. Submission of a Site Waste Management Plan prior to the commencement of development and fully implemented thereafter
34. Restriction to use classes - Restaurant & Café Uses. Excluding café within food store element which is included within the S106 Agreement
36. Precise design of gable wall adjoining 19 Mill Street to be submitted, agreed in writing and fully implemented thereafter.
37. 10% on site renewable, decentralised and or low carbon to be submitted and approved
38. Precise details of Shop Mobility and time frame for implementation to be submitted and be agreed.
- 39 Development to not commence prior to a detailed scheme for treatment of the proposed brick panel to elevation L-L (drawing no 3-057 rev a) to be submitted and approved
- 40 Development to not commence prior to a detailed scheme for treatment of the proposed brick panel to elevation N-N ( drawing no 3-059 rev a) to be submitted and approved
- 41 Precise design details of the arched pedestrian entrance off Mill Street , half dormers and the clock tower including the clock and roof to be submitted, agreed in writing and fully implemented thereafter.

**APPENDIX 1 – STRATEGIC PLANNING BOARD REPORT FOR 09/1018C**

<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 'Marry 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 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 Councils 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 Bridestones 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 there 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: -

- 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 Bridestones 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.

Development in accordance with the approved plans.

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

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

#### Environmental Health

5. Environment Agency contaminated land condition.  
Further gas monitoring to be undertaken and scheme for gas protection measures submitted and approved prior to commencement of development.
6. 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.
7. Scheme for noise mitigation to plant and equipment within the development for each phase of development in accordance with BS4142.
8. 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
- 9. 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

- 10. 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.
- 11. Restriction within the food store to prevent the inclusion of an in-store pharmacy, post-office and sale of newspapers and magazines.
- 12. Minimum two hours free parking.
- 13. Restriction on food store opening hours

#### Highway and Drainage Conditions

- 14. All car parking spaces proposed within the development to be fully available prior to the first use of the hereby-approved development.
- 15. Submission of surface water regulation and drainage strategy prior to the commencement of development and implementation of thereafter.
- 16. Prior to first occupation, precise details of cycle parking facilities to be submitted and approved.
- 17. 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

- 18. Relocation of War Memorial to a location to be agreed in writing prior to the commencement of development and fully implemented thereafter.
- 19. 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.
- 20. 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.
- 21. Prior to commencement of development a scheme for CCTV to be submitted and approved by the Local Planning Authority and fully implemented thereafter.
- 22. 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.
- 23. 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.
- 24. 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.

25. 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.
26. Detailed Landscape Plan to be submitted
27. 5-year landscape management condition

#### Ecology

28. 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.
29. Standard breeding bird condition

**APPENDIX 2 - COMMITTEE 14<sup>th</sup> July 2010 - UPDATES**

**APPLICATION NO:09/1018C**

**PROPOSAL**                **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.**

**ADDRESS:**                **Bridestones Shopping Centre, Victoria Street, Congleton, Cheshire. CW12 1DA**

**1. Abolition of the North West Regional Spatial Strategy (RSS)**

Following the publication of the original committee report, the Government has announced that the North West RSS is to be revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009.

As a result, the RSS no longer therefore forms part of the development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 and any reference to RSS policies within the original committee report should be therefore be disregarded. Determination of the application must now be made on the basis of the saved local plan policies and other relevant material considerations including national policy.

**2. Extension of the Conservation Area**

Members will be aware that a Conservation Area Appraisal has recently taken place in Congleton which indicated the likely inclusion of Mill Street within an extended Conservation Area boundary. Whilst any revisions to the boundary would not have been agreed at the time of the application begin considered by Strategic Board, it does fall to be considered as emerging policy to which Members must have regard it in the decision making process.

In this respect however, we consider the inclusion of Mill Street within a new Conservation Area would not change the officer recommendation. As outlined within the original report, the design has adopted a traditional approach utilising architectural detailing found on buildings within the existing conservation areas and which reflects the town's historic vernacular. On that basis, we consider that the design would be entirely appropriate for any future conservation area designation.

**3. Reference to Comments from Congleton Chronicle**

Members will note the reports advice that little or no weight be attached to comment sheets received from the Congleton Chronicle. By way of additional clarification, this advice was offered because the comment sheets were completed as part of a consultation process outside the provisions of the Councils own statutory process under Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 where representations have to be formally submitted in writing directly to the Local Planning Authority and in this respect it was entirely unclear whether those who completed the sheets ever intended for their comments to have been submitted to the Council.

