

Application No: 11/3549N

Location: Church View Primary Care Centre, BEAM STREET, NANTWICH, CW5 5NX

Proposal: Demolition of Former Kiltarn Medical Centre and Construction of Retail Unit with Car Parking, Servicing, Landscaping and all Associated Works

Applicant: Mr S Binks, Keyworker Homes (Cheshire) LLP

Expiry Date: 10-Nov-2011

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

### **MAIN ISSUES**

- **Principle of Development**
- **Other Material Considerations**
- **Siting, Layout and Design**
- **Highways and Parking.**
- **Amenity**
- **Landscape**
- **Public consultation**
- **Ecology**

## **1. REASON FOR REFERRAL**

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

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

The application site is a 0.26ha brownfield site, positioned 80m to the east of the designated Nantwich town centre and within the Nantwich Conservation Area. The site is bounded by Beam Street to the north, an unnamed road to the east and south. The Civic Hall public car park to the south west and a pedestrian link connecting the car park to Beam Street to the west.

The site currently comprises a part single part two storey building dating from the 1970s, constructed from red brick. The single storey element has a flat roof whilst the central

two storey element has a pitched slate roof. The building was vacated in 2007 and currently all openings are boarded up. A temporary security fence surrounds the whole site. The building is in poor state of repair having suffered vandalism, including graffiti, and several slates are missing.

The building is positioned close to the northern and eastern site boundaries with surface car parking on the southern and western parts. The site has planting along the northern, eastern and southern elevation including some mature and semi-mature trees.

To the north of the site on the opposite side of Beam Street are two storey residential properties and a single storey Police Station. Also fronting Beam Street, in between the site and the designated town centre to the west, is Nantwich Library and the bus station. Beam Street, constitutes a secondary retail frontage for the town centre. The core of the town centre is approximately 230m to the south east and focuses around High Street

On the opposite side of the unnamed road from the application site, to the east, is the Fire Station and a three storey residential care home. Facing the application site and the unnamed road to the south is a new three storey medical centre including a Co-op Pharmacy.

Chatwins Bakery and Peter Wilson Auctioneers also adjoin the Civic Hall car park and are to the south west of the application site.

The buildings in the immediate vicinity of the site are a variety of ages and constructed from a mixture of materials; they do not have any one building style that visually ties them together. The new Medical Centre uses a variety of building materials including block work, yellow brick, slate and timber cladding. Chatwins is also a modern redbrick building which has a service access from the car park. Peter Wilson Auctioneers is an attractive Victorian single storey building with stone sills and detailing. The Civic Hall is a red brick built art deco building with a corrugated asbestos roof.

Nantwich library dates from the 1970s, is the equivalent of three storeys in height and constructed of brown brick. It faces the bus station which is positioned on the corner of Market Street and Beam Street. In the wider Conservation Area, which includes the primary retail area, half timbered buildings are prevalent.

### **3. DETAILS OF PROPOSAL**

The proposed development involves the demolition of the former medical centre and construction of new A1 retail building with 21 car parking spaces, landscaping and ancillary works. The proposal will create a net internal area of 972sqm (10,463sqft) with a net sales floor of 832sqm (8,956sqft). The building would be occupied by Marks and Spencers. A parallel Conservation Area Consent application has been submitted for the demolition of the existing building and is referred to elsewhere on this agenda. (Application 11/3551N)

### **4. RELEVANT HISTORY**

There are no relevant previous applications relating to this site.

## **5. POLICIES**

### **North West of England Plan - Regional Spatial Strategy to 2011**

Policy DP 5	Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RDF 1	Spatial Priorities
Policy W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

### **Cheshire Replacement Waste Local Plan**

Policy 11 (Development and Waste Recycling)

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

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

### **National policy**

PPS 1: Delivering Sustainable Development  
PPS 4: Planning for Sustainable Economic Growth  
PPS 5: Planning for the Historic Environment.  
PPS 25: Development and Flood Risk  
PPG 13: Transport  
Department for Transport – Manual for Streets

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

### **Highways Authority**

- Formal comments awaited at the time of report preparation.

### **English Heritage**

- Do not wish to offer any comments on this occasion
- The application should, be determined in accordance with national and local policy guidance and on the basis of the Council's own specialist conservation advice.

### **Environmental Health**

Make the following comments.

- Due to the potential for noise disturbance to local residents, the construction of the development should be subject to the following hours of operation restrictions;
  - Monday – Friday 08:00hrs to 18:00hrs
  - Saturday 09:00hrs to 14:00hrs
  - With no working on Sunday or Bank Holidays
- Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:
  - Monday – Friday 08:30hrs – 17:30hrs
  - Saturday 08:30hrs – 13:00hrs
  - Sunday Nil
- Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;
  - Monday – Saturday 06.30hrs to 21:00hrs
  - Sunday and Bank Holidays 08:30hrs to 18:00hrs
- To minimise disturbance to local residents, deliveries shall only take place on the site between 7am and 8pm Monday to Saturday and between 9am and 5pm on Sundays or Bank Holidays.
- A scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise, to be submitted to, and approved by, the Local Planning Authority prior to the commencement of development.
- The use hereby permitted shall not be commenced until details of a filtration and extraction system to control the discharge of odours arising out of food handling and preparation has first been submitted to and approved by the Local Planning Authority and the approved system has been installed within the building and is fully operational.

- The filtration/extraction system installed in pursuance with the above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the equipment ceases to function to the satisfaction of the Local Planning Authority.
- Any external of the proposed development shall be submitted to and approved in writing by the Local Authority to ensure the lighting does not impact on the amenity of local residents. The development shall be carried out in accordance with the approved details.
- As the proposed development site lies within 500m of the Hospital Street Air Quality Management Area (AQMA) an Air Quality Impact Assessment is required. The assessment will need to consider the impact of the development on the AQMA. Where the assessment indicates an impact, mitigation measures would need to be considered.
- As an alternative to undertaking an air quality impact assessment, a travel plan would be required which focuses on boosting travel through non car modes and which would also detail an approved delivery route for deliveries avoiding the AQMA.
- The application is for a new commercial property with areas of landscaping which is a sensitive end use and could be affected by any contamination present.
- The submitted Phase I contaminated land assessment recommends a Phase II investigation to assess identified pollutant linkages.
- As such, and in accordance with PPS23, the standard contaminated land conditions should be attached should planning permission be granted:

