

Application No: 24/0130C

Location: Former Twyford Bathrooms Site, Lynley Lane, ALSAGER, ST7 2DF

Proposal: Variation of conditions 2, 15, 16, 19, 20, 21, 22, 26, 30, 32, 33, 36, 37 & 39 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

Expiry Date: 26-Apr-2024

SUMMARY

The supermarket has an extant consent as part of application 13/4121C, and this proposal seeks minor amendments to the design and layout of the proposed development.

The applicant also proposes to amend the Heads of Terms of the S106 Agreement and the conditions relating to the off-site highway works. These amendments are based upon the current position and the Head of Strategic Transport has confirmed that he has no objection to these changes.

As a consequence of the above and that phases 1 and 2 of the development having commenced, there are also changes required to other conditions within this decision and these are considered to be acceptable.

The scheme proposed as part of this application would not cause harm in terms of residential amenity, design, trees, ecology (subject to an update report), flood risk/drainage, pollution or highways. The application complies with the relevant policies of the Development Plan when taken as a whole and is recommended for approval.

RECOMMENDATION

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

REASON FOR REFERRAL

This application is before the Strategic Planning Board as it proposes to amend a condition which was attached by the Strategic Planning Board.

DESCRIPTION OF SITE

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. The site did include part of a large factory and warehouse building which have now been demolished. The site currently consists of a large concrete slab which remains from the demolished buildings and overgrown self-seeded vegetation.

To the north and west of the site is a large residential development (268 dwellings) which is currently under construction.

DETAILS OF PROPOSAL

Application 13/4121C granted 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 is via a new roundabout off Linley Lane (now constructed).

The pre-commencement conditions attached to application 13/4121C were discharged and the permission was lawfully implemented (this was confirmed via a Lawful Development Certificate – 17/5905C).

This application seeks to vary the following conditions attached to application 13/4121C:

2 – Approved Plans

15 – Delivery Hours for the store and biomass boiler

16 – Hours of operation for the biomass boiler

19 – Written schedule of maintenance for the biomass boiler

20 – The biomass boiler shall only operate using clean wood pellets

21 – No changes to the fuel type for the biomass boiler

22 – Biomass boiler stack details and height

26 – Compliance with the mitigation measures contained within the submitted survey for other protected species

30 – Implementation of the landscaping scheme

32 – The net sales area shall be limited to 2,323sq.m.

33 - The sales area shall be limited to 1,975sq.m for the display of convenience goods with the remaining 348sq.m for the display of comparison goods

36 – Construction of the off-site highway works (roundabout access, bus stops on the A5011, and junction improvement works at the junction of the A5011/A50/B5077) prior to the store being brought into use

37 – Provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 (the wording of this condition was amended as part of Non-Material Amendment application 17/5683C)

39 – Details to open up the culvert within the site (the wording of this condition was amended as part of Non-Material Amendment application 16/1327C)

The application also seeks to amend the S106 Agreement.

RELEVANT HISTORY

17/5905C Certificate of lawful use to confirm the works completed at the site represent a material start on site which in turn confirms that the planning permission has been lawfully implemented – Positive Certificate Issued 9th January 2018

17/5683C - Non material amendment to application 13/4121C – Approved 15th November 2017

17/2311C - Non-material amendment to approval 13/4121C for demolition of existing buildings and construction of a new retail foodstore – Approved 23rd May 2017

16/1327C - Non Material Amendment to the wording of Condition 39 – Approved 22nd March 2016

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 18th 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 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

POLICIES

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy (CELPS)

LPS21 – Twyfords and Cardway, Alsager

MP1 – Presumption in Favour Of Sustainable Development

PG2 – Settlement Hierarchy

PG7 – 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
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

Cheshire East Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries
GEN1 – Design Principles
ENV1 – Ecological Network
ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV16 – Surface Water Management and Flood Risk
ENV17 – Protecting water resources
HER8 – Archaeology
RET1 – Retail Hierarchy
RET2 – Planning for Retail Needs
RET3 – Sequential and Impact Tests
RET4 – Shop Fronts and Security
RET7 – Supporting the Vitality of Town and Retail Centres
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highway Safety and Access

Alsager Neighbourhood Plan (ANP)

The Alsager Neighbourhood Plan was made on the 15th April 2020.

