

Planning Reference No:	10/0741C
Application Address:	19-23 Lawton Road, Alsager.
Proposal:	Demolition of existing Co-operative foodstore. Construction of new Co-operative foodstore, associated service area and retail units. Reconfiguration and refurbishment of existing town centre car park and public open space.
Applicant:	Kimberley Developments PLC, 33 St James Street, London.
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	26 th February 2010
Earliest Determination Date:	9 th April 2010
Expiry Date:	28 th May 2010
Date report Prepared	6 th May 2010
Constraints:	Within the Settlement Zone Line Alsager Town Centre Principal Shopping Area Protected Area of Open Space / Recreation Facility Flood Zone 1

SUMMARY RECOMMENDATION

Grant planning permission subject to conditions and S106 Agreement

MAIN ISSUES

- Principle of Development and Retail Policy
- Layout and Design
- Loss of Public Open Space and compensatory provision
- Flood Risk and Drainage
- Accessibility and Highway Safety
- Environmental Health Related Issues (contamination and noise)
- Residential Amenity (interface)
- Impact on Trees
- Bats and Ecology
- Requirement for S106 Agreement

Date Report Prepared:

6th May 2010

1. REASON FOR REPORT

The application proposes small-scale major development in excess of 1000m² floorspace.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to a 1.9ha site within Alsager town centre which extends to include the existing Co-op store fronting Lawton Road, its service yard area, Fairview Car Park and an existing area of public open space on the sites eastern boundary.

The site is bounded to the north by Alsager Highfields Community Primary School, to the east by residential properties along Wesley Avenue, to the south by Lawton Road and to the west by Alsager Highfields Community Primary Nursery.

The site is located in the heart of Alsager town centre, with the site frontage to Lawton Road being allocated within the Principal Shopping Area. As a result the area is largely commercial comprising other shops, cafes and leisure uses with the also sitting directly adjacent to Alsager Civic Centre, library and one-stop shop.

The existing Co-op store has an existing net retail floorspace of 675m² and is an unsightly single storey building set 1-2m below Lawton Road and is totally out of character with the adjacent Victorian Villas, now converted to a variety of other retail and business uses. The store also has its private car 41-space car park and vehicular access onto Lawton Road.

Fairview Car Park is Alsager's principal town centre car park with 310 spaces. It hosts a market once a week, contains various recycling facilities and has been planted over the years with a variety of trees. It is used by shoppers as well as visitors to the various civic amenities such as the library and church. There are a number of private access points within the car park giving access to the rear of existing commercial properties which front Lawton Road.

To the east of the car park is an area of public open space containing grassed play space and various pieces of play equipment. The area of open space is backed onto by properties along Wesley Avenue. Over the course of time, residents of these properties have created a number of private access points to allow direct access onto the public open space.

At present, the sole vehicular access into the site is located on Sandbach Road North between No53 and the Library. There are however four pedestrian access points into the site from Lawton Road and a further footpath in the northern corner of the site which allows access to the School and the adjoining residential areas around Green Drive and Fairview Avenue.

The site also contains a large number of trees. These are generally located around the periphery of the application site split into a series of small groups. The main groups of note are Group 10 and Group 8 to the front and side of the existing Co-op store and a collection of trees to the far west of the car park area comprising trees T1 – T10, T13 and Group 1, however there are also a number of mature individual trees which are particularly prominent within the site.

3. DETAILS OF PROPOSAL

The applicants seek planning permission for comprehensive redevelopment of the existing Co-op store, Fairview Car Park area and adjacent public open space. In overall terms the applicants propose retail led development comprising new Co-op food store, two smaller retail units and a new restaurant set around a new public square. The application would also involve reconfiguration and refurbishment of the existing car parking facilities and provision of compensatory public open space and play equipment.

The scheme is however discussed in more detail below.

The plans propose to demolish the existing Co-op food store fronting Lawton Road and replace it with a two-storey L-shaped building set around a new public square. The building would contain a restaurant to the Lawton Road frontage and two smaller retail units directly overlooking the public square. A small yard area would be provided at the rear of the building to allow servicing by smaller delivery vehicles and parking for up to 5 staff vehicles.

The proposed food store would be located towards the rear of the site on the existing area of public open space. The building would be a single storey, rectangular building measuring approximately 36m wide and 50m in length with an eaves height of 5m and ridge height of 9m providing a gross floorspace of 1858m² and net retail sales area of 1318m². The building would be serviced from a yard area located to the north of the building accessed by an entrance directly off Fairview Car Park and which would contain a HGV turning area and 15 staff parking spaces.