## **7. VIEWS OF THE PARISH / TOWN COUNCIL:**

The Town Council objects to this application on the following grounds:-

1. The Council considers the description of the development is misleading and the application should be re-submitted, since the public will not know the correct location of the site or nature of the development. The application site is described as the former Kiltarn Medical Centre, which it is not, as the Kiltarn Centre was in Hospital Street. (To add to the confusion, development is actually taking place on that site). The site is further described as being at Church View Primary Care Centre, Beam Street. There is a Church View Medical Centre off Beam Street with a Kiltarn Practice in it, but this is a recently built building on a different and separate location to the application site. The applicant's confusion about the location of the site they are developing and the mis-description means that the application has been wrongly identified and members of the public might easily not realise where the application is or what it relates to. It would be wrong to consider an application which has not given accurate information to enable public objection or comment to be received.
2. The design of the building does nothing to enhance or improve the Conservation Area in which the site stands. In a submission by Turley Associates accompanying the planning application it is said that the current building (the old Beam Street Medical Centre) "presents a bland and unremarkable elevation to Beam Street and does nothing to enhance connectivity with the town centre." The same could

reasonably be said of the proposed development put forward by the applicant. It is a featureless, "off the shelf" Shed - a shop unit like hundreds of similar small supermarkets across the country. Turley Associates are scrabbling for justification for the design, when they say (Para 6.21) "the scale and massing of the new retail unit ... is consistent with the built form that has emerged over recent years on the periphery of the town centre." In other words, the buildings around it are mediocre and undistinguished – and this is yet another. The Town Council believes that the Cheshire East planners should be asking for something contemporary yet striking which enhances this entrance to the town and makes a positive contribution to the Conservation Area.

3. The Council is concerned about the fact that parking is in short supply in Nantwich and this application is likely to mean that increased parking in the adjacent Civic Hall (Beam Street) public car park, which is already restricted because of the building of a Medical Centre. Overflow from this retail development will take more spaces at this adjacent car park.

## **8. OTHER REPRESENTATIONS:**

Letters have been received from the following addresses: 4 Market St, 44 Marsh Lane, 8 Pepper Street, Nantwich, making the following points:

- The planning application is described as "Demolition of former Kiltern Medical Centre and Construction of Retail Unit". In fact, the former Kiltern Medical Centre was on Hospital Street; this building was the old Nantwich Health Centre and Tudor Surgery. The description could well cause confusion among the public and should be changed and re-issued.
- This site is part of an important gateway at the entrance to Nantwich town centre and is in a conservation area. The existing health centre buildings are far from attractive, but this is an opportunity to build something much more attractive and appropriate to this important location. The present proposal signally fails in this respect - it looks like many other modern retail sheds with a monopitch roof and if allowed to go ahead would repeat the mistakes of earlier generations, such as the existing building and the 1960's Swinemarket development.
- The Council should reject the application and tell the developers to come back with a much more appropriate design.
- Welcome an application to develop this unsightly plot on Beam Street but I am concerned change of use to retail. This is out of the town's retail zone and could have a negative impact on existing town centre retail outlets shifting the retail foot flow to another area of the town.
- There is concern about the pre-fabricated type of building proposed
- There is a danger of the Civic Hall car parking facility being taken up for this one store
- Allowing a major food retailer to open a mid-size store at this location could well jeopardise the future of the whole Snow Hill redevelopment. Therefore the Council should not allow the old health centre site to be used for retail purposes.

- Nantwich is still one of the few remaining town centres which has had a good mixture of independent shops and very few empty units.
- In recent years local traders have had to battle with the ever expanding supermarkets (larger Sainsbury's) and a tough economic climate and the council should be doing all it can to maintain a vibrant town centre.
- From experiences in other local towns where we have seen a large multiple retailer open in or near the town centre (M&S in Newcastle under Lyme and Congleton) small shops, and others in the town centre have struggled. Not in one instance has it lead to an increase in footfall in the town.
- There is no justification for the council to agree with such a proposal. It is not in the interest of the town traders and with a glut of supermarkets around the town I believe the local community is well served in terms of large supermarkets.
- There is a retail area in Nantwich, and further developments outside of this should not be allowed just to suit a large national retailer.
- Although there is little the council can do to help local traders in these tough times, it can at least not harm them by not allowing the development of Beam St Medical centre for a large national retailer.
- This is the view of a number of local traders.

#### **Nantwich Health Centre**

- Concern about the potential for traffic chaos and personal injury to the 22000 local residents who are registered at the 3 surgeries housed within Church View Primary Care Centre. Many are frail and elderly, some fairly disabled, with limited ability to walk safely from the local drop off points, the car park and the sheltered accommodation units adjacent to our surgery building.
- The planned conversion of the narrow road, with an acute bend right opposite the health centre building entrance and the very tightly sandwiched disabled car parking area located nearby, into a thoroughfare which will be regularly negotiated by a fair sized articulated lorry, is nothing short of a recipe for disaster.
- The narrow pavement is already partially blocked by ambulances and cars (belonging to disabled parking permit holders) parked on the double-yellow lines. The intended development will only add to the seriousness of the problem.
- There is a row of well-established trees intervening between Church View PCC and the development site. The latter are very healthy and mature trees, over 25 years old, right at the periphery of the development plot. They serve to maintain the green credentials of the locale, adding a touch of colour in the spring and autumn, supporting many local avian species and even providing a natural screen between the health centre and the environs. These ought to be preserved with good reason.
- Having viewed the drawing indicating traffic coming off the A530 (Beam Street) i.e. articulated lorries and refuse vehicles which need access to this site, they are anxious about the safety of patients going into and coming out of the surgery, vehicles using the pharmacy next to the surgery and adjacent car parking issues. This is a very busy area as people of all ages and abilities use the health centre

facilities from 8.00am - 6.00pm daily. Also, another consideration is that the large library van is being driven in and out of the adjacent area most days.

- Public safety is obviously a prime concern. The roads are not particularly wide so large vehicles will cause problems.

## **Nantwich Civic Society**

1. **Principle: The Retail Capacity** figures used by the applicants are based on figures and growth projections that are now out of date. The Cheshire Retail Study was completed in 2008. They were based on economic and spending projections gathered BFC (Before the Financial Crisis). The whole economy is much worse now than had been predicted. Considerable care needs to be given to accepting the “spare retail capacity” claims for Nantwich because consumer spending is down and will get worse in future. Should there be no capacity, this extra retail unit will harm existing independent retailers and market traders who are the lifeblood and character of Nantwich. Sainsburys’ recent expansion on the edge of town, together with high parking charges, is still affecting many traders. Cheshire East officers should examine critically the claimed statistical “headroom” for new retail space and to report on this matter to the Committee in its written report. If the conclusion is that there is capacity for this, we think that a good quality food retailer would have overall positive effects on the retail offer and draw of the town.
  - The right kind of retailer could attract more shoppers to town, with a knock-on effect to independent shops giving a quality offer.
  - The developer, understandably, will likely sell to the highest bidder – and this could be any quality of retail operator, which could harm the rest of the town rather than being a positive attractor.
  - Yet, the planning authority has no powers to decide which retailer comes to this development.
2. **Location** – the site lies outside the retail area on the current Development Plan. As such, the L.P.A. must be satisfied that there is a) surplus local purchasing power – “headroom” - for the shop and b) no location available closer to the town centre. It is difficult to be equivocal about supporting the principle of a new retail unit in the light of these spending capacity questions and unknown retailer.
3. **Access & Road Safety**. - The current access road does not have to accommodate HGVs during the day. Car park users and patients at the large new health centre use the proposed access along the existing road to the car park. There is a right-angled bend just where there is: the Main Entrance; Doctors’ Car Park; Emergency lay-by; Pharmacy entrance; Cromwell Court (sheltered housing). It is already a source of congestion, with drop-offs, disabled parking and manoeuvres in and out of the parking areas.

