

Application No: 13/4121C

Location: Former Twyford Bathrooms Ltd, Lawton Road, Alsager, Stoke-On-Trent, Cheshire, ST7 2DF

Proposal: Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C)

Applicant: Sainsbury's Supermarkets Ltd & Lagan (Alsager)

Expiry Date: 31-Dec-2013

SUMMARY RECOMMENDATION

Approve subject to the completion of a S106 Agreement and the imposition of planning conditions

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 3.28 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

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

2. DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces.

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

3. RELEVANT HISTORY

12/0800C - Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works – Withdrawn 23rd May 2012

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

11/4390C - Application for Planning Permission for a Three Arm Roundabout and Access Road – Withdrawn 13th September 2012

11/4109C - Outline Planning Permission with some Matters Reserved for up to 335 Residential Units – Approved 21st November 2013

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation
GR21- Flood Prevention
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

National Policy

National Planning Policy Framework

Other Considerations

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

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport
CO 4 – Travel Plans and Transport Assessments
EG 3 – Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

5. CONSULTATIONS (External to Planning)

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

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site, via the existing surface water drainage system. For discharges above this, attenuation will be required for up to the 1% annual exceedence probability event, to include allowances for climate change.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate
- The following conditions are suggested;
 - A scheme to dispose of and limit the surface water run-off generated by the proposed development
 - A scheme to manage the risk of flooding from overland flow of surface water
 - Scheme to install the underground tanks associated with the petrol filling station
 - Disposal of surface water
 - The submission of a contaminated land assessment
 - A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation
 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

United Utilities: No objection subject to the following;

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

Strategic Highways Manager: There is an access strategy for the extant permission and the retention of the existing Twyford's facility from Lawton Road, Alsager with a masterplan option to serve part of the residential development from a new roundabout access from the A5011 Linley Lane which is proposed to serve the Sainsbury's foodstore development.

The store would provide 302 car spaces including for disabled and parent/child and this meets the maximum provisional standards under CEC guidance.

The site would take service vehicle access from the proposed roundabout junction and this is segregated from the public car park areas. Access tracking for heavy commercial vehicles has been resolved.

The site would include for a petrol filling station and this also has an appropriate access strategy served via the access road to the main car park area.

The proposed development is supported by a Transport Assessment which has been the subject of much negotiation and to which the Strategic Highways Manager has now negotiated

a resolved position with regard to: traffic generation, traffic impact mitigation and improvement to local highway network areas.

The Strategic Highways Manager has concluded that the development has been appropriately assessed and provides suitable mitigation of traffic impact such that subject to appropriate: conditions, financial contributions and informatives there will be no sustainable highway objections.

The applicant will provide the following:

- Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
- Prior to first use all access roads and car parking will be constructed and formally marked out.
- Prior to first use the agreed junction improvement at the A5011/A50/B5077 cross-roads will be fully implemented. This will form part of the off-site highway works.
- Prior to first use the proposed roundabout access junction will be fully implemented. This will form part of the off-site highway works.
- Prior to first use the developer will fully implement the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads. This will form part of the off-site highway works.
- Prior to first use the new bus stops on the A5011 will be fully implemented the associated bus service improvements in operation. This will form part of the off-site highway works.
- Prior to first use the associated new bus service improvements will be in operation.
- Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.
- The developer will provide a capital sum of £5,000.00 for 5 years annual monitoring of the Travel Plan and will prepare an annual report on targets and achievements for each review. The monies will be secured via a Section 106 Agreement.
- The developer will provide a sum of £25,000 for the upgrade of two local bus stops to quality partnership standards. These monies will be secured via Section 106 Agreement.
- The developer will provide a sum of £198,000 for the provision of the agreed new bus service for the site. These monies will be secured via Section 106 Agreement.
- The developer will provide a sum of £30,000 for identified local traffic management issues. These monies will be secured via a Section 106 Agreement.

Environmental Health: Conditions suggested in relation to hours of construction, pile driving, environmental management plan, noise impact assessment, external lighting, secure car parking, electrical vehicle infrastructure, biomass boiler, dust control and contaminated land.

Natural England: The application does not fall within the scope of the consultations that Natural England would routinely comment on. For guidance on protected species refer to the Natural England standing advice. The development could impact upon a Local Nature Reserve and for advise the LPA should seek views from the CEC Ecologist. The application may provide opportunities for biodiversity enhancements such as bird nesting boxes and roosting bats.

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Public Rights of Way: The application proposes a pedestrian and cyclist access to the proposed store from the residential area to the north of the site. This access would form an important link to provide active travel and sustainable transport options for both staff and customers, and will require co-ordination across this and the adjacent development. The legal status and future maintenance of this route will require the agreement of the Council's Highways section.

The provision of 5 hoops for cycle parking under the canopy of the store is noted, should that number be deemed adequate for the anticipated usage. The allocation of suitable space for additional covered cycle parking may be prudent.

Sustrans: If this land use is permitted by the local community, and the council's planning committee, Sustrans comments are as follows:

- Sustrans are pleased to see the proposal for a footpath link across the car park from the store entrance to Linley Lane, and also the zebra crossings in the car park.
- Also, the proposal for a future pedestrian/cycle connection to the north side of the site is an important one; it should be designed to the highest standard and not be lost in any changes to ownership/land use on the north side.
- Can the development contribute to improving the adjacent path to the railway station?
- Sustrans are pleased to see reference to cycle parking for customers under the store canopy. The store should also provide cycle parking in a secure, under-cover position for those staff who wish to cycle to work.