In design terms, the restaurant element of the scheme would deliver a traditional built frontage to Lawton Road, inspired by the vernacular of both Lawton Road and Alsager more generally, before making a gradual transition to contemporary design for the food store element which incorporates features such as a large glazed atrium screened by Brise Soleil (decorative steel louvers).

The scheme would reconfigure the existing car park area to provide 313 spaces and resurface it, in part, with permeable blocks to allow the site to be drained in a sustainable manner. The northern area of the site would also be reconfigured to provide 2650m² public open space equipped with new play equipment for children and, potentially, exercise equipment for adults.

A new traffic light controlled junction is also proposed onto Lawton Road catering for both vehicles and pedestrians; in this respect the junction would include 3 traffic light controlled pedestrian crossings. The existing vehicular access to Sandbach Road North would be retained and would remain unchanged from its current design.

Whilst the site already benefits from planning permission for a new food store, this application has been submitted following extensive pre-application

discussions between the applicants and the Council as to how the design of the scheme could be improved in terms of layout and design with a particular focus on the creation of a new retail circuit by way of enhanced accessibility.

4. RELEVANT HISTORY

37808/3

Erection of Class A1 retail food store together with associated car parking, servicing and landscaping and the formation of new vehicular accesses. Full planning permission granted on 20th July 2007 following the signing of the S106 Agreement.

05/0639/OUT

Outline application for erection of 1858m² retail store with 357space car park and associated highway works, means of access and siting only to be considered, all other matters reserved. Approved by committee on the 29th November 2005. S106 Agreement signed 20th February 2008.

5. POLICIES

National Policy

PPS1 'Delivering Sustainable Development'

PPS4 'Planning for Sustainable Economic Growth'

PPS9 'Planning and Bio-diversity'

PPG13 'Transport'

PPG14 'Development of Unstable Land'

PPG17 'Planning for Open Space, Sport and Recreation'

PPS23 'Planning and Pollution Control'

PPS25 'Development and Flood Risk'

Regional Spatial Strategy

DP1 'Spatial Principles'

DP2 'Promote Sustainable Communities'

DP3 'Promote Sustainable Economic Development'

DP4 'Make the Best Use of Existing Resources and Infrastructure'

DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'

DP6 'Marry Opportunity and Need'

DP7 'Promote Environmental Quality'

DP9 'Reduce Emissions and Adapt to Climate Change'

RDF1 'Spatial Priorities'

W1 'Strengthening the Regional Economy'

W5 'Retail Development'

RT2 'Managing Travel Demand'

RT9 'Walking and Cycling'

EM3 Green Infrastructure'

EM5 'Integrated Water Management'

EM18 'Decentralised Energy Supply'

MCR3 'Southern Part of the Manchester City Region'

MCR4 South Cheshire'

Local Plan Policy

PS4 'Towns'

GR1 'New Development'

GR2 'Design

GR4 'Landscaping'

GR6 'Amenity and Health'

GR7 'Amenity and Health'

GR9 'Accessibility, Servicing and Parking Provision'

GR10 'Accessibility, Servicing and Parking Provision'

GR14 'Cycling Measures'

GR15 'Pedestrian Measures'

GR17 'Car Parking'

GR18 'Traffic Measures'

GR19 'Infrastructure'

GR20 'Public Utilities'

GR21 'Flood Prevention'

GR22 'Open Space Provision'

NR1 'Trees and Woodlands'

NR2 'Statutory Sites'

NR3 'Habitats'

NR5 'Enhance Nature Conservation'

S1 'Shopping Hierarchy'

S4 'Principal Shopping Areas'

S11 'Shop Fronts'

S12 'Security Shutters – Solid Lath'

S13 Security Shutters – Lattice /Mesh Grilles'

RC1 'Recreation and Community Facilities Policies'

RC2 'Protected Areas of Open Space'

Other Material Considerations

Volume 2: Cheshire Town Centre Study 2006 to 2021

The Cheshire Replacement Waste Local Plan March 2010

SPD14 'Trees and Development'

6. CONSIDERATIONS (External to Planning)

Environment Agency:

No objection to the proposed development subject to conditions for: -

Restriction of the surface water discharge from the development to 85litres/second and provision of 396m³ attenuation storage

Provision of 3600m² of permeable paving and a small swale

United Utilities

No objection to the proposed development subject to a number of conditions. By way of summary, UU require the site to drain foul drainage into the foul sewer and ensure that surface water discharges to a combination of SUDs and the surface water sewer in accordance with the drainage strategy and

parameters contained in part 5 of the applicants Flood Risk Assessment prepared in December 2009 by WSP.