Emergency access is required at all times for the doctors and for Cromwell Court. However, the right angle bend at the entrance to the health centre and Cromwell Court is often blocked by, sometimes illegally, parked cars (usually belonging to disabled drivers and patients) and delivery vehicles using the surgeries and/or pharmacy.

- Many old or infirm people are always in the vicinity of this corner using walkers, pushchairs, and disability scooters or are simply unsure on their feet. Introducing heavy goods vehicles, reversing, is far too dangerous.
- Emergency vehicles will be prejudiced when this corner is blocked.

The submitted plans show articulated HGVs in the delivery area behind the new retail unit. The L.P.A will not be able to enforce the size of delivery vehicle, so we must assume there will be articulated lorries delivering here.

Any large delivery vehicle coming in to the retail unit will have great difficulty negotiating the bend, even with no parked cars in the area. With just one badly-parked vehicle, the driver will have got half way round the corner before realising that the lorry would be unable to go further. Reversing back out on to Beam Street would also be impossible, as incoming cars would gather behind it. The result would be deadlock, especially during the day.

In addition, the plans show that lorries will have to reverse in to the retail unit's car park from the public access road to the main car park, parallel to the disabled spaces for the Health Centre, getting very close to customers' and public's parked cars. This manoeuvre appears very difficult to complete easily.

Reversing will take place close to the point where the pay machine is located and where maximum vehicle numbers and pedestrians using this town centre car park. This is a recipe for damage, accidents and traffic jams.

The Civic Society recognise that this is a town centre location where there is no optimum safe access but local knowledge shows just how much re-consideration of the delivery issues must be given. Can this matter be subject of clarification between officers and developer before the application goes to Committee - and the issue be addressed in the Committee report?

- Would like consideration to be given to an alternative: Create a new access direct off Beam Street – between the retail unit and rear of library. There used to be a road in this location – called Crowsfoot Lane. Make the existing access road to health centre and residential units a cul de sac.
- A new access here would separate health centre users and traffic from lorries and would enable the current pedestrian crossing to be moved closer down to the town centre and bus station, where it would be more useful.
- The loss of the landscaped area in the application's proposals would be easily outweighed by the improvement to highway safety and traffic flow.
- Alternatively, the current road from Beam Street to the new health centre could be closed off entirely and a cul de sac made from the new road for the health centre. The new building could be moved across the former road area. But – this would involve the loss of good trees – see later section.

4. **External appearance.** - We accept that this is a modern building – but it does not have to look like this proposal. Much better quality is required here. It lies on a very prominent corner, on Beam Street and at the point where there is the only access to a main car park in town. It is, however, within the Town Centre Conservation Area – as

such, new buildings must respect, maintain and enhance the character of the historic qualities of this conservation area.

The LPA has to make a critical assessment of the design and the statement by the applicant - with regard to national and local planning policies. In Conservation Areas the requirements are very strict Improvement, enhancement or at least no harm is the requirement for new developments.

The submitted Design Statement does not stand up to serious critical examination because it glosses over the need for a better design and materials for the Conservation area. The statement takes an easy way out to try to justify what is basically a regular retail "shed" disguised with a glass entrance, brick panels and a disastrous, distracting colour scheme. Their contention - that the area does not currently have good architecture in it - is no justification for accepting this poor design. Neither do the Civic Society want poor precedents to be an excuse for poor design in this new development.

By this, in particular, Civic Society allude to the following. The town recently has been blessed with a wonderful new facility and good service new Health Centre. The problem lies with the unedifying and unfathomable design and materials. The building's appearance has been allowed to run roughshod over Conservation and Design Principles (with which other smaller property owners have to struggle to comply). It was part of a job lot of similar health buildings for a regional contract – Hence; it looks like it has nothing to do with Nantwich. It is basically a building parachuted in from any number of anonymous metropolitan areas without our serious heritage to respect. The proposed design of this retail unit displays similar characteristics.

The use of random coloured panels of green, white and black presents a totally unacceptable and alienating introduction to the historic Elizabethan and Georgian Town Centre for which Nantwich is rightly famous.

- One example is the use of random coloured panels in Sheffield Brightside on a new huge Tesco Extra unit. Panels of white, orange and maroon are a stark shock (– and this is in a run down industrial former steel-making valley – and not in an historic rural market town).
- Another suggestion is to use glass completely for the elevations – clear and obscure, where necessary.
- Or to use high quality sandstone (ashlar) on the walls up to a high level with a glazed clerestory band at the top, below the roof. Crisp detailing could make this a timeless, quality building.
- This particular style of random cladding is only a short-lived designers' fad that will soon become forgotten by architects in search of the next fashion.
- The much-criticised Oat Market/Swine Market 1970s retail development is a reminder of how ignoring the historic character in new developments has had a lasting, blighting effect.

The Civic Society hope that planning officers and councillors will agree that we cannot allow our town to have this incongruous visual shock. The Civic Society suggest that any cladding panels are kept to a simple colour scheme and pattern. Nantwich is known as a black and white town. Our half – timbered Elizabethan buildings give its

readily-recognised visual brand. Why not use much larger white panels with black for edges, recesses and/or surrounds (or vice versa)? This would not be (the all- too - easily trotted out retort of being) a “pastiche” of the historic character of Nantwich. Instead, this locally-derived colour scheme would acknowledge and signal the existence of the historic conservation area’s character and give a visual clue and traditional anchor to this entrance to town. A black and white colour scheme would simply say, “This building belongs to Nantwich”. The brickwork panels seem to be placed randomly on the elevations too – with little bearing on the form or function of the building. Reassessment of their design is needed and if used should look like traditional Cheshire brick.

5. **Landscaping.** - The proposals are to clear all of the trees away. Currently, there are around 18 good trees surrounding the building - including a lovely old pear tree, still laden with fruit opposite the pharmacy and health centre, together with many good birches and alders. They give a welcome variety to this part of the Conservation Area.

This semi mature tree cover critically shields from public view the new health centre and the rears of the library and civic hall. Despite new planting, the sudden loss of tree cover will open up to view these unsatisfactory buildings to detriment of the appearance and character of the Conservation Area. More pressure is needed from Cheshire East to keep as many existing trees as possible, despite the developer’s desire to make things easy. Individual businesses and householders in Conservation Areas have to comply with strict rules and planning decisions for their own buildings and trees.