Network Rail: The following conditions are suggested:

- The submission of a risk assessment and method statement
- Suitable Boundary treatment to the railway
- Surface water and foul drainage details to be agreed
- Full details of ground works, earthworks and excavations

Newcastle-under-Lyme Borough Council: No objection to the application

6. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: The Town Council has no objection

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

- The Parish Council's main concern is the adequate and safe access from the highway to the proposed site.
- The Parish Council has concerns about traffic issues in relation to the proposals, both in terms of the safety impact of increased traffic on the main road, particularly at times when the M6 is closed and that road is used by diverted traffic. Also because of a potential "rat run" for traffic which could be tempted (in order to avoid congestion) to divert from the main road through the roads of the proposed adjoining housing estate (no matter how such a route through the residential estate might be engineered to make it less attractive to through traffic).
- Linley Road is used not infrequently as an alternative route by drivers when there has been a closure or partial closure of the M6 Motorway in the locality. The Parish Council question whether or not adequate account has been taken of the pressures exerted by such additional

traffic flows. In particular, whilst roundabouts do generally maintain traffic flows during off peak times, at peak times they can cause significant tail backs. Also the Parish Council would ask whether proper consideration has been given to how the proposed roundabout would operate in conjunction with the traffic lights controlling the nearby B5077 (Crewe Road) and A5011 (Linley Lane) junction, particularly during peak times.

- There is also concern regarding the heavy goods vehicles which use this road and the number will presumably increase if a supermarket is built on this site.
- There is a rise from Lawton traffic lights which obviously reduces the speed of such vehicles until they reach the top, presently after this, they can pick up enough speed to take the next rise which occurs after the railway bridge. If they have to stop for the roundabout they will of course not be able to build up the speed for the next rise and therefore will slow down the traffic flow.
- The other disadvantage of the rise is that the roundabout will not be visible from the traffic lights until the rise is reached.
- The Parish Council therefore recommends that the only access for the proposed supermarket is via the existing Twyford's entrance/exit on Lawton Road.
- The other safety concern is the location of the proposed bus stops.
- The proposed site plan shows bus stops on both sides of the road on Linley Lane.
- Creating bus stops on this road would further impact the traffic flow as highlighted above.
- The Parish Council also feels it would be dangerous for pedestrians to attempt to cross such a busy road.
- Bearing these safety concerns in mind the Parish Council would recommend that any bus stops are situated on the Supermarket site to avoid congestion & to ensure public safety.
- The proposed site plan shows a bus turning area located to the rear of the site. The Parish Council strongly recommend that bus stops are located the within the turning area.
- It is felt this would also encourage customers to maximize the use of public transport and to facilitate their convenience.
- A final point is that the application does not state the opening hours of the petrol station. The Parish Council would like clarification of the opening hours. Consideration should be made that the proposed Supermarket will be situated in a residential area.
- The Parish Council hopes that all these matters will be thoroughly considered.
- Church Lawton Parish Council wish to register their concerns regarding the culvert which runs beneath the site of the above application as there has recently been flooding incidences of the carriageway beneath the railway bridge in Linley Lane, Church Lawton resulting from the level of the stream, classed as a small Ordinary Watercourse which is a tributary to Lawton Brook, running beneath the roadway, rising and surcharging through the road gullies.
- Investigations would indicate that the problem is in the area of the inlet to the culvert through which the watercourse runs for most of its length through the former Twyford's site, possibly a partial blockage of the debris screen as a result of heavy rain but this cannot be verified due to the overgrown vegetation covering the area.
- It is noted that the culvert is included in the Cheshire East Council, Strategic Flood Risk Assessment, Final Report, August 2013, page 48 – Twyford's Strategic site. This document recommends that a detailed site specific Flood Risk Assessment (FRA) should be carried out to assess the actual level of risk associated from the Ordinary Watercourse. A Site investigation should also be carried out to assess the condition of the culvert in order to inform this assessment and includes reference to opportunities to de-culvert the watercourse should be assessed as part of the site FRA.
- The Sainsbury's Planning Application includes a Site Specific Flood Risk Assessment produced by Hadfield Cawkwell Davidson dated 22 August 2013 which makes various

references to this culvert regarding the existing (Page 3, section 2.04) and future (Page 6, sections 9.07 & 9.08, Page 7, section 9.09) discharge of surface water into the culvert, also opening up a section inside the site boundary adjacent to Linley Lane (Page 4, section 5.03). Included as Appendix C is a Culvert Topographical Survey together with CCTV reports produced by Malcolm Hughes Land Surveyors in November 2011. It is noted on the Culvert Survey Plan number 13990/1 that the note 'Unable to gain safe access' has been made at the inlet channel location, no doubt due to the danger from the overgrown vegetation in the area and the risk of falling into the inlet channel. It can only be assumed that the brickwork inlet channel and debris screen were not inspected at this time but no mention of this appears to be included in the survey report.