Strategic Highways and Transportation Manager:

No objection to the proposed development subject to conditions and subject to the applicants entering into a S106 Agreement. The SHM's comments are discussed however in much greater detail within the appraisal section.

Environmental Health:

No objections subject to conditions covering the following areas: -

Restriction on hours of construction

Restriction on hours of store opening

Restriction on hours of deliveries

Submission of a detailed scheme for noise mitigation

Submission of a scheme for odour control from cooking equipment

Ecology

No objection to the proposed development because there are no significant ecological issues and no evidence of bats. It is recommended that a number of conditions are attached to any planning permission however to protect any breeding birds within the site and secure erection of new bat and bird boxes.

Local Development Framework Section

No objection to the proposed development.

Ground Service Co-ordinator (Greenspace Section)

No objection to the proposed development. They advise that they have worked closely with the applicant's consultants and have agreed to carry out further consultation work with the adjacent school along with further consultation with the Town Council.

Three designs [for the replacement equipment] have been drawn up which will form the basis of the public consultation exercise and have been costed at approximately £116,000. Additional stretches of fencing will also be required to enclose the amenity Greenspace in order to ensure user safety from the adjacent car parking area.

Senior Landscape and Tree Officer (SLTO)

The SLTO is concerned that the proposal would result in harm to, or removal of apparently healthy trees. Some replacement planting is indicated as part of the development however the overall impact on the streetscape would be a net loss of trees. This loss will have to be balanced against any potential benefits from the development. There may be scope to reduce tree loss / damage by amendment to the layout. In respect of retained trees, there needs to be greater separation distance between the building and one off site Oak tree, and special measures to protect the Oak tree close to the service area. Protection measures in accordance with BS5837: 2005 'Trees in

Relation to Construction' would be required for all remaining trees. The submission does not include any details of hard and soft landscaping proposals. In the event of approval further details will be required.

ALSAGER PARTNERSHIP

On the whole the Partnership is in support of the plans with some considerations:

- The application states that the new unit fronting Crewe Road should be for restaurant use. Concerns have been fed back from local traders that there could be a strong threat to the sustainability of existing daytime businesses if this were to incorporate a cafe bar or coffee shop. The Partnership would like this to be considered.
- Building designs should accommodate facilities for Christmas lights and floral displays to support the on- going bloom and Christmas activities promoted by the Chamber of Trade and Round Table. These activities contribute greatly to the town's vibrancy and appeal.
- There were some concerns regarding the availability of plans for public viewing in the town centre. For future reference it would be helpful to ensure that plans are sited where they can be viewed for more than a few hours each day.
- Local traders have observed that there may be opportunities to move the market from its site on the car park, and make it more visible by siting it around the Civic Centre or Sandbach Road South frontages. This might ease pressure on land use while any building work takes place.

ALSAGER CIVIC CENTRE HALLS OFFICER

Is concerned that the Wednesday market is in the wrong location because: -

- It would restrict access to the centre during an emergency
- It would prevent access for the library bus
- It would affect ability of the refrigerated blood donor lorry to access the building once a month
- That noise from the market would disturb functions at the centre; and
- Parking spaces are identified outside the service doors.

7. ALSAGER TOWN COUNCIL

The Town Council support the plan but would like to make the following additional comments: -

- There should be fencing around the new play area and village green to prevent children encroaching onto the car park.

- The new play area and village green should be constructed before work commences on the new store, and subject to a tripartite agreement between Alsager Town Council, Cheshire East Council and the Co-operative, so that the new play area cannot be disposed of in the future without the agreement of all parties.
- The design for the new site should compliment the existing town scene.
- Any financial sum gained from this development should be used towards the refurbishment/redevelopment of the civic centre.
- No loss of car parking spaces. The Town Council request clarification that there will be no loss of car parking spaces.
- Disabled spaces must be provided behind the Civic Hall.
- The position of the market as detailed on the plan is not suitable if access to the Civic Centre and Library is to be blocked leaving no access for emergency vehicles, servicing arrangements, the disabled bays in front of the library etc. Also no disabled bays on the car park, in the vicinity of the Civic Centre should be blocked by the market.
- The Town Council would like Cheshire East to note the inadequate arrangements for consultation on this plan. This is an important development within Alsager Town Centre and yet only one plan was available for the whole of the Town, along with very poor advertising indicating where the plan was available for inspection.