6. **Public Realm** -It is a very poor public realm design. It completely misses a good opportunity to create a high quality, self-contained, distinctive area of public realm in front of the store entrance off Beam Street. Instead the floorscape appears to reflect the lines of the rear emergency vehicle access to the Library, generating a series of awkward junctions with existing and proposed buildings, and lacking any sense of place. There are opportunities here to provide seats, lighting and public information.

NB The landscape plans do not include tree planting between car parking bays as shown on the ‘3-D model’ (Figure 13, Page 21), which means the latter is misleading.

## 7. **Conclusion.**

As one of the most significant and highly visible new buildings in the Nantwich Conservation Area, the LPA has a duty to take great care and time to get the design and access right for this particular site. This fashion disaster of multi coloured panels must not be allowed. It is not good enough in design; it clears away all the mature trees, and has dangerous, congesting delivery access. It needs to be revised complement the local building signatures with the strong requirement for sympathetic materials. A colour scheme which pays due respect to the historic character of Nantwich is essential. The Civic Society hope that officers and councillors alike will not be swayed by the “pastiche” justification for avoiding redesigning the building to be more local in its character and of higher architectural quality. Quite simply - We should have a top quality building that respects and belongs in Nantwich’s Historic Conservation Area.

## **9. APPLICANT'S SUPPORTING INFORMATION:**

- Statement of Community Involvement
- Design and Access Statement
- Heritage Statement
- Planning and Retail Statement
- Preliminary Risk Assessment
- Transport Statement
- Tree Survey

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The site lies outside the town centre boundary for Nantwich where policy S.10 states that major retail developments will be permitted only if a number of criteria are met. According to the local plan, major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

This proposal is for the creation of 972sqm and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan policies have been saved. As a result it is concluded that the proposal is in accordance with the up-to-date development plan.

It should however be noted that PPS4, which sets out Government Planning Policy in respect of retail development has been published after the adoption of the Local Plan and is therefore a material consideration. PPS.4 sets out a number of tests which must be met in respect of retail proposals in out-of-centre locations. However, these only apply to those developments which are not in accordance with an up-to-date plan, which is not the case with the current proposal. Notwithstanding this point, the applicant has submitted information to address these tests.

Policy EC.14 of the PPS states that for all applications outside of a centre and not in accordance with the development plan a sequential assessment as described by Policy EC15, is required. Policy EC.16 requires a need assessment to be undertaken for proposals either over 2,500 sq.m or where they have an adverse impact on an existing centre, which in this case would be Nantwich Town Centre.

### ***Policy EC15 – Need***

Although in PPS4 there is no longer a policy requirement to demonstrate a quantitative need for new retail development The Cheshire Retail Study Update (CRSU) identifies a quantitative need for additional convenience goods provision and a qualitative need for additional comparison goods provision to strengthen and maintain the role of Nantwich town centre in the retail hierarchy. Such development should ideally complement the existing retail offer and provide a viable option for retailers requiring modern medium to large scale units that are under-represented (or unavailable in the town) at present. As a

consequence, of the lack of large retail units in Nantwich, there is an identified need for the type of retail development proposed in this application.

### ***Policy EC15 – Sequential Test***

The following site requirements were set out:

- 800sqm to 1,200sqm
- 0-20 parking spaces including spaces for disabled users
- Sites must be located within Nantwich town centre to be considered sequentially preferable due to the application site's highly accessible location only 80m from the town centre boundary and be capable of meeting the identified need to strengthen the function of Nantwich town centre.
- 0.2ha (minimum)
- Must be well related to the primary retail frontages on Oat Market and High Street.

*According to PPS 4 in determining the appropriate area of search for an application, it is necessary to consider whether it will serve a purely localised need (e.g. 'local' foodstores) whereas or materially wider catchment area and whether it is of an appropriate scale to the location proposed, or whether some of the need could be better met within an existing 'higher order' centre.* The new retail development will serve the residents of Nantwich and the town's wider catchment area. On this basis, the sequential site search has been restricted to Nantwich.

Based on the above criteria only vacant units within Nantwich town centre and Snow Hill Car Park were identified as alternatives.

The above have been assessed on the basis of availability, suitability and viability. the time of the CRSU there were 10 vacant retail units within the town centre all of which are very small scale and could not accommodate the quantum of floorspace proposed, nor provide the same unhindered floor plate.

Snow Hill comprises a large area identified by the Council as a 'regeneration area' including a busy town centre car park situated to the rear of retail units fronting Oat Market. The former Crewe and Nantwich Local Authority identified an aspiration to bring forward regeneration of the site for mixed use development including residential, retail, commercial and leisure uses.

The large site is 6ha in total and currently includes a variety of land uses and is in multiple ownerships. Within the wider site there is a Council owned car park which is approximately 0.8ha in size and on face value it presents a potential development site that could come forward independently of the rest of the regeneration area.

In 2008 the former Council commissioned a masterplan for the area which it proposed would be taken forward in the emerging Crewe and Nantwich LDF. However, to date no development brief for the site has been prepared and neither the site as a whole nor any part of it been actively marketed. It is apparent that the Council wishes to bring it forward as a comprehensive redevelopment scheme and piecemeal development of the site, i.e. just bringing forward redevelopment of the car park element, would not

meet those aspirations. In the circumstances, the site is too large and is considered to be unsuitable to accommodate the application proposal.

The timescales involved with bringing the site forward are uncertain and it cannot be considered to be available in the short to medium term. The car park is in active use as one of the main car parks in the town centre and is very heavily used by visitors to the town. Viability the PPS4 Practice guidance viability is defined as being “*whether there is a reasonable prospect that development will occur on the site at a particular point in time.*” On this basis the site is not considered to be viable.

### **EC16 – Retail Impact Assessment**

Policy EC16 of PPS4 is concerned specifically with the economic impact of new retail development. In particular it requires an assessment of whether the development would harm the vitality and viability of existing centres, or discourage economic investment or regeneration of those centres. This section of the Statement considers the application proposals against the impact criteria as they appear in Policy EC16 of PPS4.

Policy EC14 of PPS4 states that *an assessment of impacts is only required if there is likely to be likely to have a significant impact on other centres.* The proposed development is less than 2,500sqm gross; therefore, an impact assessment is required only if there is potential for significant impact to an existing centre.

The CRSU identifies at least £15m capacity for additional food retail floorspace (over and above existing commitments) in Nantwich (see paragraph 5.47 above). The CRSU does not identify any (quantitative) capacity for comparison goods floorspace in the town (over and above existing commitments) until after 2015.

However, as mentioned in Section 5 above, these assertions have been made on the basis of a constant market share, and make no allowance for qualitative improvements to the retail offer in the town that may result in clawback of expenditure from other nearby centres, including those outside the catchment area.

Given the identified capacity together with the fact that no allowance for expansion of market share has been made in the CRSU calculations and that the CRSU finds that Crewe and Nantwich town centres are in good overall health it is unlikely that a food outlet occupying the proposed retail unit would have the potential to have a significant adverse impact upon those centres. Although the CRSU does not identify any capacity for additional comparison goods floorspace in the town the proposed development is likely to have a positive impact on Nantwich town centre in any event due to its proximity and potential for linked trips and the fact that it offers a modern retail format that is not readily available in the town. In effect, the development is likely to result in an extension of the retail area of the centre to encompass the site.