- It is the Parish Council's view that any development should not have a detrimental effect on the operation of the culvert and there should be conditions applied to any decision for approval of the application that would ensure regular routine maintenance to prevent future flooding of Linley Lane.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 58 households/local businesses raising the following points;

Principal of Development

- The site should be retained for industrial use
- The proposal is contrary to the advice contained within the NPPF
- No need for a supermarket
- There is a Tesco Store within 2 minutes of the site
- The site is in a un-sustainable location

Retail Impact

- Detrimental impact upon Alsager Town Centre
- Alsager cannot support this proposal and the Co-op
- This development will create unfair competition to small stores
- Serious impact upon trade
- There would be a reduction in the number of people visiting the town centre
- Potential job losses in Alsager Town Centre
- Reduced footfall in Alsager Town Centre
- There will be no linked trips despite the claim of Sainsbury's
- The proposal will destroy the community feel of Alsager
- Impact upon local businesses
- The site would be more suitable for housing instead of Greenfield sites
- Businesses in the town centre will close
- Increased number of empty units in Alsager
- The Co-op has only recently extended
- Some units within the Co-op development remain vacant
- The proposed store includes a café and will encourage shoppers to visit the proposal rather than the town centre
- Other towns have suffered from supermarket development
- The proposal will not serve the community like local stores
- Jobs will be lost in Alsager Town centre
- There are many supermarkets within a 5 mile radius of the site

- The development will create a ghost town in Alsager
- There is a significant level of objection amongst local businesses
- The application site is too far from the centre of town
- Drop in footfall in Alsager Town Centre (other towns have seen a reduction in the region of 30%-60%)
- Great concern to independent traders
- The closure of town centre shops will affect the elderly population who shop in Alsager
- Impact upon the town centre Co-Op
- Alsager will become a ghost town
- Loss of businesses in the Town Centre
- Loss of jobs in the Town Centre
- The new store is not needed
- Increase in empty units in the Town Centre
- The Government is discouraging out of town retail development

Highways

- Increased traffic congestion
- Increased vehicular movements
- Highway safety
- The roundabout would be dangerous
- The store will be dependent on customers using the private motorcar
- The access is located in an accident black spot
- A footway/cycleway should be created to link the site to Alsager Train Station
- A footway/cycleway should be created over the railway to the Linley Estate

Drainage

- The existing highway suffers from flooding

Letters of support has been received from 160 households raising the following points;

Principal of Development

- Support the new store
- If people want to use the existing shops in Alsager they will still be able to do so
- Competition to existing shops
- Reduce the need to travel elsewhere
- The development will help the local economy
- There would be job creation
- Residents currently have to travel to other towns as far as Newcastle and Nantwich to do a weekly shop
- The new houses approved in Alsager require shopping facilities
- Increased linked trips to Alsager
- Increased employment
- A petrol station is needed in Alsager
- Inadequate retail offer in Alsager
- The new co-op is not adequate
- The proposal will reduce the carbon footprint of residents as they will not have to travel as far to shop
- The application site is a brownfield site
- The development will add value to/enhance Alsager

- The site is within walking distance for residents
- Good for the growing community
- The site is on a bus route
- The development should include a footbridge across the railway
- Traffic calming measures are required along Linley Lane to reduce the speed of vehicles
- S106 monies should be spent on improving the existing play areas

Retail Impact

- Promote healthy competition with the Co-op
- An alternative retail offer is required in Alsager
- The Sainsbury store would reduce trips to Crewe
- The store would not have an adverse impact upon Alsager Town Centre
- The new Co-op has not damaged the town centre
- The new housing proposed in the area will also benefit from the proposed development
- The proposal will enhance Alsager
- The proposal will attract people to Alsager from the surrounding areas of Kidsgrove, Rode Heath and Sandbach
- The residents of Alsager deserve greater choice
- Competition between stores will drive prices down
- Increased variety of goods will be available in the Sainsbury's store
- The Co-op has limited stock and expensive prices

A letter of representation has been received from Cllr Fletcher which states as follows:

I have received many requests from local people to support this application because at present they have to travel out of Alsager, many of them into Staffordshire, to have a reasonable choice of food shopping at affordable prices. I understand that Planning Guidance is against out of town shopping supermarkets that could effect local small businesses, however since most Alsager people already drive out of Alsager to do their main shopping and then go round the shops in Kidsgrove, Newcastle, Hanley etc. Will the proposed Sainsbury's Supermarket be detrimental to small businesses in Alsager or could it actually be helpful? I was one of the many Alsager Town Councillors who voted NO OBJECTION at the Town Council meeting in fact only two opposed this and one of them was on Coop's regional committee. Incidentally I should declare that I am a member of the COOP.

A letter of objection has been received from Alsager Chamber of Trade which concludes as follows;

- The Alsager Chamber of Trade wish to make it clear that they are not opposed to the development of the site for appropriate use and those that support the long term sustainability and well-being to the town and its inhabitants. The Alsager Chamber of Trade recognise the need for change and we are already working together with residents and businesses to consider appropriate and deliverable alternatives.
- The Alsager Chamber of Trade have already supported in principle the development of housing and would support a small convenience store (such as the Spar store located at the other end of the town) to meet the needs of residents in that housing development.
- The scale of the proposed development is disproportionate to the long term needs of not only Alsager but also other local communities. It is the Chamber of Trade's belief that such a development will undermine current and future initiatives to deliver the required balance of choice, competition and sustainability.

- On the basis of the evidence available and in representing the needs of the many over the few, the Chamber of Trade formally object to the application and urge the Cheshire East Council to refuse it on the planning reasons outlined above as well on the likely negative impact on the local communities affected by the new development.

