

SOUTHERN PLANNING COMMITTEE – 27th November 2019

UPDATE TO AGENDA

APPLICATION NO.

18/6313N

LOCATION

Car Park, ST ANNES LANE, NANTWICH

UPDATE PREPARED

Correction

Under the open space section on page 16 of the committee report, it states that the contribution towards recreation and outdoor sport will be waived given the improvements on Westminster Street. This is an error and relates to a different site.

As such contribution for outdoor sports is required at a rate of £1,000 per family dwelling and a contribution of £500 per 2+ bed apartment is also required to be used in line with the Council's adopted Playing Pitch Strategy and the FA's Local Football Facilities Plan. This is in addition to the contributions towards open space and indoor sport as noted in the report.

Appraisal

The request for a contribution towards outdoor sport is noted however given the viability case which has demonstrated that the scheme is not able to deliver any contributions, this needs to be weighed in the overall planning balance.

Further appraisal of Policy LPS 47 (Snow Hill, Nantwich)

Policy LPS 47 supports the regeneration of the site for mixed use including retail, leisure and sports, offices, hotel, parking, housing and bars/cafes.

The proposal would provide retail, café/restaurants, hotel and housing and as such would support the Council's aspirations for the site.

LPS 47 further details how this should be achieved with site specific principles which are as follows:

- 1) A design framework including a masterplan which ensures that the site is seen as being part of the town centre, by the creation of strong links between Snow Hill and the existing town centre; the establishment of active new frontages; high quality urban design; clear and easy to use pedestrian and cycle routes, both throughout the site and between the

site and the town centre and to facilitate a radical improvement to the environmental quality of Swinemarket.

The site would retain and improve existing links to Welsh Row to the north and south to the River Weaver and thus improves connectivity to the town centre.

- 2) Retail provision to include small units, to ensure opportunities are given to independent retailers as well as adding to and complementing the existing retailing and leisure offer of the town.

The proposal would provide retail elements however the end users are unknown at this stage.

- 3) Improvements to existing and the provision of new pedestrian and cycle links to the town centre and new and existing residential areas, employment areas, shops, education and health facilities.

Existing pedestrian links to the north of the site would be improved by the new surfacing of the road and to the south the existing PROW would be re-located to the side of the site and widened to meet current standards.

- 4) Maintain, as far as possible, car parking levels in the town centre.

The proposal would lose the existing parking on the site however this is informal parking only and could be removed at any point and is not very usable given the level of the site.

- 5) Sensitively expand the area to the west of the river to support the mix of uses along Welsh Row.

Proposal would provide a range of uses and the overall design concept has been supported by the Councils Urban Design Officer subject to final details of materials by condition.

- 6) Incorporation and retention of the swimming baths within the overall design for the site.

No impact on the existing swimming baths.

- 7) Incorporation of green infrastructure, including:
 - i. An extension of the riverside park between Reaseheath College and the town centre (on both sides of the river), including both the floodplain and the valley shoulder, with substantial native woodland tree planting and a wetland landscape buffer zone, with public access, including formal footpaths and cycle ways to improve levels of access to the River Weaver and its banks;
 - ii. Open space provision.

The proposal would result in the loss of some existing trees to the southern and eastern boundaries however replacement trees are proposed and can be secured by condition. However it is also accepted that given the allocation of the site in the local plan for some form of development that some tree loss is inevitable.

The provision of cycle storage would be secured via the imposition of a planning condition.

- 8) Create a series of interconnected, attractive streets and spaces.

The site will connect to and improve existing access points and would create a new public realm.

- 9) The design of new buildings to be of a very high standard, reflecting the site's location within and adjacent to the Nantwich Conservation Area.

The design concept of the site has been accepted by the Councils Heritage/Urban Design Officers to an extent it is not considered to harm to Conservation Area.

- 10) This area is within an area of archaeological potential and an area of special archaeological potential which included nationally-important waterlogged archaeological deposits. A desk based archaeological assessment and a pre-determination evaluation will be required, with further work and mitigation being carried out as appropriate to preserve the archaeological value of Snow Hill.

Cheshire Archaeology have been consulted and have raised no objection subject to condition requiring a programme of archaeological works be provided.

- 11) On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, green infrastructure, open space and community facilities.

The proposal would not provide any contributions however a viability assessment have been provided and independently reviewed which concludes that the scheme is not able to deliver any contributions. This needs to be weighed in the overall planning balance.

- 12) Improvement to Waterlode / Welsh Row junction

The proposal would retain and improve existing links to Waterlode / Welsh Row junction.

- 13) Deliver a distinctive destination for local people to be proud of and visitors to enjoy.

The proposal would deliver a new public realm which respects the character of the local area and would provide a range of facilities to compliment those already noted within the town centre.

14)Proposals should consider impacts of development on the listed 'Nantwich Bridge' and its setting.

No issues raised by the Councils Heritage Officer or Historic England regarding impact on Nantwich Bridge.

15)Proposals should include an assessment of the contribution the area makes to the conservation area, including views of the conservation area.

This has been provided in the relevant heritage statements submitted with the application.

16)A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the part of the site concerned.

The issue of contamination has been fully addressed in the submission of relevant reports which have been reviewed by both the Councils Environmental Protection Officers and the Environment Agency who are satisfied with the impact of development of the site and its remediation measures subject to specific conditions relating to contamination.

17)New development will be expected to respect any flooding constraints on the site and where necessary provide appropriate mitigation.

A FRA has been provided which has been accepted by the Councils Flood Risk Team, the Environment Agency and United Utilities who are all satisfied regarding the drainage and ability of the site against flood risk subject to conditions requiring compliance with the FRA and further drainage details.