**4. S106 Agreement Heads of Terms**

Following the preparation of the original report, further discussions have taken place with the applicants over the proposed Heads of Terms. As a result Revised Heads of Terms are due to be submitted by the applicant's. Members will therefore be presented with a copy of the revised Heads of Terms and given a verbal update on how these differ from those specified within the original committee report.

However it is important for Members should note that prior to the developers entering into the S106 Agreement a separate agreement would need to be reached with Cheshire East, as land owner, in order for the developer to purchase the land.

## **5. Revised Plans**

Two plans included within the original Key Plans document have been replaced with the plan references below.

### **0-101 Rev \* is replaced with 0-101 Rev D**

This updates the site layout plan to accurately reflect the revised market arrangements shown on 1-102 Rev A

### **3-101 Rev C is replaced with 3-101 Rev E**

Elevation J-J has been corrected to accurately reflect the revised roof arrangements at the junction with the gable of 19 Mill Street.

## **6. Amendments to proposed conditions**

- Remove condition No6 (treatment of the new square) as the matter has been encompassed within the proposed Heads of Terms.
- Condition 27 (External lighting) to also include town direction signage.
- Condition 15 amended to reduce the net convenience floorspace from 2574m<sup>2</sup> to 2480m<sup>2</sup> (with a subsequent reduction in overall net retail floorspace to from 3677m<sup>2</sup> to 3583m<sup>2</sup>).
- Precise details of power voltage optimisation system to be submitted, agreed in writing and fully implemented thereafter.

