

Application No: 15/4316C

Location: Former Twyford Bathrooms Site, LAWTON ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DF

Proposal: Variation of Condition 15 (hours of delivery) and Removal of Condition 16 (hours of operation of the biomass boiler) on Approval 13/4121C - 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

Expiry Date: 21-Dec-2015

#### **SUMMARY**

The variation of condition 15 and the removal of condition 16 would not raise any detrimental amenity impacts and as such the variation/removal of the conditions is considered to be acceptable.

There will also be a requirement for a deed of variation to the S106 Agreement to the original application and this is included within the recommendation below.

#### **RECOMMENDATIONS**

**Approve subject to the completion of a deed of variation to the S106 Agreement to application 13/4121C.**

#### **PROPOSAL**

Application 13/4121C gave full planning permission 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.

This application seeks to vary condition 15 and remove condition 16 attached to planning permission 13/4121C. The conditions state as follows:

15. Prior to the first occupation / opening of the store the hours of deliveries to the store and biomass boiler shall be submitted to the Local Planning Authority for approval in writing. The deliveries shall only operate in accordance with the approved details.

*Reason: In the interests of residential amenity and in accordance with Policies GR1, GR6, GR7 and GR8 of the Congleton Borough Local Plan First Review 2005.*

16. Prior to the first occupation / opening of the store the hours of operation for the biomass boiler shall be submitted to the Local Planning Authority for approval in writing. The deliveries shall only operate in accordance with the approved details.

*Reason: In the interests of residential amenity and in accordance with Policies GR1, GR6, GR7 and GR8 of the Congleton Borough Local Plan First Review 2005.*

This application proposes to vary Condition 15 to specify the times for deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and that unrestricted (24 hour) deliveries to the petrol filling station. The application also seeks the complete removal of condition 16 as 24 hour operation of the biomass boiler is proposed.

## **SITE DESCRIPTION**

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.

## **RELEVANT HISTORY**

13/4121C - 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) – Approved 18<sup>th</sup> June 2015

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 23<sup>rd</sup> May 2012

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

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

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

## **POLICIES**

### **National Planning Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

### **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

### **Cheshire East Local Plan Strategy – Submission Version**

The following are considered relevant material considerations as indications of the emerging strategy;

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

## **CONSULTATIONS:**

**CEC Head of Strategic Infrastructure:** No comments received.

**CEC Environmental Health:** No objection. The Environmental Health Team have the Environment Protection Act to act under if problems do arise.

**Network Rail:** No objection

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

**Alsager Town Council:** Alsager Town Council objects as 5am was an unacceptable time for deliveries and hours should be restricted for deliveries from 7am in line with other supermarkets in Alsager.

**Church Lawton Parish Council:** No comments received.

## **REPRESENTATIONS**

No representations received.

## **APPRAISAL**

### **Principle of Development**

The principle of development has been established by the granting of planning permission 13/4121C. This application does not represent an opportunity to re-examine the appropriateness of the site for a supermarket development.

### Conditions 15

This application proposes to vary Condition 15 to specify the times for deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and to allow unrestricted (24 hour) deliveries to the petrol filling station.

In this case the nearest residential properties are located to the opposite side of the Crewe-Stoke Railway line to the south of the site. The access to the approved supermarket is via Linley Lane to the east of the site and there are no existing dwellings in close proximity to the approved access.

It should be noted that there is also an outline planning permission for the development of part of the Twyfords site for up to 335 dwellings (11/4109C) and there is a resolution to approve an outline application on the Cardway Cartons site to the south for a development of up to 110 dwellings (15/2101C).

Given the separation to the nearest existing dwellings and the intervening railway and industrial uses it is not considered that the variation of condition 15 would raise any amenity issues. A Noise Assessment has been undertaken as part of this application and this concludes that the noise impacts are low and will remain below BS4142:2014 – suggested levels for sleep disturbance within bedrooms with the windows open for ventilation (this is in relation to the proposed dwellings – the impact upon the existing dwellings is even lower).