As the proposed development is unlikely to have a significant adverse impact upon existing centres there is no requirement under PPS4 Policy EC14 for a retail impact assessment to be prepared. However, in this instance, to be robust and for

completeness, an assessment has been carried out for both convenience and comparison goods using data and assumptions contained within the CRSU.

The report therefore goes on to consider the proposals against the tests in Policy EC16.1:

**a) The impact of the proposal on existing committed and planned public and private investment in a centre or centres in the catchment area**

The only existing potential investment within the catchment area that has been identified is the Snow Hill Area of Nantwich. It is concluded that due to the uncertain timescales associated with delivery of the Council's aspirations for Snow Hill together with a lack of support within the current Development Plan the regeneration of Snow Hill does not constitute planned or committed development. It is considered that the scheme will have a neutral impact on the objectives of Criterion (a).

**b) The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the retail offer.**

The proposed development will act as an extension to the town centre and is most likely to compete directly with other town centres for comparison shopping or large destination retail locations (supermarkets) for convenience goods. The nature of the proposal means it is unlikely to impact significantly upon smaller centres in the area that all serve a more local top-up shopping and service need. For these reasons the assessment concentrates on the impact upon Crewe and Nantwich town centres.

To assess the potential impact on their vitality and viability their current health needs to be established first. There are up to date health check assessments within the CRSU which confirm that they are vital and viable centres because amongst other things they both have low vacancy rates and good representation from national multiple retailers. Nantwich is also a very attractive retail centre which acts as a tourist destination. The relative health of both Crewe and Nantwich mean that they are likely to be resilient to changes in the retail market.

The sites excellent linkages and proximity to the town centre mean that it will act as an extension to the town centre. For this reason it is likely that visitors to the proposed retail unit will also visit Nantwich town centre and, as a consequence, the potential for linked trips will have a positive impact upon the vitality and viability of Nantwich town centre and increase the turnover of the centre overall. In the circumstances, the economic impact on Nantwich town centre will be beneficial

The report concludes that Crewe is a healthy sub-regional centre which attracts expenditure from Nantwich. The proposed development will assist Nantwich town centre in maintaining its market share in accordance with the recommendations of the CRSU which states *"Nantwich town centre's comparison goods market share has increased within its primary catchment .....but will require further qualitative improvements in the future if it is to retain its position"*.

The proposed development is of a small scale so will not draw a significant amount of trade away from Crewe and the effects will be barely discernible. It is concluded that it will have a neutral impact on the vitality and viability of Crewe. Overall it is concluded that the proposed development will have a positive to neutral impact on the vitality and viability of existing centres and it therefore meets the requirements of Criterion (b).

**c) The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.**

There are no sites within the catchment area that are allocated within the development plan that would be impacted upon by the proposed development. The impact of the development on criterion (c) is therefore, neutral.

**d) The impact of the proposal on in-centre trade/turnover and on trade in them wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made.**

A quantitative assessment has been undertaken which considers the economic impact on existing stores and centres in the Catchment Area. The CRSU Retail Capacity Reports show that Morrisons Nantwich is overtrading by £5.3m, Sainsbury's Nantwich is overtrading by £11.1m and Aldi Nantwich is overtrading by £0.3m. It is acknowledged that some stores are shown to be undertrading. However, the stores that are undertrading according to the household survey results are all small format retailers. It is a common occurrence within household surveys that smaller stores turnovers are under estimated and cannot be accepted as a true representation of trading levels. Therefore, the undertrading shown is not considered to be material to this assessment because the town centre health check indicates that both Nantwich and Crewe are healthy vital and viable retail centres.

The health of the centres is also an important consideration for the comparison goods turnover. In particular it should be noted that there are a number of national multiple retailers present in Nantwich including Boots and WH Smith. Nantwich is accepted to be trading well for comparison goods by the CRSU.

Similarly, Crewe is a healthy centre that operates as a sub-regional centre within the retail hierarchy. Trading levels in the centre mean that it will be resilient to changes in the retail market and competition from other centres, particularly those that are below it on the retail hierarchy such as Nantwich.

According to data taken directly from the CRSU comparison goods floorspace within is overtrading by £21m. This further demonstrates the health of Nantwich and Crewe town centres.

The largest amounts of trade are predicted to be drawn from the national multiple retailers that are geographically closest to the proposed development such as the Sainsbury's and Morrisons stores in Nantwich in the case of convenience goods (35% of the turnover of the proposed development from each).

For comparison goods the greatest trade draw is made from the existing town centre as geographically the closest centre to the application site, 51% turnover of the proposed development. The predicted trade draw levels are used to calculate a percentage impact upon each store or centre's total turnover. It is a general rule of thumb within retail planning that, for healthy centres, an impact of up to 10% is acceptable before vitality and viability becomes affected. In more sensitive centres a maximum impact level of 5% should be employed. Where stores or centres are known to be overtrading then regard should be had to the level of monetary diversion compared to the overtrading level. For example, would the proposed development cause them to under-trade or simply bring the trading level down to benchmark level.

The report demonstrated that no store or centre within the catchment area is predicted to experience an impact above 10% except for the convenience goods turnover of Morrisons. However, the Morrisons convenience floorspace is overtrading by £5.3m and the predicted trade diversion from that store should the proposed development be occupied by a convenience goods retailer is only £3.6m. Although the percentage impact level appears high the store would continue to overtrade after the proposed development is constructed and the performance of the store will not be adversely affected. Rather, the competition between Morrisons and the new store will be beneficial for consumers.

The impact upon the convenience goods floorspace of Crewe town centre as a whole is predicted to be only 0.5%. This is a very low impact level that would not harm a healthy centre's vitality and viability.

For comparison goods the maximum impact shown is 5.7% on Tesco Vernon Way, Crewe. The Tesco store is an out of centre retail facility therefore, it is not protected under PPS4 and this impact level is deemed to be acceptable.

The impact upon Nantwich town centre is predicted to be only 4.2%. Nantwich is a centre that is trading well is considered within the CRSU to be vital and viable. It has a strong national multiple presence from retailers such as W H Smiths and Boots within the primary retail area. Due to the strength of Nantwich as a retail destination and the relatively low impact level it is concluded that a significant adverse impact upon vitality and viability would not be created.

The impact shown upon Crewe town centre is very low and would not harm a such a large viable centre and, it is considered to be acceptable.

There would also be a level of trade that would be generated from linked trips resulting from the proposed development. As the proposed retail unit is so close to the town centre, and will form an extension to it the turnover of the proposed development should be added to the turnover of the town centre as a whole resulting in an increase in the turnover of the centre of c. £10.2m if occupied by a comparison goods retailer.