18)Retention of the floodplain of the River Weaver; a large area of the site lies within the floodplain of the River Weaver which needs to be protected from development.

See point 17.

19)Development proposals will be required to demonstrate that they will conserve and enhance the character and appearance of the listed buildings, listed structure and conservation area, including their

settings and also show how regard has been paid to the impact of development proposals on the heritage of the town.

See point 9.

20) Development on the site should provide compensatory habitat for any protected and priority species and habitats on the site.

The development of the site would clearly have impacts on habitat and protected species which inhabit the site. Some of these impacts are to be addressed by the implementation of measures to minimise injury during construction, submission of safe guarding methods, features to accommodate relevant species and carefully considered lighting locations, which would all be secured by condition.

However the proposal would see the loss of existing habitat through remediation and development works given the removal of existing trees to the southern/eastern boundary of the site. The Councils Ecologist has used the Biodiversity Metric calculation which requires a contribution towards off-site habitat regeneration of £27,787.32 (including 5,000 towards staff costs).

Given the viability case, the proposal would not be able to deliver any of its contributions. Nevertheless the quality of habitats on the site is considered low given the heavy contamination of the site which the proposal would help to remediate. The site is also allocated for development in the local plan and as such some ecological harm is inevitable. Nevertheless this needs to be weighed in the overall planning balance.

Updated/revised consultation comments

A revised site/ground floor plan has been received which details the location of proposed replacement planting along with proposed visualisations of the site when viewed from Waterlode and Mill Island.

The Councils Urban Design and Landscape Officers have reviewed these plans and have requested additional conditions requiring further details be provided in the landscape plan including details of the green wall system along with its planning design and future maintenance arrangements, shrub planting around the base of the car park walls, species, sizes and locations for proposed trees including tree pit preparation in hard and soft areas, riverside retaining walls, paving materials and colours, railing types/locations, proposed tree grilles, seating opportunities and lighting locations.

The Councils Highways Engineer has also requested an informative that Wyche House Bank will become a private access subject to a stopping up order on the public highway

Appraisal

The conditions/informatives are noted and are considered reasonable and necessary and can be added to the decision notice in the event of approval.

Updated planning balance

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS47 of the Cheshire East Local Plan and saved Policy S12.3 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The current proposal seeks a mixed use scheme for housing, commercial and hotel. As a result the proposal appears acceptable in principle from a pure land use perspective.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site and assisting to meet the Councils objectives for the site under Policy LPS47, the remediation of a highly contaminated site, the boost to the economy and job creation through both construction and the operation of the retail and hotel elements, the boost to the vitality/viability of Nantwich Town Centre through increase in trade and footfall, the provision of open market housing and the limited economic benefits during construction.

The development would have a neutral impact upon design, flooding, living conditions, trees, PROW and air quality.

The dis-benefits of the proposal would be the absence of providing of any the required contributions towards affordable housing, open space, education, ecology or medical provision; however this has been justified by an open book viability report which has been independently verified. Further dis-benefits would be the loss of an existing informal car parking area however this could be lost at any point and the usability of the car park is limited given the varied land levels. The loss of existing trees to the eastern boundary is a further dis-benefit though replacement planting is proposed.

The proposal is considered to be very finely balanced. However the overall benefits of the scheme with the remediation of the site and the regeneration benefits and specific allocation of the site in the Local Plan are given significant weight and thus on balance are considered to outweigh the harm caused by the dis-benefits.

As such it is considered that the proposal constitutes sustainable development and should therefore be approved.

Recommendation

The application be **APPROVED**, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure:

- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into education and health provision within the borough

And subject to the conditions below:

- 1 Time limit
- 2 Approved plans
- 3 Materials
- 4 Compliance with the submitted Flood Risk Assessment
- 5 Submission of a drainage strategy
- 6 Compliance with the noise report
- 7 Travel information pack
- 8 Low emission boilers
- 9 Electric vehicle charging points
- 10 Contaminated land X 3
- 11 Programme of archaeological work
- 12 Foul and surface water
- 13 Surface water drainage scheme
- 14 Piling
- 15 Obscure glazing to x2 living/kitchen/dining room windows on the western elevation
- 16 No removal of any vegetation or the demolition between 1st March and 31st August
- 17 Features for breeding birds
- 18 Safeguarding of nesting birds
- 19 Submission of provision of features for nesting birds
- 20 Submission of bat 'friendly' lighting scheme
- 21 Submission of measures for safeguarding of the adjacent water course from pollution during construction
- 22 Measures to minimise the risk of hedgehogs being injured during the construction phase
- 23 Method statement for the control of Himalayan Balsam
- 24 Open hours – 7 days/week
Shops 9am – 5pm
Restaurants 12.00 noon – 11pm
Café's 8am – 6pm
- 25 Detail of gabion and railings
- 26 Landscaping both hard and soft including, detailed riverbank planting proposals, details of the green wall system along with its planning design and future maintenance arrangements, shrub planting around the base of the car park walls, species, sizes and locations for proposed trees including tree pit preparation in hard and soft areas, riverside retaining walls, paving materials and colours, railing types/locations, proposed tree grilles, seating opportunities and lighting locations
- 27 Details of cycle storage areas

- 28 Specification and manufacturers details of the proposed external lighting**
- 29 A revised landscape/public realm design proposals plan to clearly show the location/extent of all features and include a key**

Informative

- 1 Para 38 of the NPPF**
- 2 Wyche House Bank stopping up order on the public highway**
- 3 Cadent gas informative**
- 4 Land drainage consent**
- 5 Construction hours**
- 6 Environment Agency advice**
- 7 PROW**