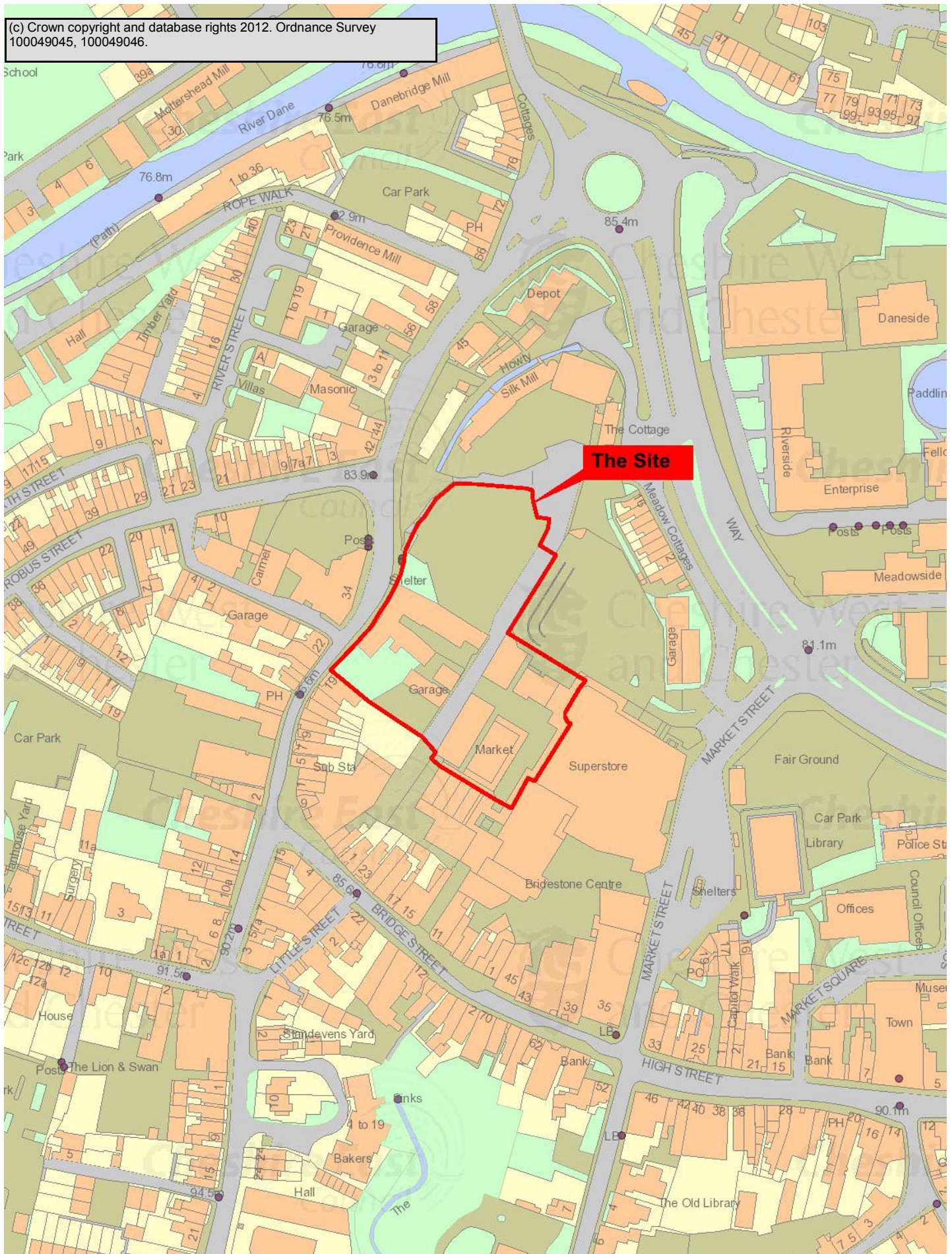
## **7. Additional Conditions**

- Submission of a Site Waste Management Plan prior to the commencement of development and fully implemented thereafter.
- Restriction to use classes - Restaurant & Café Uses. Excluding café within food store element which is included within the S106 Agreement.
- Removal of phasing details from the proposed S106 to be included as a part of a separate condition.
- Precise design of gable wall adjoining 19 Mil Street to be submitted, agreed in writing and fully implemented thereafter.



# Location Plan

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## CHESHIRE EAST COUNCIL

### STRATEGIC PLANNING BOARD

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**Date of meeting:** 30<sup>th</sup> May 2012

**Report of:** Steve Irvine – Development Management and Building Control Manager

**Title:** Rope Lane, Shavington

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#### **1.0 Purpose of Report**

- 1.1 To consider the withdrawal of a reason for refusal relating to outline planning application 11/4549N for up to 80 dwellings including access at land off Rope Lane, Shavington.

#### **2.0 Decision Required**

- 2.1 To agree to withdraw the reason for refusal in respect of contaminated land and to instruct the Development Management and Building Control Manager not to contest the issue at the forthcoming Appeal Hearing.

#### **3.0 Background**

- 3.1 Members may recall that on the 21<sup>st</sup> March 2012, Strategic Planning Board considered an application for outline planning permission for up to 80 dwellings including access at land of Rope Lane, Shavington. (Application 11/4549N refers)
- 3.2 Committee resolved to refuse the application, for four reasons which were as follows:
- *Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be “suitable” as it would undermine the spatial vision for the area, wider policy objectives and the strategic function of the Green Gap in that it would result in the erosion of the physical gap between the built up areas of Shavington and Crewe. The proposal is therefore contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS3 and the Council’s Interim Housing Planning Policy On The Release Of Housing Land.*
  - *The proposed residential development, which is located within the Open Countryside and Green Gap, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the visual character of the landscape and*



*the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1, PPS3 and PPS7.*

- The application is an outline application for new residential properties which are a sensitive end use and could be affected by any ground contamination present on site. No Phase I desk study and walkover survey have been submitted with the application and the applicant has therefore failed to demonstrate that the site is not constrained by contamination. The application therefore fails to comply with Policy BE.6 of the of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS23.*
- Insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation.*

#### **4.0 Contaminated Land**

- 4.1 Since the Strategic Planning Board meeting, there have been on-going negotiations in respect of the contaminated land issue, and the Council's Environmental Health officers have now withdrawn their objection to the scheme, subject to appropriate conditions, including those relating to mitigation of the contaminated land impact.
- 4.2 However, during the intervening period, the applicant has lodged an Appeal against the refusal of the application and the Planning Inspectorate has determined that the application should be dealt with at a Hearing. In the light of the consensus that has been reached between the applicant and the Environmental Health Officer, it is considered that the contaminated land reason for refusal on application 11/4549N would no longer be sustainable at the Appeal.
- 4.3 In the event that the appeal was successful and the Inspector was of the view that development in the Green Gap was acceptable, conditions could be imposed to address the contaminated land issue.