Considering the potential for linked trips together with the fact that there is sufficient growth in available expenditure alone to support the proposed retail unit it is concluded that whilst the tables show a neutral impact overall there will actually be a positive effect on Nantwich town centre. The proposed development is therefore compliant with Criterion (d)

**e) If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres**

The proposed development is situated in an edge of centre location. The scale of the proposed development needs to be assessed against the size and role of Nantwich town centre compared to other centres in the area. The report demonstrates that with the proposed development (an increase of 972sqm gross) Nantwich's position within the retail hierarchy will remain unaltered. The quantum of floorspace will remain comparable to that of Northwich, Wilmslow and Congleton and considerably below that of Chester, Macclesfield and Crewe. On this basis the scale of the proposed development is appropriate and the requirements of Criterion (e) are satisfied.

**f) any locally important impacts on centres under Policy EC3.1.e**

No locally important impacts have been identified in this instance.

***Policy EC17 - Balancing Exercise***

It is recognised that the new retail development will have some impact. However, there is clear evidence that the proposed development would not lead to significant adverse impacts which is the test pursuant to Policy EC17.1b of PPS4. In fact, there is evidence that the proposed development will have a positive impact on Nantwich town centre. As there is no evidence of significant adverse impacts, the report concludes that the positive impacts associated with the proposal far outweigh any adverse impacts. Policy EC17 is clear that, where no significant adverse impacts have been identified under Policies EC10.2 and 16.1, consideration can be given to the positive and negative impacts of a proposal and 'other material considerations'.

Policy EC17 also requires that a cumulative impact assessment is carried out. This should be undertaken for recent permissions, developments under construction and completed developments.

The CRSU identifies six commitments within the Catchment Area including the replacement Sainsbury's store in Nantwich and the extension to the Morrisons store in Nantwich town centre; new/replacement Tesco and Sainsbury's Stores in Crewe, Delemere Place in Crewe and Former George Hotel, West Street (Crewe).

Since the publication of the CRSU no further retail development has received planning consent within the catchment area. Listed below are each of the commitments and how they have been handled within the cumulative impact assessment:

- The replacement Sainsbury's store in Nantwich has been constructed and is open for trade. It's floorspace and turnover has therefore, been included within the overall assessment tables at Appendix 2 rather than as a commitment.
- The Sainsbury's and Delemere Place proposals in Crewe are both town centre schemes. The schemes have not yet commenced and their turnover has been included within the turnover levels for Crewe from 2015 onwards.
- George Hotel, West Street is of a very small scale and not considered to be a material consideration. It is therefore not included within the assessment.
- The Tesco proposals in Crewe have been included within the cumulative impact assessment alongside the turnover of the proposed development. The trade draw rates for the Tesco store have been taken directly from the retail assessment prepared by Nathaniel Lichfield and Partners that supported their application.

The report states that the cumulative impact on some individual stores will be above 10% after all commitments have been taken into account, notably Morrisons Nantwich and Asda Crewe, and principally as a result of the new Tesco store in Crewe. In Nantwich, where the application proposal will have greatest impact, the Morrisons store will continue to trade at benchmark turnover levels and the overall turnover of the town centre will increase if the turnover of the development is taken into account (see above). The edge-of-centre Aldi store in Nantwich is predicted to experience some significant cumulative impact. Although this figure is high, the store is not predicted to close as a result of this development and in any event is not afforded any greater policy protection than the application site. It is concluded that the cumulative impact assessment for the proposed convenience and comparison goods floorspace is acceptable. The cumulative impact of the proposed development and the commitments would not result harm the vitality and viability of existing centres in the Catchment Area.

### **Summary**

It is considered that having due regard to the provisions of Policy S10, the proposal is in accordance with the development plan. Therefore there is no requirement under PPS4 to undertake a formal impact assessment. Notwithstanding this point, mindful of local concerns about the impact on Nantwich Town centre, the developer has provided a retail statement which demonstrates that the proposal complies with the tests contained within PSP4. It is therefore concluded that there are no sustainable reasons for refusal on retail impact grounds

### **Other Material Considerations**

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that "*The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*" It goes on to say that "*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic*

*and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:-*

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession*
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing*
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)*
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date*
- (v) ensure that they do not impose unnecessary burdens on development.*

*They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.*

The proposal will facilitate economic growth and will also create jobs both in store and in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

### **Siting, Layout and Design**

The proposed store has been sited at the eastern edge of the site with the back of the building running along the access road to the car park. The front elevation of the building, containing the main entrance, will be at 90 degrees to Beam Street, fronting onto a new public square to be created between the new store and the library. This area currently forms a narrow pedestrian route between Beam Street and the Civic Hall car park.

Initially officers had a number of concerns about the layout of the scheme, particularly in terms of the general orientation of the building towards the library which resulted in lack of active frontage to Beam Street and the long blank elevation to the car park access. Officer's preference at the time was for the entrance to be at the Beam Street / access road junction. However, it is now accepted that, given the retail use, it would be preferable to orientate the building so that the entrance was close to the town centre to encourage connectivity with the existing shops. I was also considered that orientating the main entrance onto a new public square, created an opportunity to enhance the existing link through from Beam, St. behind the library to the car park, which appears to be well utilised. Therefore it is considered that in principle, the creation of the public space in front of the building with the main doors opening on to it is acceptable.

To turn to the matter of elevational detail, PPS1 now states that good design should integrate new development into the existing urban form and contribute positively to making places better for people. It goes on to state that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Furthermore, the site is located within a Conservation Area, where BE7 of the adopted Local Plan clearly states that within a conservation area *“a new building will not be permitted unless it would harmonise with its setting by being sympathetic on scale, form and materials to the characteristic built form of the area, particularly the adjacent buildings and spaces”*

As originally submitted, officers had a number of concerns relating to the design as originally submitted, and these were echoed in the comments of the Town Council and third parties. The initial plans showed a large single storey rectangular building with a single mono-pitched roof-form, characteristic of modern out-of-town retail park sheds.

The desire to create an active frontage and main entrance onto the new public square had resulted in a long, monotonous blank elevation to the carpark access road to the rear and lack of active frontage to Beam Street. This created the impression that the Beam Street elevation, despite being on the principal through route and the most important in terms of its visual relationship with surrounding buildings and the conservation area, appeared very much as a secondary side elevation. The single block-monopitch of the building ran from east to west, which meant that the gable fronted onto Beam Street, exacerbated this problem. There was also a lack of any form of focal point / architectural feature on the prominent corner of Beam St / carpark access road which is an important gateway into Nantwich town centre.

In terms of materials, the applicants proposed the use of chequerboard green and white cladding for which there is no precedent for in Nantwich. The high blank brick wall and flat roofed element on the corner immediately opposite the health centre entrance also caused concern. Overall, it was officer's view that the building as initially proposed would not harmonise with the surrounding conservation area in terms of scale form or materials and would be contrary to the policies outlined above.