TC3 – Retail, service, business, leisure and residential development in the town centre
TC5 – Retail, service, business, leisure and residential development outside the town centre
NBE4 – Woodlands, Tree and Hedgerows
CW3 – Safe and Accessible Routes
TTS1 – Promoting Sustainable Transport
TTS2 – Congestion and Highway Safety
TTS3 – Car Parking and Electric Charging Points
TTS4 – Accessibility
TTS6 – Infrastructure
TTS8 – Improving Air Quality
TTS9 – Drainage – Sustainable Urban Drainage (SUDS) Design and Management
TTS10 – Surface Water

CONSULTATIONS (External to Planning)

Environment Agency: No objection in principle to the proposed variation of conditions 2, 15, 16, 19, 20, 21, 22, 26, 30, 32, 33, 36, 37 & 39 on approval 13/4121C but take this opportunity to make the following comments. General advice is provided to the applicant.

United Utilities: No comments received.

Strategic Highways Manager: The applicant has demonstrated that the servicing of the site can be safely accommodated, and the provision of car parking is adequate. The revised contributions from the applicant mitigate the developments harm in an acceptable way and justify the removal of the previous planning conditions relating to an improved footway connection and traffic signal pedestrian crossings. The applicant has also agreed to introduce control and enforcement measures to regulate the use of the car park for Sainsbury's customers. Conditions and Heads of Terms for the revised S106 are requested.

Environmental Health: No comments to make.

Natural England: No comments received.

CEC Flood Risk: No objection.

Network Rail: Network Rail require the completion of a BAPA (Basic Asset Protection Agreement). No works shall commence until the BAPA has been agreed with Network Rail.

VIEWS OF THE PARISH/TOWN COUNCIL

Alsager Town Council: Alsager Town Council welcome the application and welcome further discussions in relation to the S106 contribution for footpaths and bus services.

Church Lawton Parish Council: The Parish Council would like to make the following observations:

- The Parish Council look forward to seeing a detailed drainage scheme.
- The Parish Council ask that a badger survey is undertaken for assurance that sets won't be disturbed.
- The Parish Council ask that S106 money is prioritised to solving the drainage issues at the bridge on Linley Lane.
- The Parish Council hope to be consulted on any improvement to the bus services required and look forward to discussion on this matter.

REPRESENTATIONS

Letters of support have been received from 9 households which raise the following points:

- This is a much-needed facility for the residents of Alsager and brings a quality supermarket.
- Alsager needs a petrol station within the town.
- The café should be provided.
- Residents currently have to drive to Kidsgrove or Crewe to undertake a weekly shop.
- S106 funds should be allocated to improve the site entrance to the Linley estate (the footway under the railway bridge).
- More traffic calming and road markings should be installed within the Wain Homes Estate.
- Supported the original application and glad it is being re-activated.
- The store will give consumer choice which is lacking in Alsager.
- The potential objections to the harm to trade in Alsager are not valid after the decision to introduce parking charges.
- Alsager is a growing town and only has one small supermarket to meet the needs of its growing population.

- Most Alsager residents have to travel out of town for petrol and grocery shopping. The proposal is desperately needed.
- The development will provide jobs to Alsager and the surrounding area.
- Will there be a restriction upon the hours of the loading bay?
- What can be done to minimise light pollution?
- Speed reduction measures are required within the Wain Homes Estate. The route through the site is a benefit and this has been advertised from day one.
- How can traffic be managed around Linley Lane during peak hours?
- Sainsburys should plant trees around the site.
- The proposed landscaping will help to screen the development.
- Signage should be provided to prevent HGVs using the Wain Homes Estate as a through route.
- Two of the parent and Baby spaces should be changed to Disabled spaces to increase provision.
- Improvements should be made to the Linley Lane underpass underneath the railway.
- A hand car wash and click and collect should be provided at the southern end of the site.