#### **5.0 Hedgerow**

- 5.1 In order to address the fourth reason for refusal, the applicant has submitted a letter from the Shared Services Archivist which states that:
- The hedgerow does not form part of a boundary between two historic townships or parishes



- There is no evidence to suggest that it forms a boundary of a pre1600 estate or manor
- There is evidence to suggest that the hedgerow in question forms an integral part of a fields system predating the Enclosure Acts subject to the comment below.
- There appears to be a slight discrepancy between the course of the eastern part of the hedgerow (corresponding to the southern boundary of plot 148 on the 1876 Ordnance Survey plan) and the line shown on the 2012 Ordnance Survey plans. It is possible that this section of the hedgerow has been replanted during the last fifty years in which case the third point above would not apply to this specific portion.

- 5.2 However, the portion of hedgerow referred to in the fourth bullet point above, is unaffected by the proposed development. The hedgerow to be removed is situated on the Rope Lane frontage, where removal will be required to allow the access and a new footway to be created. It is therefore concluded from the above, that this length of hedgerow is “Important” when assessed against the criteria in the Hedgerow Regulations 1997 because it forms an integral part of a field system pre-dating the Enclosure Acts. Its protection is therefore a material consideration in the determination of the application.
- 5.3 Policy NE5 of the Crewe and Nantwich Local Plan states that the local planning authority will protect, conserve and enhance the natural conservation resources and proposals for development will only be permitted where natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites.
- 5.4 Clearly, in this case a natural feature which has been identified as being historically important will not be retained and integrated into the development. As a result, the requirements of this policy will not be met.
- 5.5 However, in this case it is the historic line of the hedgerow which is considered to be important rather than the species within it or the habitat which it creates. It is acknowledged that only sections of the hedgerow need to be removed and that, as its line follows that of the road, it could still be traced in the landscape following the implementation of the development. Notwithstanding this point, there are no overriding reasons for allowing the development and it is considered that there are suitable alternatives for accommodating the necessary housing supply. Therefore, the development fails to comply with the requirements of Policy NE.5.
- 5.6 However, without prejudice to the arguments put forward in respect of the other reasons for refusal, if the Inspector were minded to allow the proposal on the basis that the need for further housing development in order to meet the 5 year supply requirement outweighed the general presumption against development in the Green Gap, as well as the wider harm to the landscape resulting from the proposal, then it is considered that this would be a material consideration to outweigh the provisions of Policy NE.5. In summary, if the Green Gap reason for refusal were to fall, it is considered that the hedgerow reason for refusal would fall with it.

- 5.7 Members may recall that a similar issue arose in respect of the recent application for residential development at Hind Heath Road and the subsequent appeal was contested on a similar basis.

## **6.0 Conclusion**

- 6.1 On the basis of the above, it is considered that the Council should withdraw the contaminated land reason for refusal and agree with the appellant not to contest the issue at appeal.
- 6.2 However, it is considered that the hedgerow reason should be maintained and contested on the basis that the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NE5 of the Crewe and Nantwich Local Plan states that the local planning authority will protect, conserve and enhance natural conservation resources and proposals for development will only be permitted where natural features such as hedgerows are, wherever possible, integrated into landscaping schemes on development sites. In this case, there are not considered to be any overriding reasons for allowing the development and the proposal is therefore contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. However, if the Green Gap reason for refusal were to fall, the hedgerow reason for refusal would fall with it.

## **7.0 Recommendation**

- 7.1 That the Committee resolve to withdraw the reason for refusal in respect of contaminated land and to instruct the Development Management and Building Control Manager not to contest the issue at the forthcoming hearing.

## **8.0 Risk Assessment and Financial Implications**

- 8.1 There is a risk that, if the Council continues to pursue the contaminated land reason for refusal at Appeal when the issue can be adequately dealt with via conditions, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 8.2 There would be an implication in terms of the Council’s own costs in defending the reason for refusal.
- 8.3 There are no risks associated with not pursuing the reason for refusal at Appeal.

## **9.0 Consultations**

### ***Environmental Health***

- 9.1 The Environmental Health Section have confirmed that in the light of the information now received, the contaminated land issues can be adequately dealt with by means of condition.