8. OTHER REPRESENTATIONS

A total of 9 representations were received objecting to the development. The Grounds of objection can be summarised as follows: -

- Concern over the size, scale and design of the development and its impact on the character of Alsager
- Impact of the development on existing traders within Alsager
- Concerns over loss of amenity (noise, overlooking, privacy)
- Impact on the public open space and children's play equipment
- Impact on trees and large net loss of 37 trees
- Concern over new tree planting in the car park area for reasons including the fact that bird droppings damage car paint and that the trees will have to be maintained by the Council
- Highway related issues extending to include concerns at the provision of a new access onto Lawton Road, possible traffic congestion, pedestrian and vehicular safety in and around the site, the ability of the site to accommodate service vehicles and that the scheme has made insufficient provision for car parking.
- Concern about the location of the replacement market zone blocking access to the civic centre and preventing access for the Blood Donor Vehicle which visits the site once a month
- That the proposed adult fitness with the park will become an area for anti-social behaviour and that the police should be consulted
- The application includes too little information on access for the disabled and has a lack of car parking for the disabled at the civic centre

A number of comments were also received which could not be taken into account because they cannot be regarded as material considerations. These included: -

- Loss of property value as a result of the development
- The development will affect a prescribed right of way from residents back gardens along Wesley Avenue

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement February 2010
Retail Statement February 2010
Open Space Assessment February 2010
Contaminated Land Assessment December 2009
Flood Risk Assessment December 2009
Transport Assessment January 2010
Bat Survey Report December 2009
The Co-op Group Sustainability Report 2008/09
Tree Survey December 2009

10. OFFICER APPRAISAL

Principle of Development

Whilst the principle of retail development on the site has already been established, it is necessary to revisit the principle of development following the publication of PPS4 in December 2009.

In order to this, the applicants submitted a retail statement which assessed how the scheme performed against the requirements of PPS4. Following assessment of this document and the scheme more generally, your officers are entirely satisfied that the scheme meets the requirements of PPS4 and performs well against the range of identified policy tests.

EC10 'Determining Planning Applications for Economic Development'

The scheme performs well when assessed against the requirements of paragraph EC10.2 because it delivers high quality design that is resilient to climate change and in a highly accessible location. Moreover, the scheme is predicted to have a positive impact on the local economy through clawed back expenditure and associated spin-off benefits for other traders within the town centre. Your officers therefore consider that the scheme should be viewed favourably in accordance with the advice at paragraph EC10.1 because delivers sustainable economic growth.

EC14 Supporting Evidence

Whilst EC14.5 does not require the applicants to undertake an impact assessment, because the scheme is under 2500m², located within the Town Centre and would avoid significant impact on other centres, the applicant's still included an assessment within their statement. This served to demonstrate that impacts associated with the development are entirely acceptable because Alsager has a clear and demonstrable capacity to

support the development and because the scheme would allow for clawback of leaked expenditure with resultant spin-off benefits for other traders within the Town Centre. This position is supported by the findings of the 2006 Cheshire Town Centre study which identified a need within the town for an additional 780m² – 1560m² net food retail floorspace up to the year 2016.

EC15 Sequential Assessment

Whilst paragraph EC15 requires the applicants to undertake a sequential search for alternative sites, on the basis that part of the site falls outside the Principal Shopping Area, your officers concur with the applicants findings that there are no more alternative, sequentially preferable sites available; a position reinforced when considering the requirement of EC10.2 in terms of delivering high quality design.

Conditions and Restrictions

At this stage, your officers consider that only one condition is required in order to restrict the net retail floorspace within the supermarket to that proposed i.e. 1318m². However further advice will be provided to members at committee over whether an additional condition is required to restrict the amount of floorspace within the store given over to the sale of comparison goods (i.e. non-food).

Design

The layout and design flows from detailed urban design assessment undertaken by your officers, consultation with both Alsager Town Council and Alsager Partnership followed by extensive negotiations with the applicant's architects over the course of the last 12-months. As a result, your officers consider that the application before members represents a significant improvement to the existing approved schemes for reasons now discussed in more detail.

The layout and design ensure that the scheme successfully integrates into the Primary Shopping Area of Alsager. This is achieved through use of focal point features within key buildings, creation of new built frontage to Lawton Road and through creation of a new public square with outdoor seating area. Furthermore, the combined effect of these features is to create a new retail circuit in order to encourage greater levels of pedestrian movements in and around the town centre; something designed into the scheme to address traders concerns over a perceived lack of footfall within the town centre.

The built form has also paid particular attention to the scale and mass of existing buildings. Here the applicants have taken an architectural lead from the scale and proportion of the adjacent Victorian Villa's and utilised an upper floor window design seen on an adjacent Victorian school building. In terms of the supermarket, the contemporary design approach is considered to be a more appropriate solution and has allowed for a long stretch of glazing to be designed into the western elevation (overlooking the car park) and inclusion of a focal point entrance feature to reinforce the retail circuit. It also allows for the height of the buildings to be kept as low as practically possible thereby ensuring residential amenity is preserved.