A letter of objection has been received from Alsager Partnership which concludes as follows;

- The Partnership, as a Town Team Partner, actively supports and embraces the recommendations of the Mary Portas report commissioned by the DCLG. The Partnership are engaging in activities to regenerate the town centre, which includes the full involvement and support of Cheshire East Council and Alsager Town Council. The Partnership acknowledge that the town has a slightly lower - than average vacancy rate of 7% from our own AMT-i research. The Partnership would however assert that this due to reasons already stated, to the recent town centre Improvements and to the significant work and investment from the Partnership, volunteers, businesses and our local authorities over the last few years in public realm improvements, events, support for businesses and a community which support its town centre. The Partnership have proven success and ask for the opportunity to continue. In our view a site at Twyfords will affect this dramatically by drawing shoppers in cars, out of the town centre to a stand alone out of town location. The proposed development threatens to undermine all of the work done so far, and that which is planned; to harness the town's potential.

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

- The position of the Co-op remains unchanged by the revised survey findings provided by Turley Associates and consequent additional commentary by Turley Associates (TA). Planning permission should still be refused in consideration of relevant LP policies and the NPPF.
- TA contest that the investment in the new store has been a failure as it has not stemmed 'outflow of expenditure'. The Co-ops evidence shows that the store has provided Alsager with a step change in provision which has resulted in the changes to the performance of the store reflective of the extended offer and improved environment.
- More customers are visiting the store and spending more per transaction which is a significant improvement for the town centre. To simply advocate at this early stage to undermine the future performance of the town centre store is afforded no planning policy support.
- The Co-op provide further evidence to discredit any assertions by TA that the proposed Sainsbury's store could lead to a significant inflow of expenditure to the town centre. The Co-op's case is substantiated case study evidence as well as research considering this very issue.
- The Co-ops consideration of trade diversion is also supplemented by additional evidence which compels CEC to consider that the outturn estimated by TA could be misjudged and that a far more extreme loss of trade and subsequent footfall from the town centre and the Coop store is a more robust eventuality.
- This is to be considered in full at the planning application stage and the applicant's judgements not merely accepted.
- CEC have no grounds upon which to amend their planning based judgement on the proposals. They have held a consistent position within the borough previously in respect of out of centre development and have been willing to defend through to public inquiry level.

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

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

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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

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

The new National Planning Policy Guidance (NPPG) sets out how the tests within the NPPF are to be interpreted and implemented. The main points relevant to assessment of the application proposals are as follows:

- *When should the impact test be used; the NPPG states that as a guiding principle, impact should be assessed on a like-for-like basis as;*
 - *It may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly.*

- *Retail uses tend to compete with their most comparable competitive facilities.*
- *Assessing the impact of relevant application on town centre developments or investments in progress; key considerations include:*
 - *The policy status of the investment (i.e. whether it is outlined in the Development Plan);*
 - *The progress made towards securing the investment (for example if contracts are established); and*
 - *The extent to which an application is likely to undermine planned developments or investments based on the effects on current / forecast turnovers, operator demand and investor confidence.*

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

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

Policy EG5 (Promoting a Town Centre First Approach to Retail and Commerce) as contained within the Local Plan Strategy Submission Version states amongst other things that *'Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will only be considered where:*

- *There is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- *It is demonstrated that the tests outlined in the current Government guidance can be satisfied'*

The site is an existing employment site within the settlement zone line for Alsager. Policy E.10 does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses. It is considered that this policy is largely consistent with Policy EG3 (Existing and Allocated Employment Sites) as contained within the Local Plan Strategy Submission Version.

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

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or

buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'

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

Sequential Test

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

- Existing vacancies within Alsager and Kidsgrove Town Centres
- Land to the northwest of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street and north of Market Street, Kidsgrove
- Land between Liverpool Road and the Railway, Kidsgrove
- Linley Trading Estate, Linley Road, Talke
- Other opportunities in Alsager

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

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

The site with an approval at Linley Trading Estate is considered to be too small to accommodate the proposed Sainsburys Store. Furthermore the appeal decision for this store includes a condition to prevent it being occupied or operated by Tesco, Sainsburys, Asda or Morrisons.

The Council has obtained advice from a retail planning consultant who has considered the sequential test and he states that:

'I remain of the view that proposal is a poorly accessed out-of-centre location but there appear to be no sequentially superior in, edge or out-of-centre sites in Alsager or Kidsgrove. In the case of Kidsgrove the sequential sites were tested at the planning inquiry that approved the Linley Estate proposal in Talke and they were found to fail one or more of the three tests of the sequential assessment in relation to that smaller supermarket development'

And

'I now consider that the proposal satisfies the sequential assessment to site selection on the basis of information provided by the applicant, the Council and neighbouring authorities'

Given the conclusions made by the retail consultant it is considered that the sequential test has been met.

Impact Assessment

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

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.

Impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal

The relevant test of the NPPF specifically requires an assessment of the impact on an existing investment within a centre, whilst the recently published NPPG only refers to criteria for assessing wider town centre developments that are planned or in progress.

In this case Alsager has had a significant existing investment made by the Co-Op redevelopment of its existing foodstore together with the provision of some small additional units and enhancements to the public realm within the town centre.

The Councils retail consultant considers that the investment has improved the physical environment of Alsager Town Centre but has not in pure quantitative terms facilitated a *'significant step-change/improvement in the main food market share performance of the town centre as a whole'*.

The view of NJL (the consultants acting on behalf of the Co-Op) is that the significant investment made should be given time to mature for a period of 5 years. Whilst this corresponds with the NPPG (which states that mature trading patterns would usually be taken to be the second full calendar year post opening), the Councils own retail consultant advises that the critical balancing point is whether the store is likely to assume a more prominent main food shopping role to address the significant expenditure leakage from Alsager to the competing surrounding towns.