Whilst it was agreed that it would be undesirable to construct a pastiche copy of one of the many historic buildings in Nantwich town centre, and therefore a modern building would be acceptable, any such building on the site must clearly reference, in terms of materials, form, or architectural elements, the traditional buildings in the town centre.

Following extensive negotiations an amended design has been submitted, which breaks down the overall mass of the building into 3 distinct parts, each utilising different materials. Diminishing overall ridge heights, moving away from the Beam Street frontage ensures that there is a visual hierarchy and that the part of the building closest to the Beam Street frontage is the dominant element with subordinate elements, being located closer to the rear of the site.

Monopitched roofs have been used on the two front sections and a flat roof has been added to the rear section over the service area. The monopitch on the front section

has been orientated at 90 degrees to that on the middle section to emphasise the Beam Street frontage, create a corner feature to the Beam St / access road junction and help to break down the mass of the building. The front section utilises predominantly brick, which is the dominant material in this part of the conservation area, but incorporates glass and cladding panels to introduce articulation to the elevation and break up the mass of masonry. The panels are arranged so as to give the building more vertical emphasis, which is a characteristic of Nantwich buildings. The glazing to the side elevation facing the public space, has been wrapped around the corner of the building and now extends along the whole of the Beam Street front elevation to create an active frontage to both sides of the building. The glazed element, which will house the in-store cafe, projects under a pitched roof canopy which also adds visual interest to this part of the building. The canopy oversails the building slightly and provides some shelter for part of the outdoor cafe seating area which will be provided within part of the public square.

The middle section is to be finished in grey cladding over a blue engineering brick plinth, which will help it appear subordinate to the front section. The plinth corresponds in terms of height and proportions to the glazed element on the front section which helps to unite the two elements. The monotony of the access road elevation has been broken up through the use of varying roof heights, different materials, and the addition of a tower feature to the southern corner of the middle section and fenestration. Replacement landscaping will also be provided. The massing of the high blank brick wall to the service yard has been broken up through the use of green screening to the outside.

Overall it is considered that the scheme as now presented is a considerable improvement over the previous proposal. Whilst a building of this nature would not be acceptable in the centre of the conservation area, the site lies at the periphery, and is surrounded to the west and south by the large scale modern buildings of the library and health centre and to the north and east by modern residential development. Whilst it remains a large contemporary building, the proposal now references the predominant characteristics of the surrounding area and adjacent buildings and spaces in terms of form and materials. It therefore complies with policies BE2 and BE7 of the local plan in respect of design and new development within conservation areas.

### **Highways and Parking.**

Some concerns have been expressed about the proposed access and parking arrangements, given the extent to which the link through to Beam Street, behind the library, is used, and in particular the potential for conflict between pedestrians moving between Beam St, the retail unit, health centre, and surrounding properties as they cross the proposed parking area to the front of the store.

Concerns have also been expressed that problems already exist due to the intensity of vehicular and pedestrian activity around the health centre entrance which currently leads to conflict between road users. This includes:

- Pedestrians, many of whom are disabled moving between car park / town centre / surrounding properties and health centre entrance
- Access to health centre staff private car park

- Access to day centre
- Access to residential properties
- Car park traffic
- Disabled badge holders parked on double yellow lines outside health centre which occurs more than in other similar locations due to the nature of the building
- Deliveries to health centre / pharmacy
- Ambulance parking
- Library van / delivery access to the rear of the library
- Pharmacy customers parking for short periods on the access road and going into the pharmacy to collect prescriptions

Additional pedestrian traffic to and from the store as well as customer and delivery vehicles create the potential for further conflict in this area.

The only alternative access point, which would avoid adding to traffic on the access road, would be directly from Beam Street. However, given that this is a major through route, and the proximity to the junctions of Lady Helen Walk, the King Place and the existing access road, it is considered that another access in this location, and the additional turning movements would create greater potential for conflict with other road users. Also visibility from a new access between the library and the new sort would be restricted by these buildings and would still generate the same difficulties in terms of potential conflict between vehicles and pedestrians travelling between Beam Street, the car park and health centre outside the new store. It would also prevent the creation of the new public square which is considered to be a positive aspect of the urban design of this scheme.

Another alternative solution would be to remove the parking / vehicle access from the site altogether. However, as stated below, the store is already significantly below the recommended maximum parking provision although it is adjacent to the large Civic Hall car park it is considered that some onsite parking, in particular disabled parking, will be required.

However, the applicant has responded to the concerns outlined above and the revised landscaping proposals for the public square and car park show an improved shared surface treatment which will ensure that pedestrians have priority over vehicles and that the pedestrian route between Beam Street, the new store and the car park / health centre is clearly defined and easily legible.

The provision of a segregated link is, at present, impossible due to an existing right of vehicular access from the car park to the rear of the library which is used by library vans. However, the developer has stated that the library van service will shortly be terminating and as a result this access will no longer be required. They are currently in discussions with the library service over the acquisition of the land in question, which would enable the pedestrian square to be expanded and for a segregated pedestrian link to be provided. However, this falls outside the scope of the current application.

Therefore it is considered that subject to the use of appropriate high quality materials which ensure that pedestrians clearly have equal priority to vehicles are used, which can be secured by condition, the present solution will be acceptable.

The proposal makes provision for 20 parking spaces is below the Local Plan maximum standard for an A1 retail unit of 872sq.m which equates to 108 spaces. However, the site is adjacent to the large Civic Hall public car park. Although this is currently well patronised by Health Centre visitors and users of other town centre facilities, there is significant potential for linked trips with the new store. The site is sustainably located within the town centre, in very close proximity to the bus station and other large areas of public parking such as the Snow Hill car park. It is also within walking distance of the railway station. It should also be noted that the local plan standards are a maximum level of provision and that government guidance advocates reducing opportunities for parking at destinations in order to encourage more sustainable modes of travel. Conditions can be applied to ensure that provision is made for cycle parking within the development.

Comments from the Strategic Highways Manager had not been received at the time of report preparation, and a further update will be provided for Members prior to their meeting. However, in the absence of any objection from the Strategic Highways Manager it is not considered that a refusal on highway safety grounds could be sustained.

### **Amenity**

It is generally considered that a distance of 21m is sufficient to maintain an adequate level of privacy and 13m will ensure an adequate level of light to a residential property. The proposed store will be sited approximately 23 away from the dwellings on the opposite side of Beam Street, at the closest point. As a result it is not considered that there will be any additional adverse effect on these properties as a result of noise, overshadowing or loss of privacy. It is over 21m away from the dwellings in Cromwell Court, at the closest point, which is measured between the corners of the buildings. Therefore, the distance between the elevations themselves, which do not face each other directly, is significantly greater.

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

### **Landscape**

The Council's Landscape Officer has examined the proposals and commented that the site of the proposed development is located in a prominent position at the junction of Beam Street and an access road leading to a public car park, apartments and Church View Primary Care Centre. There are established shrub beds and a number of trees around the periphery. The vegetation is visible to the public and helps to soften the appearance of the existing buildings.