This follows discussions with the Councils Environmental Health Officer who has confirmed that the condition can be varied as the Environmental Health Department can manage any amenity issues which may arise through the Environment Protection Act. The reason for varying the condition is acceptable in planning terms and in any event the reasons for applying the conditions are protected by separate legislation.

#### Condition 16

The application also seeks the complete removal of condition 16 as 24 hour operation of the biomass boiler is proposed.

Again given the separation to the nearest existing dwellings and the intervening railway and industrial uses it is not considered that the variation of condition 16 would raise any amenity issues. A Noise Assessment has been undertaken as part of this application and this concludes that the noise impacts are low and will remain below BS4142:2014 – suggested levels for sleep disturbance within bedrooms with the windows open for ventilation (this is in relation to the proposed dwellings – the impact upon the existing dwellings is even lower).

This follows discussions with the Councils Environmental Health Officer who has confirmed that the condition can be varied as the Environmental Health Department can manage any amenity issues which may arise from deliveries through the Environment Protection Act. The reason for varying the condition is acceptable in planning terms and in any event the reasons for applying the conditions are protected by separate legislation.

#### Other Issues

It should also be noted that both conditions which are subject to this application require details to be submitted to the Local Planning Authority for approval in writing. In this case both conditions have had details approved under delegated powers as part of application 15/3526D. The approved condition details are in line with the recommendations of this report.

### **CONCLUSIONS**

The variation of condition 15 and the removal of condition 16 would not raise any detrimental amenity impacts and as such the variation/removal of the conditions is considered to be acceptable.

There will also be a requirement for a deed of variation to the S106 Agreement to the original application and this is included within the recommendation below.

## **RECOMMENDATIONS**

**Approve subject to the completion of a deed of variation to the S106 Agreement to application 13/4121C.**

**And the following planning conditions:**

- 1. Standard Time – 3 years from 18<sup>th</sup> June 2015**
- 2. Approved Plans**
- 3. Prior to the commencement of development, a plan showing the extent of the phases of development (comprising the internal road infrastructure works referred to in Condition 34 –Phase 1 - and the remainder of the development – Phase 2) shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.**
- 4. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing**
- 5. 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.**
- 6. 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**
- 7. With the exception of the internal road infrastructure 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.**
- 8. 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.**
- 9. 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.**
- 10. Contaminated Land**
- 11. 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.**
- 12. 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**

**13. Construction Management Plan**

**14. External Lighting Details**

**15. Hours of deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and that unrestricted (24 hour) deliveries to the petrol filling station**

**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. Prior submission and approval of materials**

**23. Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> 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.**

**24. Nesting Bird Mitigation Measures**

**25. Mitigation recommendation of the 2014 Badger report to be secured**

**26. Boundary Treatment Details including details of all retaining structures**

**27. Tree protection measures**

**28. Arboricultural Method Statement**

**29. Implementation of the submitted landscape proposals**

**30. Cycle Parking Details**

**31. The net sales area shall be limited to 2,322sq.m**

**32. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.**

**33. 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.**

**34. Prior to first use all access roads and car parking will be constructed and formally marked out.**

**35. Prior to the store first being brought into use the developer shall fully construct the following off-site highway works:**

- The roundabout access in accordance with plan reference A-PL-103 Rev J
- The new bus stops on the A5011 in accordance with plan reference A-PL-103 Rev J
- The junction improvement works at the junction of the A5011/A50/B5077 in accordance with Plan reference VN20017/104.

**36. Prior to the commencement of development a plan to show the provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 cross-roads shall be submitted to the Local Planning Authority for**

approval in writing. The approved scheme shall be constructed in accordance with the approved details before the store or petrol station is first brought into use.

**37. Travel Plan**

**38. Details of the opening of the culvert to be submitted to the LPA for approval in writing.**

**39. Prior to the commencement of phase 2 elevational details of all minor structures including trolley bays, sprinkler tanks, the biomass boiler and electrical services structures shall be submitted to the LPA for approval in writing.**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of the Southern planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