In relation to the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal the Councils own retail consultant concludes that:

'Whilst this increase in performance will ultimately depend on variables such as the range and quality of goods available as well as competitiveness on pricing, given that the Co-Op store has been open over 15 months and has not generated a significant increase in the town's overall market share performance to date, then it is our view that it may possibly not due to the existing preferences of local residents to undertake their main food shop elsewhere. Effectively therefore, the protection of the Co-Op investment has to (once again) be balanced against wider sustainability based issues relating to current main food shopping patterns and the need to adequately meet local residents shopping needs in full.

Ultimately, in simplistic terms, the investment has been made in Alsager town centre but has not, to date, achieved what it set out to do. There is no further planned investment with any formal development plan status'

The view of the Councils retail consultant are accepted in this case and it should also be noted that a large proportion of the letters of support received in relation to this application support the view that local residents do have existing preferences to shop elsewhere.

The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

There has been significant debate about the likely catchment that the proposed store will serve. It is the Councils retail consultant view that the trade draw assumptions made by the applicant's agent Turley Associates (TA) are entirely appropriate having regard to the existing provision and local geography.

A store of the scale and quality proposed is likely to draw 95% of its trade within the primary catchment area which effectively covers Alsager, Talke, the western part of Kidsgrove, Rode Heath and Scholar Green.

In support of this application an updated household survey has been undertaken (post Co-Op). It is the Councils retail consultants view that there is a *'significant case for enhancement of the main food market share (via 'clawback')*' The Councils retail consultant advises that in light of the catchment being drawn tightly to the town it should be ordinarily retaining circa 75% - 80% of main food expenditure arising within it. The current level of 15% main food retention level within the Alsager catchment is extremely low and generates unsustainable shopping patterns with residents travelling to Kidsgrove and further afield to do their main food shop. The Councils retail consultant view is that;

'the existing offer within Alsager town centre, including Co-Op, is not meeting the needs of the significant majority of local residents in quantitative and qualitative terms'

Furthermore it should also be noted that Alsager is identified within the Submission Version of the Local Plan as a key service centre and a strategic growth location where a significant number of new homes (1,600) are to be located over the emerging plan period.

The Council's retail consultant then goes onto state that:

'it is clear that the long identified 'need' for appropriate convenience provision in Alsager is only going to increase over time. Reflecting the 'golden thread' of sustainable development which runs through NPPF, the draft plan makes significant references to sustainability and the requirement to manage patterns of growth. Significant weight therefore will need to be attached by the Council in its overall planning assessment to the desirability to maintain the vitality and viability of the town centre against resolving current unsustainable main food shopping patterns'

Whilst there is a clear clawback justification for a new foodstore in the town to address the current unsustainable main food shopping patterns the critical point for consideration is whether the trade draw from existing convenience provision with Alsager Town Centre would be 'significant adverse'.

Adopting a pro-rata approach to quantify trade draw, TA adjudge that 45% of the proposed store turnover (circa £10m) will be derived from the Alsager catchment and that 14.5% (£1.1m) of this proportion will be diverted from the Co-Op store. In relation to this issue the Councils retail consultant advises that:

'the trade diversion from the Co-Op store currently assumed by TA is low and does not reflect a realistic or 'plausible' scenario. If it was the case that the Co-Op store was only performing a minor main food shopping function then it would be accepted that the trade diversion impact of the proposed Sainsbury's store would indeed be limited.

However, in this instance, it is clear from the household survey results that the Co-Op, despite the quantitative and qualitative deficiencies which TA emphasise, still performs a main food shopping function for c. 15% of local residents in Alsager (albeit limited in the context of the existing leakage from the town).

Consequently, whilst TA place great emphasis on the 'like affects like' principle in justifying its trade diversion assumptions, given that the Co-Op is the nearest comparable competitive main food shopping destination in the Alsager catchment, it is our view that the proposed new out-of-centre Sainsbury's store will provide an attractive, alternative main food destination for local residents on the quantitative and qualitative grounds to which TA ultimately promote the store on (the Sainsbury's 'offer' in terms of full range of goods, customer facilities etc.). Whilst there will be some brand loyalty, there is a real prospect that the Co-Op store would become a secondary top-up shopping based destination at best.

On this basis, having regard to the nature of the Sainsbury's proposed offer, it is our view that a significant proportion of the existing c. 15% of local Alsager residents who currently undertake their main food shop at the in-centre Co-Op will divert to the new Sainsbury's store. It is our view that 25% (c. £2.2m) of the proposed Sainsbury's store main food turnover derived from the Alsager catchment (survey zone 1) being drawn the Co-Op store would be more realistic and plausible; this would constitute an additional c. £1.1m of trade being drawn from the Co-Op above the current TA impact assessment.

The resultant impact against existing (survey-based) turnover of the Co-Op would be in the order of c. 31.5% with the store achieving a (survey-based) turnover of c. £6.6m; this would be c. £2.7m below expected Co-Op company benchmark.

The trade diversion figure (c. 31.5%) from the Co-Op is therefore clearly significant in 'pure' quantitative based terms. However, the balanced judgement to be made is to whether this level of impact is significant adverse on the ongoing trading viability of the store in the first instance and thereafter the impact on the town centre as a whole (with the latter being the primary point of assessment in accordance with NPPF)'

In terms of the impact on Alsager town centre as a whole, the assessment needs to take account of the reduced footfall/loss of linked trips, increased vacancies and a more down market offer.