## **10.0 Reasons for Recommendation**

- 10.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

### ***For further information:***

*Portfolio Holder:* Councillor Rachel Bailey  
*Officer:* Ben Haywood – Principal Planning Officer  
*Tel No:* 01270 537089  
*Email:* [ben.haywood@cheshireeast.gov.uk](mailto:ben.haywood@cheshireeast.gov.uk)

### ***Background Documents:***

*Applications 11/4549N*

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## **CHESHIRE EAST COUNCIL**

### **Strategic Planning Board**

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<b>Date of Meeting:</b>	30 May 2012
<b>Report of:</b>	Strategic Planning & Housing Manager
<b>Subject/Title:</b>	Housing Supply Buffer
<b>Portfolio Holder:</b>	Cllrs David Brown & Rachel Bailey

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#### **1.0 Report Summary**

- 1.1 This report considers the Council's approach to a housing supply "Buffer" in the light of advice contained within the National Planning Policy Framework (NPPF). The NPPF requires Councils to identify a supply of deliverable housing sites, sufficient to meet five years worth of housing. It further advises that a 5% buffer be applied to this figure to ensure "choice & competition" – and that where there has been a record of persistent under delivery of housing, this buffer should be increased to 20%.

#### **2.0 Recommendation(s)**

- 2.1 That the Council applies a five percent buffer to its housing supply figures
- 2.2 That this figure be reviewed at least annually to take account of changes in circumstances.

#### **3.0 Reasons for Recommendation(s)**

- 3.1 To ensure the Council has a consistent and soundly based housing figure.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 The report clarifies the Council's policy approach to this subject

#### **7.0 Financial Implications**

- 7.1 None.

## **8.0 Legal Implications**

- 8.1 The numbers of new homes that the Council is required to provide for was previously set out in the Regional Plan for the North West. The Regional Plan forms part of the statutory development plan until such time that the provision of the Localism Act which abolish it, take full effect.
- 8.2 At a full meeting of the Council on 24 February 2011 it was resolved:
- “That the housing requirement figure of 1150 net additional dwellings, to be delivered annually, be approved, this to be used pending the adoption of the Local Development Framework Core Strategy.”*
- 8.3 The Council therefore retains an annual housing requirement of 1150 homes for the calculation of its five year supply (5,750 homes). It is against this figure that the appropriate buffer will be applied.
- 8.4 In future it will be for the Local Plan alone to set strategic housing numbers for the Borough.

## **9.0 Risk Management Implications**

- 9.1 The Council needs to apply the correct interpretation of National Guidance for the determination of planning applications. Failure to do so could result in adverse decisions at appeal, including the award of costs.

## **10.0 Housing Supply**

- 10.1 The NPPF advises that a five percent buffer should be applied to the requirement to identify five years worth of specific deliverable housing sites. It is stated that this buffer “to ensure choice and competition in the market for land”. This buffer is moved forward from the remainder of the Local Plan period and so is not an ‘extra’ requirement. In essence the Framework advises that some extra flexibility is required to ensure that the five years supply is not (for example) all in the hands of a limited number of companies or sites.
- 10.2 The framework goes on to indicate that where there has been “a record of persistent under delivery of housing” the buffer should be increased to 20%. This is in order to “provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. This suggests that where housing completions have historically failed to achieve the development plan target extra land should be identified to give the best possible chance of meeting the supply requirement.
- 10.3 In Cheshire East, the housing market has traditionally been prosperous – indeed the Borough contains some of the most desirable residential property outside of the southeast. However even outside of these choice areas the Cheshire East Strategic Housing Market Assessment reported that estate agent confidence in the Borough was strong, despite the impact of the recession.

- 10.4 This is backed up by the historical pattern of completions over preceding years. The table at Appendix 1 illustrates the pattern of past completions in the period 1996 – 2011. These average 1195 pa over the past 15 years. Appendix 2 sets out the development Plan housing target over the same period – which have varied between 700 and 1225 homes pa.
- 10.5 Appendix 3 compares the two sets of figures side by side. This shows that over this period housing completions consistently matched the expectations of the development plan and in most years the target was comfortably exceeded.
- 10.6 It is only with the advent of the current recession that housing completions have dipped below the development plan target. The reasons for this hardly need rehearsing, but are rooted in the national and international financial climate, rather than any local circumstances in Cheshire.