Your officers therefore consider that scheme performs well when assessed against the principal requirements of PPS1 and PPS4 to deliver high quality design which improves the character of the area and the way it functions. Additionally, the scheme is also considered to meet the requirements of RSS policies DP1, DP2 and DP7 as well as local plan policies PS4 and GR1.

Loss of Public Open Space

As with the existing approved schemes, the proposed development involves redevelopment of the existing public open space (3058m²) and the play equipment therein. To compensate for this, the proposed development incorporates 2650m² compensatory POS with enhanced play equipment in order to deliver qualitative improvements.

In this respect, and whilst the final design would be subject to further public consultation, the current scheme has been confirmed as acceptable by the Greenspace section and includes provision of new play equipment for both under 11's as well as an element of fitness equipment for adults, for which the requirement was identified following recent public consultation events.

This would be secured by way of a S106 which requires the applicants to deliver the compensatory POS within an agreed timeframe and design, fund and install the replacement play equipment to the satisfaction of the Council (subject to the precise design being agreed with the Council following further public consultation).

Whilst the Town Council have requested that the new POS and play equipment be delivered before any other part of the development, such an approach would be acceptable to the Greenspace section. In this respect, were the POS to be installed during phase one of development, the likelihood of it being damaged during the construction process would be greatly increased particularly as the area identified for the replacement POS is likely be required during construction (for Portakabins / storage etc) if sufficient car parking is to be maintained for the town centre throughout the build period.

The inclusion of a phasing mechanism within the S106 Agreement may however address these concerns because it would allow the Council to agree a precise timeframe for installation of the replacement POS and play equipment prior to the commencement of development.

In overall terms therefore, your officers are satisfied that the proposed development meets the requirements of PPG17 and local plan policies RC1 and RC2.

Flood Risk Assessment and Drainage

In overall terms, and on the basis of the advice from the Environment Agency and United Utilities, your officers are satisfied that the scheme adequately meets the requirements of PPS25 and policy GR20 of the adopted local plan.

The applicants Flood Risk Assessment identifies that the site is not at risk of flooding up to 1 in 100 year events, even allowing for +20% climate change and that surface water drainage can be managed in such a way as to also reduce the risk of downstream surface water flooding. The proposed outline drainage strategy is also broadly acceptable, utilising sustainable urban drainage and securing reduced outflow rates to the public sewer.

One area that would however require further discussions is the proposed inclusion of a small swale within the POS where, during extreme storm events, excess surface water (which could not be accommodated within underground storage tanks) would be directed. Whilst the risk of such an event is extremely low (less than 1%), the Greenspace section do not normally allow swales on Council managed POS (even though they are accepted on privately managed POS).

Your officers are however satisfied that this issue can be satisfactorily resolved by way of surface water drainage condition in order to allow further discussions to take place between the Council, Environment Agency and applicants with a view to agreeing an acceptable design approach. Moreover, it is also possible that the further survey work proposed within the FRA, in relation to groundwater water filtration rates, may serve to demonstrate that the use of a swale is in fact unnecessary.

Accessibility and Highway Safety

The proposed development has been subject to detailed pre-application discussions between the applicant's consultants and the Council Highway Engineer and on that basis the Strategic Highways Manager has confirmed that he has no objection to the proposed development subject to the imposition of conditions and subject to securing financial contributions by way of S106 Agreement. The key issues are discussed in more detail below.

Accessibility

The sites location within Alsager Town Centre means that the development is considered to be highly accessible by a range of transport modes. The layout of the scheme has a particular focus on pedestrian movements and includes 3 new pedestrian crossing points designed to reinforce the retail circuit and create new pedestrian connections into and around the town centre thereby encouraging linked trips. The scheme also includes provision for new cycle parking facilities directly outside the new supermarket.

Access, vehicle movements and proposed junction design

The Strategic Highways Manager agrees that the traffic associated with the proposed development can be accommodated satisfactorily within the local highway network without any undue detrimental impact in terms of congestion, turning movements and highway safety. The SHM also considers that the operational relationship between the existing signalised junction at Bank Corner and proposed junction onto Lawton Road is acceptable subject to detailed technical design which will need to be agreed with the Council prior to the commencement of construction; something proposed for inclusion within the S106 Agreement.