In relation to reduced footfall and loss of linked trips there is a difference of opinion between the agents acting on behalf of Co-Op and Sainsbury's. In this case the Councils own retail consultant acknowledges that there is a potential for both due to significant trade diversion but there is '*no robust evidence available*'. The Councils own consultant also acknowledges that the '*Co-Op store is likely to benefit the town centre in terms of linked trips given its location and also surface car park. However, there is a varied mix of service uses within the town centre and if it is the case that local residents are primarily visiting these facilities (e.g. bank, building society etc.) as part of their current main food shopping trip to Co-Op then it is possible that this activity will continue should shoppers divert to the out-of-centre Sainsbury's store*'.

Alsager Town Centre has been subject to several health check based assessments and the results show that vacancy levels are below the national benchmarks and that there is a variety of convenience, comparison and service based uses within the town centre. In relation to this issue the Councils own retail consultant concludes that:

'There is no robust evidence available that the current vitality and viability of the town centre is solely underpinned by its convenience shopping function or that any trade diversion to Sainsbury's would significantly increase vacancies or generate a more 'down market' offer. It is GVA's view that the impact on the town centre as a whole cannot be concluded to be significant adverse'

Retail Conclusion

In terms of the retail impact there are two main competing issues in this case. On the one hand there has been significant investment within the Town Centre Co-Op and on the evidence available the Councils retail consultant considers that in quantitative terms this will be bordering on 'significant adverse' which is contrary to Paragraph 27 of the NPPF, but there is a lack of evidence as to whether the overall direct and indirect impacts on the Co-Op and Alsager Town Centre will be significant adverse.

This 'significant adverse' impact needs to be balanced against the requirement for a new mainstream food store in the town to address the existing unsustainable main food shopping patterns (85% of main food shopping expenditure generated in Alsager is directed to destinations further afield in Crewe, Kidsgrove and North Staffordshire). A no-development scenario would mean that the existing unsustainable, predominantly car-borne main food shopping trips are maintained and potentially worsening over time and this has not been rectified by the recent Co-Op investment. In this case it should be noted that the Twyfords site is considered to be sustainable within the Local Plan Strategy Submission Version.

The NPPF requires that the retail needs are met in full and it is the Council's retail consultants' view that these needs are not being met. The NPPG requires that judgements on whether the likely adverse impacts are significant can only be reached in light of local circumstances.

In this case a very finely judgement has been made and it is considered that maintaining the local unsustainable shopping patterns would be contrary to the overarching 'golden thread' of the NPPF and meet the environmental and social role of sustainability, and this would outweigh the significant adverse quantitative impact upon the existing in-centre Co-Op the economic role.

Loss of Employment Land

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

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

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

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

Landscape

The development, together with the new roundabout and associated highway alterations, would result in the removal of roadside vegetation for a length of some 150 metres, opening up views

to the supermarket and the wider site. The submission includes soft landscape proposals but limited information on hard landscape proposals/materials and no boundary treatment details.

The roadside vegetation in particular would have provided a degree of screening from the outset of development. Nonetheless, in the context of the development proposed, the detailed soft landscape proposals provided appear reasonable in so far as they extend.

The Design and Access Statement indicates that the supermarket service yard and car park will be recessed into the landform to reduce their visual prominence and will be screened by proposed new boundary planting, landform modifications and an acoustic barrier for the service area.

The proposals for the wider site recommended that the culverted stream through the site was opened up, in order to enhance the ecological value of the watercourse and provide a landscape feature. This is considered to be an acceptable approach subject to the imposition of a condition to secure details of the retaining walls.

In the event of approval further details will be required of boundary treatments, proposed retaining structures, street furniture and lighting. Implementation of the submitted landscape proposals should also be covered by condition.

Highways Implications

Proposed Access

The store would be accessed via a proposed three arm priority controlled roundabout which would be located onto Linley Lane. The proposed detailed design for the roundabout junction on the A5011 has been considered in detail and has been the subject to a Road Safety Audit assessment which has been shown the proposal to be acceptable. The roundabout design meets all requirements for: forward visibility and other design criteria and will be the subject of a Section 278 Agreement under the Highways Act 1980 as off-site highway works.

Transport Impact

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

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

The Transport Assessment predicts that the proposed store would generate 257 two-way vehicle trips during the weekday AM peak hour (08:00 – 09:00), 469 two-way trips during the PM peak hour (16:30 – 17:30) and 659 two-way trips during the Saturday peak hour (11:30 – 12:30). Due to the location of the site off the A5011 Linley Lane, the TA states that the trips *'would not be entirely new trips on the highway network, rather a proportion of the trips would already be present on the local highway network and their trip to the proposed Sainsbury's store*

would simply represent a deviation of an existing trip. This is particularly the case with trips generated by foodstores during network peak hours'.

The Transport Assessment identifies a necessary contribution to provide traffic management measures on the A5011 Linley Lane for traffic regulation orders related to speed management. This sum is agreed at £30,000 and will be secured via a Section 106 agreement.

There is also a proposed improvement to the traffic signal junction at the Crewe Road/Lawton Road/Sandbach Road (A5011/A50/B5077) cross-roads which has been the subject of some negotiation. This along with other traffic aspects of the development have been the subject of a further Technical Note which has satisfactorily addressed highway authority concerns regarding the local management of generated traffic and pedestrian accessibility. The Strategic Highways Manager has considered in detail the proposed operation of the traffic signal junction at the A5011/A50/B5077 junction in relation to the Sainsbury's development proposal and when taking account of likely distribution and assignment to the store, and all mitigation measures (traffic and sustainable transport), the proposed solution for the operation of this signal junction is considered acceptable.