The proposed development would involve the removal of all the existing vegetation. Proposed new landscape works would provide shrubs and trees on the eastern

boundary, trees in tree pits to the south and trees within a hard landscaped area between the library and the proposed building.

Whilst the loss of the existing vegetation would be regrettable, the overall quality is not outstanding and redevelopment of the site presents an opportunity to provide a landscape treatment in keeping with a new use.

The area between the building and the library is a well used thoroughfare and the proposed works could improve the appearance of this public area. Amended plans for the landscaping of this area following the redesign of the building. The Landscape Officer considers that these generally appear reasonable in principle. Nonetheless, I suggest further consideration may need to be given to the juxtaposition of two proposed benches and a tree immediately to the south of to the existing pedestrian crossing on Beam Street as such features would appear to create a barrier blocking pedestrian access. However, a full landscaping scheme could be secured by condition.

The plans make provision for the extension of the landscaping scheme to include the library service area in the event that it is disposed of by the Council. The Landscape Officer has commented that in view of the fact that part of the public realm area (adjacent to the library) is outside the applicant's control, it would be desirable to try to secure a mechanism to ensure that the whole area is upgraded and landscaped. However, it would not be reasonable to impose conditions requiring this to be carried out given that it lies outside the ownership of the applicant, and there is no guarantee at present that they would be able to gain control over it in the future and the Council cannot enter into a Section 106 legal agreement with itself.

The proposed treatment of the other boundaries appear reasonable in so far as it extends however, overall the soft landscaped area appears less than existing and would not fully mitigate for the losses proposed. There would be no vegetation (or space to accommodate vegetation) to soften the boundary wall to the proposed service area to the south east corner and the Landscape Officer considers that it would be preferable to achieve a wider landscaped area along the eastern boundary of the site. This could improve the setting of the building and allow for increased separation between replacement trees and the building. The applicant has responded by including within the revised design, a proposal to use green living fence on the wall to the service area.

This will soften the appearance of this wall, although, the landscape officer remains of the view that this particular aspect of the development presents an unsympathetic face to the frontage on a prominent corner, which will be particularly visible to people when leaving the medical centre. However, it is an unfortunate characteristic of this site that it has 4 prominent public elevations and of those faces and of those elevations the one facing the medical centre and car park is considered to be less prominent and significant than those fronting on to Beam Street. Any building on this site would require a servicing area, and whilst it is acknowledging that it's positioning is not ideal it has been least prominent / sensitive elevation.

## **Public consultation**

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

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises the responses. It concluded that there is widespread support for the redevelopment of the site in the locality and indeed certain aspects of the scheme were particularly welcomed and supported by residents namely the introduction of a high quality food outlet. There was also much support for the site to be sympathetically planned retaining as many of the existing trees as possible. It is considered that the consultation that has taken place conforms to the procedure set out in the Borough Council's adopted Statement of Community Involvement (SCI).

## **Ecology**

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

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

and provided that there is:

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection:

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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

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

*[LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."*

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

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

In this case the application is supported by an ecological assessment, which indicates that invasive species, such as Rhododendron, have been recorded at the site. There was no evidence of protected species although it does contain habits used as suitable for use by breeding birds. . Based on the survey information presented in the ecological assessment, the consultant concluded that the principle of the proposed development is feasible and acceptable. The report has been examined by the Council's Ecologist who has agreed with its methodology and conclusions. He has commented that he is satisfied that the proposal does not raise any ecological issues.

## **10. CONCLUSION**

The proposed development involves the demolition of the former medical centre and construction of new A1 retail building with 21 car parking spaces, landscaping and ancillary works. The proposal will create a net internal area of 972sqm (10,463sqft) with a net sales floor of 832sqm (8,956sqft). The building would be occupied by Marks and Spencers.

The site lies outside the town centre boundary for Nantwich where policy S.10 states that major retail developments will be permitted only if a number of criteria are met. According to the local plan, major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

This proposal is for the creation of 972sqm and therefore there is no requirement to meet the tests set out in Policy S10. The Local Plan policies have been saved. As a result it is concluded that the proposal is in accordance with the up-to-date development plan.

It should however be noted that PPS4, which sets out Government Planning Policy in respect of retail development has been published after the adoption of the Local Plan and is therefore a material consideration. PPS.4 sets out a number of tests which must be met in respect of retail proposals in out-of-centre locations. However, these only apply to those developments which are not in accordance with an up-to-date plan, which is not the case with the current proposal or where they have an adverse impact on an

existing centre, which in this case would be Nantwich Town Centre. Notwithstanding this point, the applicant has submitted information to address these tests.

The Retail Impact Assessment submitted with the application has demonstrated that there are no sequentially preferable sites for the proposed development. The applicant has also demonstrated that whilst the site lies in an edge of centre location the proposal would not have an adverse impact on the vitality and viability of nearby centres, including Nantwich town centre, and may have some marginal benefit as a result of the potential for linked trips. Furthermore, the Governments Planning for growth agenda which is generally supportive of proposals for economic development is another important material consideration.

In addition the proposals will not raise any concerns for neighbouring amenity, highway safety or nature conservation and the design and scale of the buildings and the proposed layout will not have an adverse impact on the character and appearance of the area. The proposal therefore complies with the requirements of Local Plan policy and PPS4 and accordingly is recommended for approval.

## **11. RECOMMENDATIONS**

**APPROVE subject to the following conditions:**

- 1. Standard**
- 2. Approved Plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Landscape Scheme**
- 6. Implementation of Landscaping**
- 7. No removal of vegetation during nesting season without survey**
- 8. Provision of cycle parking**
- 9. Submission of construction details for carpark / access / pedestrian square**
- 10. Provision of access and parking prior to occupation**
- 11. Construction hours restricted to: Monday – Friday 08:00hrs to 18:00hrs; Saturday 09:00hrs to 14:00hrs; No working on Sunday or Bank Holidays**
- 12. Piling on site restricted to: Monday – Friday 08:30hrs – 17:30hrs; Saturday 08:30hrs – 13:00hrs; Sunday Nil**
- 13. Opening hours Monday – Saturday 06.30hrs to 21:00hrs; Sunday and Bank Holidays 08:30hrs to 18:00hrs**
- 14. Deliveries only between 7am and 8pm Monday to Saturday and between 9am and 5pm on Sundays or Bank Holidays.**
- 15. Submission / approval / implementation of a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise,**
- 16. Submission / approval / implementation of a filtration and extraction system to control the discharge of odours arising out of food handling and preparation**
- 17. The filtration/extraction system to be regularly maintained**
- 18. Submission / approval / implementation of any external lighting**

- 19. Submission / approval / implementation of Air Quality Impact Assessment and any recommended mitigation or a travel plan**
- 20. Submission / approval / implementation of contaminated land assessment.**