Car Parking Provision

Whilst the proposed development would result in a net loss of 38 car parking spaces, the parking survey undertaken by the applicants clearly demonstrates that the proposed provision of 298 car parking spaces is within the identified threshold of parking need and that the level of provision is therefore appropriate for the town. Whilst the figure would be reduced on market day, the revised car park layout has been designed to ensure that car parking provision on market days is maximised and car park can operate with maximum operational efficiency.

Notwithstanding this, your officers propose a condition to ensure the final layout of the parking area is agreed prior to commencement of development. This would allow a small number of spaces to be clawed back through more efficient layout in the sites northern corner and for concerns about service access and disabled parking at the Civic Centre to also be addressed.

Proposed Public Square

In terms of the proposed public square, discussed in more detail in earlier in the report, members will note that the presence of a discreetly designed lay-by. This is necessary to allow retail units facing onto the square to be serviced by larger HGV vehicles which could not otherwise be accommodated within the rear service yard area. It is proposed to treat this area with materials so that, to all intents and purposes, it reads as an integral part of the public square. It is also likely to be subject to some form of regulation order to restrict its use solely to deliveries although this would fall outside the remit of the planning process.

Proposed Market Location

The revised layout includes an indicative position for Alsager's market designed to ensure that traders benefited from a position near to the super market entrance (thus generating spin off benefits for the traders) and so as to reinforce the retail circuit within the town. It would also allow for the market to be self-contained in terms of traders van parking (proposed to the west of the market on spaces to the rear of the civic centre) so that the remainder of the car park can operate more efficiently.

It has also been agreed that the developers will provide new pop-up market stalls, incorporate market stall anchor points along with pop-up power sockets into the new car park allowing market stalls to be uniformly laid out and traders' access to a dedicated power supply on market days all of which will be secured within the S106 Agreement.

Whilst comments have been received expressing concern that the revised market location will affect the servicing of Alsager Civic Centre, your officers consider this matter can be easily resolved through appropriate management of the market by Council officers; something which with the Head of Markets concurs. Quite simply, this would mean leaving an appropriate space for vehicular access at the rear of the civic centre during market days which would be marshalled by the Council's market officer. Similarly, the once a

month blood donor collection could be re-sited in an alternative location within the revised car park thereby ensuring the service remains unaffected.

In overall terms therefore, your officers are satisfied that the requirements of PPS1, PPG13 along with the relevant RSS and local plan policies, particularly GR1, GR9 and GR18 have been satisfied and that the scheme has fully catered for market traders with the potential to offer significant benefits.

Environmental Health Related Issues

Contamination

The applicants preliminary risk assessment identified only moderate environmental sensitivity and no potentially significant contamination sources concluding that the risk in overall terms was low with no significant risk to controlled waters or human health.

Whilst the survey indicates some risk in relation to ground stability as a result of historic salt extraction, the report does not identify this as an impediment to development or as a matter which is likely to lead to any abnormal costs; rather it is something that is likely to be considered in terms of the detailed structural design and building regulation application.

The survey therefore concludes that further structural work is required through geo-environmental assessment which should also extend to include soil and groundwater sampling by way of additional precaution.

Therefore, subject to the standard contaminated land condition being imposed to any permission, the requirements of policies GR7 and GR8, along with PPS23, can be satisfied.

Noise

The proposed development has potential to generate noise not only during construction and but following completion as a result of HGV movements and air conditioning plant. It must be noted however that the location of the proposed service yard is near identical to the existing approved schemes; however unlike the scheme approved under 37808/3, avoids the need for a service access road along the rear of the building thus removing a potential source of noise.

Following an assessment of the scheme however, the Environmental Health section are satisfied that any noise arising from construction or operation of the site can be adequately controlled by way of suitably worded conditions to cover the following areas: -

- Restrict construction times
- Restrict store opening hours
- Restrict hours of delivery
- Require the submission of a detailed scheme for noise mitigation to the HGV Service Yard (which could include acoustic screens, sealed loading bays and, if necessary, require vehicle reversing alarms and refrigeration equipment to be switched before vehicles enter the site)

- Require the submission of an appropriate noise mitigation for any air conditioning or refrigeration plant or equipment once the developer has confirmed the location and specification of equipment

Therefore, subject to the above conditions, your officers are satisfied that the requirements of local plan policy GR6 would be satisfied and any potential impact on residential amenity mitigated.

Residential Amenity (separation distances and impact of development)

The supermarket component of the scheme, which is closest to residential properties along Wesley Avenue, has been designed so as to minimise any impact on residential amenity.