Non-car accessibility

The site is shown to have options for accessibility in all four major areas: pedestrian, cycle, bus and train. It is also noted that the advice in the GTA requires developers to promote the use of sustainable transport options. In addition and in accordance with requirements the developer is to provide improvements and financial contributions to upgrade and improve local sustainable transport options.

The development will provide a pedestrian cycle link which will connect back to the A5011/A50/B5077 cross-roads along the A5011 frontage and promote the sustainable credentials of the proposed development. The signal junction upgrade will provide for pedestrian phases.

There are local improvements to bus stop facilities on the A5011 Linley Lane to serve the store with sustainable link options and which will be included within the S278 works. The new bus stops on Linley Lane will serve this development and also the extant permission for the residential development which will have a sustainable link through this site.

There will however be a need to equip additional local bus stops at homebound destinations on the local network with quality partnership improvements for which a developer contribution will be sought. These improvements will be applied to the next nearest bus stops which require this upgrade. The sum required to achieve this upgrade is £25,000 and is required by the Strategic Highways Manager. This provisional sum will be secured via the S106 agreement for the site.

In addition the developer will be providing a new bus service locally to serve the site and increase its sustainable credentials. To this end the developer has negotiated with the bus service provider: D&G and the Glen Bubb (CEC) and a contributory sum for the provision of this service has been agreed at a level of £198,000. This contribution will be secured by a S106 agreement.

Amenity

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

Noise

The nearest residential properties are over 50 metres from the application site. The Environmental Health Officer considers that there is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from the proposed Sainsbury's store.

The Environmental Health Officer has requested that the applicant submits further information with regards to the following:

- Hours of deliveries to the store;
- Hours of operation of the biomass boiler;
- Deliveries of fuel to the biomass boiler;
- Details of fixed plant and equipment;

In this it is the view that the proposed development would generate less noise than the former industrial use of the site. The information requested by the Environmental Health Officer could be secured through the use of planning conditions.

Air Quality

The submitted air quality report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic flows. In addition, the report has considered the emissions associated with the operation of a biomass boiler which will provide energy for the proposed store.

There is concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, and thereby increased exposure.

Installations of biomass boilers, whilst being carbon neutral, can potentially have a local negative impact on air quality in respect of emissions of particulate matter (PM₁₀), and to a lesser degree nitrogen dioxide (NO₂).

The submitted assessment uses Breeze Roads (an Air Quality Model) to model NO₂ and PM₁₀ impacts from the predicted additional road traffic associated with this proposal and other permitted developments. The impact of emissions from the biomass boiler have been assessed using the formulae detailed within LAQM.TG(09) (DEFRA Statutory Guidance).

In addition, the applicant has submitted information which enables the local authority to screen the potential impact of the boiler on local air quality, in particular on local increases to concentrations of Particulates (PM₁₀) and Nitrogen Dioxides (NO_x).

In order to ensure that the boiler is not likely to cause an unacceptable increase (at ground level where sensitive receptors may be exposed) it is essential that the chimney serving that boiler be of an adequate height to ensure adequate dispersion of pollutants.

The Air Quality Impact Assessment (AQIA) concludes that impacts of both PM₁₀ and NO₂ associated with the operation of a biomass boiler are unlikely to exceed the relevant air quality objectives and further detailed assessment is not required.

Using the information provided by the applicant, a screening assessment undertaken by this Environmental Health Department shows that the proposed stack height is adequate to disperse such pollutants.

Therefore it is recommended the following conditions be attached to any permission for the scheme in relation to the biomass boiler:

- The biomass boiler will be associated with a written schedule of maintenance which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. The maintenance schedule shall be submitted to the local authority prior to installation.
- The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 (Fuel specification best practice) or a similar recognised standard. (The statement shall be obtained from the fuel supplier).
- There shall be no changes to the fuel type, specification or operation of the biomass boiler unless agreed with the LPA (excluding temporary use of substitute fuel in emergencies for a maximum, of 21 days in any one calendar year). Such use shall be notified to the local authority Public Protection and Health department.
- The stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.

Other issues

The issues of external lighting, construction hours, piling, construction management plan, dust mitigation and contaminated land will be dealt with by planning conditions.

Trees and Hedgerows

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

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

Design

The proposal is for a single storey (commercial scale) rectangular food store building located toward the western edge of the site, with a taller element located at the more prominent north-west corner of the building. A service wing encloses a service yard, which is to the rear of the site. The service access is proposed directly off the new access spine into the Twyfords site from Linley Lane. At the eastern boundary of the site, adjacent to the proposed new roundabout, it is proposed to site the petrol filling station and a drive through car wash.

The store is proposed to be orientated to the east, overlooking a substantial area of car parking but includes secondary frontages to the north and south facing elevations overlooking the car park and the access road. The car parking extends to the south of the site between the building and the boundary with the railway. In the south east corner, gas and electricity substations are being retained with access proposed from the car park.

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

The building is to be faced in timber, metal cladding, brickwork and glazing. In this case the final material finishes would be secured through the use of a planning condition and it is considered that the use of glazed ceramic bricks could be used to replace the timber cladding and to respect the previous use on this site and help to create a less generic appearance to the store.