## **11 Conclusion.**

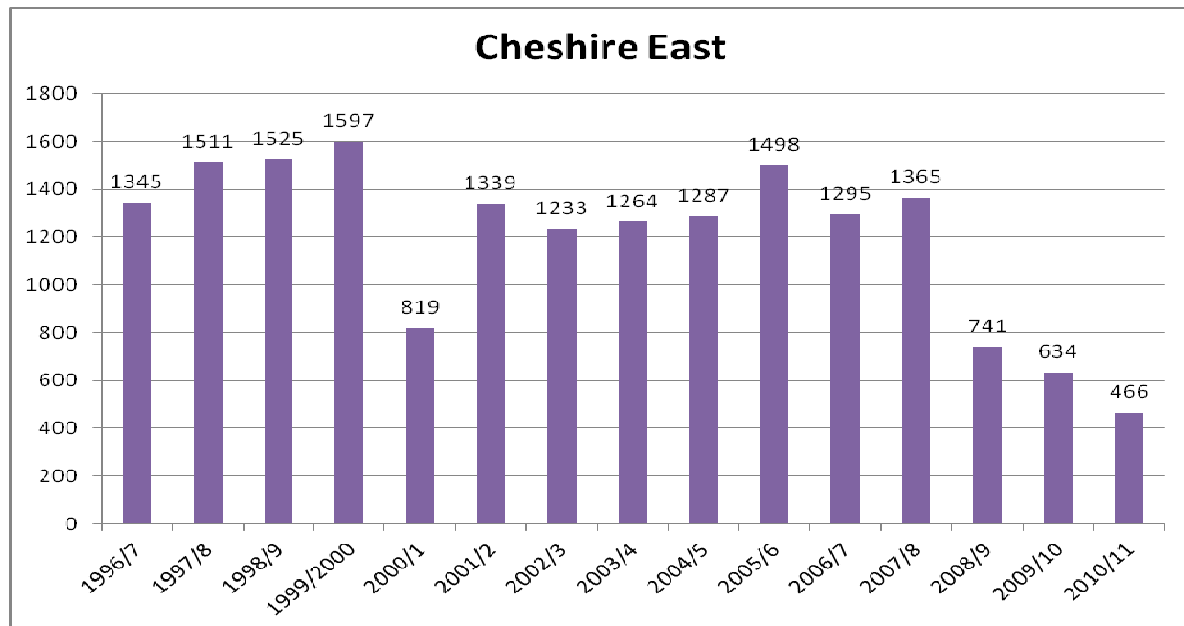
- 11.1 Cheshire has historically proved to be a prosperous housing market where housing completions have matched or outstripped development plan targets. The advent of the current recession has changed this picture, with underperformance in the past few years of deep (now double dip) recession. This current down turn is not considered to be a record of 'persistent under delivery' as described by paragraph 47 of the NPPF but rather a reflection of pervading national trends. Accordingly it is proposed that the standard 5% be applied to the housing supply in the Borough.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Adrian Fisher  
Designation: Strategic Planning & Housing Manager  
Tel No: 01270 686641  
Email: [adrian.fisher@cheshireeast.gov.uk](mailto:adrian.fisher@cheshireeast.gov.uk)