In terms of layout, the buildings design ensures a separation distance of 24m and 32m respectively is retained to the outrigger and rear elevation of No2 Wesley Avenue and 27m and 32m respectively to the outrigger and rear elevation of No16 Wesley Avenue. In terms of design, the building incorporates a dual pitched roof which allows for the eaves height at the closes point to the boundary to be kept to only 6m with the additional increase in height up to the ridge offset by the increase in separation distance. The rear elevation has also been designed without windows thereby ensuring privacy remains unaffected.

On the basis of the above, your officers are satisfied that the requirements of policies GR1 and GR6 have been appropriately addressed by the application.

Impact on Trees

The proposed development will result in the loss of a large number of trees. In this respect, whilst the removal of may of the trees has been shown to be justified on the basis that many of the trees are poor quality with limited life, the Senior Landscape Officer has expressed concern at the loss of small number of healthy trees and woodland area at the to the rear of 53 Sandbach Road North. On that basis the scheme conflicts to some degree with policy NR1 of the adopted local plan,

It is considered however that the loss of a small number of healthy trees is substantially outweighed by benefits arising from allowing their removal in terms of delivering high quality urban design, an appropriate level of car parking, attractive public open space and economic benefits for the wider town centre. Moreover, the scheme makes provision for significant levels of replacement planting which, whilst not on a 1:1 basis, will serve to offset in the short-term harm and secure positive benefits in medium term as the trees mature.

Whilst the Senior Landscape Officers has expressed concerns about the impact of the development on two healthy Oak Trees adjacent to the site, the comments fail to have regard to the fact that the current layout is unlikely to have a greater on these trees than the other previously approved schemes

which could still be implemented. It would therefore be unreasonable to require the layout of the building to be adjusted or altered on that basis.

Where trees are retained however, it will be necessary for any permission to contain a suitably worded conditions to secure the protection of trees during the construction phase and in order to ensure that an appropriate scheme for hard and soft for hard and soft landscaping within the site is agreed prior to the commencement of development.

Bats and Ecology

Given the age and style of the building, the applicants were required to submit a detailed bat survey prepared by a suitably qualified ecologist. The report concluded that the building has no potential for bat access points and no suitable external features that could be utilised by bats. It was also found that the interior of the building would not support bats and that none of the tree around the site were suitable for bats. Redevelopment of the site would therefore avoid adverse impact on bats or species, a position with which the Councils ecologist agreed.

The report did however recommend two conditions; the first to secure biodiversity enhancements and the second to ensure protection of breeding birds during construction. The proposed development would therefore satisfy the requirements of Planning Policy Statement 9 and local plan policies NR2 and NR3.

Historic Permissions

On the basis that the current application offers significant benefits and improvements over and above the existing extant permissions, your officers consider the proposed S106 Agreement should extend to include a clause requiring the applicants to rescind the right to implement the two existing planning permissions under 37808/3 and 05/0639/OUT.

This would ensure that only the current proposed scheme was implemented and that the benefits identified throughout this report are fully delivered. This can be secured within any S106 Agreement because the parties involved within the current application have all been signatories to the two previous agreements.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development would result in the delivery of a new retail scheme within Alsager Town Centre which would deliver sustainable economic development catering for both an identified retail need and allowing the town to claw back leaked expenditure.

In design terms the scheme offers a high quality design solution that would serve to enhance the character of the area and the way it functions. It would ensure that the supermarket was more effectively linked into the principal shopping area and would deliver wider benefits to the public realm through

creation of a new public square, retail circuit and replacement public open space directly adjacent to Alsager Highfields Community Primary.

The scheme successfully addresses the requirements of highways, ecology and drainage and it is therefore recommended that planning permission be granted subject to conditions and the prior signing of a S106 Agreement.

S106 Agreement to Include

Highway Requirements

- Submission of a Travel Plan Framework to an annual monitoring report and nominated travel plan co-ordinator and financial contribution of £5000 to cover monitoring of the Travel Plan by the Council.

Detailed scheme for off-site highway works to include: -

- Prior to commencement, submission of a detailed design for the upgrade of existing pedestrian crossings to Lawton Road and Bank Corner to PUFFIN facilities fully implemented prior to first occupation.
- Prior to commencement, submission of detailed TRANSYT design for the new signal controlled junction and its linked operation with the existing signal junction at Bank Corner and controlled crossing.
- Upgrade existing bus stop lay-by adjacent to the civic centre.
- Financial contribution of £7500 to cover local traffic management at the junction of Lawton Road with an additional financial contribution of £10,000 to cover future maintenance of road markings associated with the new junction onto Lawton Road

Greenspace

Requirements

- Provision of compensatory public open space in accordance with the amended approved plans, or any subsequently amended plan, having regard to condition no16 (Finalised car park layout), which shall also include landscape specification, drainage and boundary treatments.
- That the precise design of the new play equipment is to agreed with the Council before being fully installed by the applicants at their expense (with an appropriate mechanisms for inspection and sign off).
- That the agreement secures an appropriate financial Contribution to cover shortfall in amenity Greenspace provision (the precise figure will be confirmed) to be spent within 800m of the site.