The orientation and layout of the building has improved since the last application and now includes a taller corner element which would have a closer relationship to the access road and secondary frontages facing north and south. The service yard has been repositioned to the west (rear) of the unit with a reduced width onto the prominent access road. This is considered to be a substantial improvement on the last application.

The area of public realm created to the north of the building spanning the access into the site is positive and overcomes concerns that the public realm 'entrance mat' into the site was quite mean and a bit of an afterthought. The solution indicated in the landscape information provides the opportunity to create a much more link between the food store and the future housing site. However, this needs to be designed as a shared space scheme in order to accomplish this (which will need to be agreed with highways). The quality of the materials palette will also be essential to the success of this space in public realm terms.

The extent of landscaping around and the trees within the car park and on the road frontage of Linley Lane will help to create a softer setting for the store.

Ecology

Bats

No buildings or trees with any significant potential to support roosting bats were identified on site during the survey. The proposed development is therefore unlikely to affect roosting bats. There may be some loss of foraging habitat associated with the loss of vegetation on the

eastern boundary of the site. However, this is not likely to have significant impact on the species of bats known to be active on the site.

Birds

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

Other Protected Species

An updated survey has been provided in relation to other protected species and this identifies that an outlying sett of another protected species has been identified as part of the surveys on this site. To mitigate the impacts of the development the submitted report recommends the closure of the sett under a Natural England license and the construction of an artificial sett in the woodland to the north of the application boundary. This approach is accepted by the Councils Ecologist and will be secured through the imposition of a planning condition.

Flood Risk and Drainage

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

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

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

The Environment Agency has raised no objection to this development subject to the imposition of a number of conditions.

The culvert which runs through the site would be partly opened up as part of this development and would provide biodiversity benefits.

Renewable Energy & Sustainability

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a wood pellet

Biomass Boiler this would be installed to provide heating and hot water. The Biomass Boiler has been calculated as providing an energy consumption saving of 35.9%.

The site is considered to be sustainably located within the Local Plan Strategy Submission which states that *'there is good access to the site by road from the town and the A50 and by public transport services along Crewe Road'*.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case the following highways contributions will be required:

- £5,000 Travel Plan Monitoring
- £25,000 For the upgrade of two local bus stops to quality partnership standards
- £198,000 for the provision of the agreed new bus service for the site
- £30,000 for identified local traffic management issue

The contributions of £30,000 for traffic management issues is identified within the applicants own Transport Assessment and is necessary along Linley Lane, it is directly related to the development and fair and reasonable.

In order to improve the sustainability credentials of the site and to ensure that the site is accessible by public transport, it is necessary to secure the provision of a bus service to serve the site, the provision of new bus stops and a travel plan monitoring sum. These contributions are directly related to the development and fair and reasonable.

10. CONCLUSIONS

The site is located within the Alsager Settlement Boundary and relates to an out-of-centre supermarket. The application satisfies the sequential test.

In this case a very finely balanced judgement has been made. It is considered that maintaining the local unsustainable shopping patterns would be contrary to the overarching 'golden thread' of the NPPF. The development would meet the environmental and social role of sustainability, and this would outweigh the significant adverse quantitative impact upon the existing in-centre Co-Op the economic role.

The design and layout of the store has seen significant improvements since the last application and is now considered to be acceptable.

The information contained within the Transport Assessment is considered to be adequate and an acceptable highways solution has been negotiated as part of this development.

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

The application is considered to be acceptable in terms of flood risk and drainage.

The development would not have a detrimental impact upon residential amenity including air quality.

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

11. RECOMMENDATIONS

APPROVE subject to completion of a Section 106 Legal Agreement to secure the following:-

- £5,000 Travel Plan Monitoring
- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- £198,000 for the provision of the agreed new bus service for the site sum to be paid prior to commencement of development
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

And the following conditions

1. Standard Time – 3 years
2. Approved Plans
3. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
4. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
5. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
6. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the

local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9. Contaminated Land
10. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.
11. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil
12. Construction Management Plan
13. External Lighting Details
14. Hours of Deliveries to the Store and Biomass Boiler to be submitted and agreed
15. Hours of Operation of the Biomass Boiler
16. Details of Fixed Plant and Equipment
17. Scheme of security barriers for the proposed car park
18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.
19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.
20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA
21. The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.
22. Dust mitigation measures during construction
23. Prior submission and approval of materials
24. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
25. Nesting Bird Mitigation Measures
26. Mitigation recommendation of the 2014 Badger report to be secured
27. Boundary Treatment Details including details of all retaining structures
28. Tree protection measures
29. Arboricultural Method Statement
30. Implementation of the submitted landscape proposals
31. Cycle Parking Details
32. The net sales area shall be limited to 2,322sq.m
33. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.

- 34. Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.**
- 35. Prior to first use all access roads and car parking will be constructed and formally marked out.**
- 36. Prior to first use the developer will fully construct the off-site highway works: proposed roundabout access junction, the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads, the new bus stops on the A5011 and the agreed junction improvement at the A5011/A50/B5077 cross-roads**
- 37. Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

100 THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. DO NOT DIMENSION FROM THIS DRAWING.



0 25 50m
1:1250

APPROX SITE AREA: 850 Approx 2.136 Hectare

DATE: 11/07/2011
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1:1250

PLANNING

Sainsbury's

LINLEY LANE
ALSAGER

LOCATION PLAN

DATE: 11/07/2011
SCALE: 1:1250
DRAWN BY: [Name]

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SCALE: 1:1250
DATE: 11/07/2011