## APPENDIX 1 - CHESHIRE EAST – PAST HOUSING COMPLETIONS





## **APPENDIX 2 - DEVELOPMENT PLAN TARGETS**

### **Cheshire Structure Plan Adopted 1996**

Plan Period 1996 – 2011

Cheshire East Target = 1060 Homes pa

### **Cheshire Structure Plan Alteration Adopted 2006**

Plan Period 2002 - 2016

Cheshire East Target 2002 -2006 = 1225 homes pa

Cheshire East Target 2006 – 2011 = 700 homes pa

Cheshire east Target 2011 – 2016 =520 homes pa

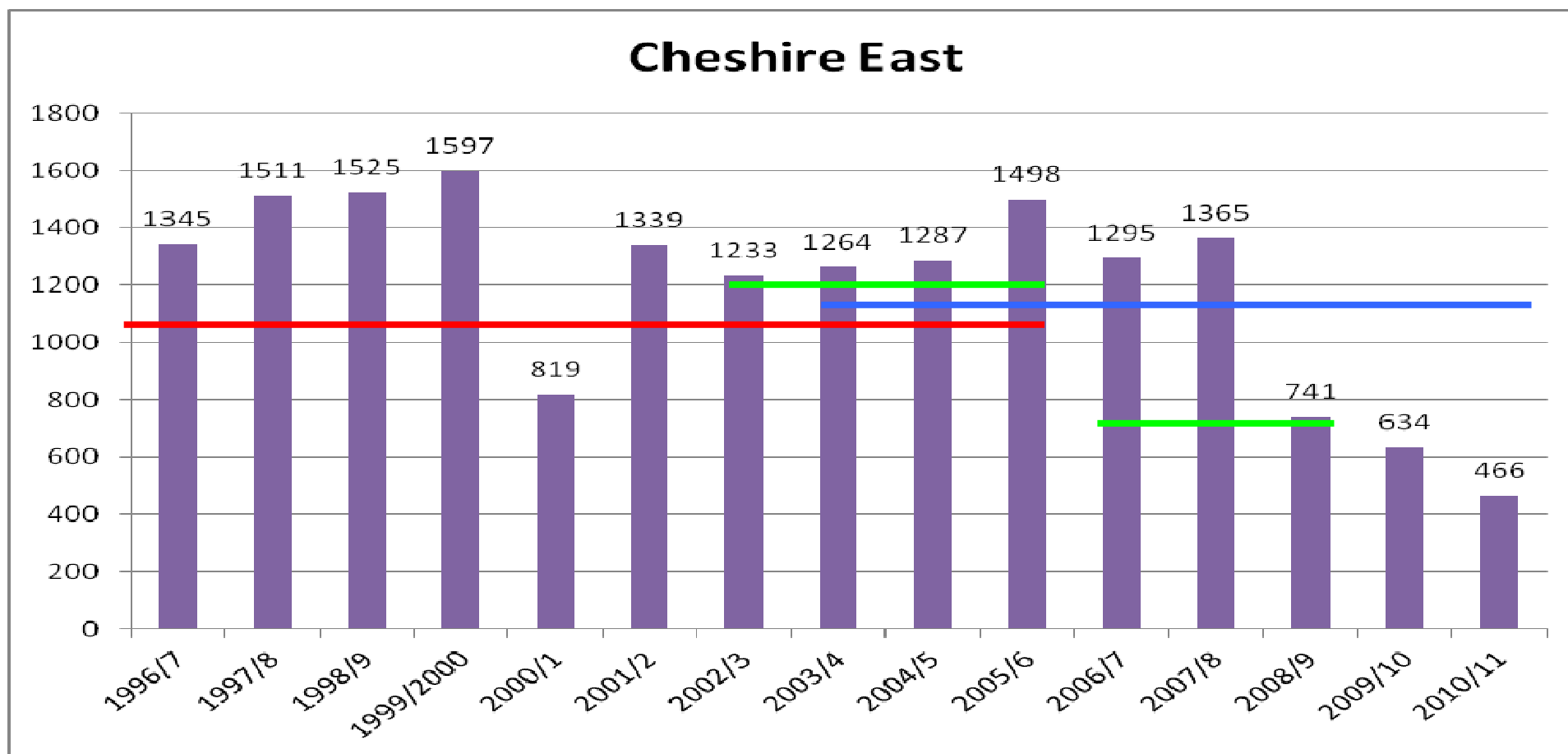
### **North West Regional Spatial Strategy Adopted 2008**

Plan period 2003 - 2021

Cheshire East Target = 1150 homes pa

**APPENDIX 3 – HOUSING COMPLETIONS & DEVELOPMENT PLAN TARGETS**

		1996 SP Adopted										2006 SP Adopted		2008 RSS Adopted		
		↓										↓		↓		
YEAR		96/97	97/98	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11
Housing Target	1996 SP	1060	1060	1060	1060	1060	1060	1060	1060	1060	1060					
	2006 SP							1225	1225	1225	1225	700	700	700		
	2008 RSS								1150	1150	1150	1150	1150	1150	1150	1150
Completions		1345	1511	1525	1597	819	1339	1233	1264	1287	1498	1295	1365	741	634	466



— 1996 Structure plan    — 2006 Structure plan    — 2008 RSS

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