Phasing

Precise details of the construction phasing to be agreed with the Council prior to the commencement of development covering timeframes for: -

- Construction and occupation of the supermarket element
- Construction of the small retail units and restaurant
- Construction of compensatory public open space and play equipment
- Construction and laying out of the car park area
- Construction and opening of the new junction onto Lawton Road and provision of new pedestrian crossings / other offsite highway works

Development to be fully constructed in accordance with the approved plans within the agreed timeframes.

Market & Public Realm

That the developer provides 25 new pop-up market stalls, fixed anchor points and pop-up electric sockets of a design and specification to be agreed with the Council.

Mechanism to ensure that public art and Christmas Lights can be displayed within the new public square by Cheshire East Borough Council and/or Alsager Town Council.

Mechanism to allow public events to take place, organised by Cheshire East Borough Council and / or Alsager Town Council, within a defined area on the proposed public square.

Development Restrictions

- Mechanism to ensure that only the development approved by this application is fully implemented and not either of the two alternative planning permissions 37808/3 and 05/0639/OUT are instead constructed.
- Mechanism to ensure that the proposed restaurant unit remains in its use class for a minimum period of five years.

Proposed Conditions

Time Limits and Parameters

1. 3yr Time Limit
2. Development in accordance with approved amended plans received 29th April 2010.
3. All materials to be submitted and agreed prior to construction.
4. Restriction of retail floorspace within the supermarket to 1318m² net retail floorspace.

Environmental Health

- | | | | |
|-------------|--------------|------|-----------|
| 5. Standard | Contaminated | Land | Condition |
|-------------|--------------|------|-----------|
6. Restriction of hours of Construction Mon – Fri 07.30 to 17.30 hours, Sat 07.30 – 13.00 and not at all on Sundays and Bank Holidays
 7. Restriction on hours of opening for supermarket (to be agreed and confirmed at committee)
 8. Restriction on hours of opening for other retail units (to be agreed and confirmed at committee)
 9. Restriction on hours of opening for the restaurant (to be agreed and confirmed at committee but likely to be no later than 23.00 - 23.30 hrs)
 10. Restriction on hours of delivery for all units (to be agreed and confirmed at committee)
 11. Detailed scheme for noise mitigation for delivery areas (inc acoustic screens, control of HGV reversing alarms and refrigeration units)
 12. Detailed scheme for noise mitigation for plant and equipment
 13. Details scheme for extraction equipment re cooking equipment

Highways, Drainage and Public Realm

14. No development shall commence until such time as the detailed design of the proposed new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in writing by the Council. That no part of the development shall be occupied until such time as the new junction has been fully completed in accordance with the approved plans.
15. No development shall commence until such time as the detailed design of the proposed access road into the site from the new junction, based on site layout plan Dwg. No 113 / 349 /P11 Rev A, has been submitted to and approved in writing by the Council. That no part of the development shall be occupied until such time as the new junction has been fully completed in accordance with the approved plans.
16. Final layout of the car parking area to be agreed
17. Scheme for the provision of electric car charger points to be submitted and agreed
18. Precise details of CCTV scheme to be submitted and agreed

19. Submission of detailed public realm treatment strategy for the site to be submitted and agreed with the Council and fully implemented within an agreed timeframe. Scheme to include paving materials, planters, seating, street lighting specification, lighting scheme for the public square, cycle parking specification, trolley bay specification and boundary treatments for the site.
20. Precise detail of the surface water regulation system to be submitted and approved in writing and fully implemented thereafter. Scheme to include provision for 3600m² permeable paving and swale unless otherwise agreed.
21. Restriction of surface water discharge from the site to 85-litres/second.
22. Site to be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should be discharged to a combination of SUDs and surface water sewer in accordance with the drainage strategy and parameters contained in part 5 of the WSP Flood Risk Assessment Dated Dec 09.

Landscaping & Ecology

23. Standard landscaping scheme (Design and implementation).
24. Standard landscaping replacement planting within 5-years.
25. Scheme for tree protection during construction.
26. Breeding bird protection.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species).

Other matters

28. Precise details of all roller shutters to be submitted and approved in writing prior to the commencement of development
29. Site waste management plan to be submitted and agreed
30. Details of 10% renewable energy to be submitted and agreed



The Site

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