Letters of objection have been received from 5 households which raise the following points:

- The Wain Homes estate is used by drivers cutting through the estate, who often speed at 40-50mph. This is done to avoid using the traffic lights.
- The proposed store will increase traffic driving through the estate.
- Speed bumps should be provided within the Wain Homes Estate or the through route to Sainsburys should be cut off.
- Traffic through the Wain Homes Estate is a danger for children.
- Impact upon Alsager Town Centre and its businesses.
- The Cheshire East decision to introduce parking charges will encourage parking at the store where free parking will be provided.
- Concerns that the plan shows potential for a development of a Costa/Starbucks/KFC/McDonalds.
- Sainsburys should fund Alsager's car parks giving residents a choice of where they shop with free parking. This will also save CEC the money of providing parking ticket machines.
- There have been several near misses where children have nearly been hit by cars using the Wain Homes Estate as a rat run.
- The residents of the Wain Homes Estate will have to pay to maintain the roads and grounds within that development.
- Increased noise and light pollution for an estate which already backs onto the railway.

Letters of general observation have been received from 3 households which raise the following points:

- The traffic through the Lawton Green Estate has gradually increased and has now become dangerous due to people using the estate as a shortcut.
- Speeding vehicles through the estate, and the new store could make this worse.
- It would be better if there was no through route through the Lawton Green Estate.
- The speed bumps within the Lawton Green Estate have not materialised.
- The Lawton Green Estate is used by children who walk and ride bikes frequently.
- In order to discourage car use and to maximise community benefit the proposed improvement to the 317-bus service on a Saturday is a good starting point. Although no information is provided in terms of frequency.
- The £100,000 should be used to ensure that the 317-bus operates Leighton Hospital-Alsager every 60 minutes instead of the 60-90-minute service. This should commence within 6 months of the store opening and be operational for a minimum of 3 years.
- The road narrows as you approach the green within the estate and this makes it difficult for two cars to pass.

- Traffic calming should be provided.

OFFICER APPRAISAL

Principal of Development

As noted above the pre-commencement conditions attached to application 13/4121C were discharged and the permission was lawfully implemented (this was confirmed via a Lawful Development Certificate – 17/5905C). This application seeks to make changes to the design/layout, conditions imposed and the S106 agreed as part of application 13/4121C. It is not possible to reconsider the principle of this development.

Design

Application 13/4121C gave approval for a single storey rectangular food store building located toward the western edge of the site. The development included a taller element located at the more prominent north-west corner of the building. A service wing enclosed a service yard, which is to the rear of the site. The service access is directly off the new access into the Twyfords site from Linley Lane. At the eastern boundary of the site, the development includes a petrol filling station and a drive through car wash.

This application seeks to vary the approved plans condition to alter the design of the development and the amendments are summarised as follows:

- Removal of the café from the southern elevation of the building and other changes to the internal layout (including the inclusion of a 'store-in-store' Argos). These result in minor changes to the elevations of the building (minor changes to fenestration and materials).
- The addition of solar panels to the roof.
- Reduction in the size of the carpark.
- Reduction in the size of the petrol filling station and its conversion to an unmanned operation.
- The creation of an area next to the petrol filling station, reserved for future development.
- Revision to the culvert drainage strategy.

The approved and proposed store is proposed to be orientated to the east, overlooking a substantial area of car parking. 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.

The building is to be faced in timber, metal cladding, brickwork and glazing, and these details will be secured through the imposition of a condition.

The changes to the building are relatively minor, with the most significant changes being the removal of the café to the southern elevation and the reduction in the size of the petrol filling station.

The detailed design is considered to be acceptable and would comply with policies SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

Landscape

Concern has been raised in terms of the lack of tree planting within the carpark and based on the indicative plan this has been repositioned to the boundaries of the store car-park. This is a weakness in the design of the proposed scheme, but the revised layout will require the submission of an updated landscaping plan to reflect the amended layout. This will be secured via an amended landscaping condition (landscaping was condition 30 attached to application 13/4121C).

Highways Implications

The S106 Agreement completed as part of application 13/4121C includes the following Heads of Terms:

- £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
- £330,000 for the provision of the agreed new bus service for the site sum to be paid 6 months before the store is first brought into use
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

This application seeks to amend the Heads of Terms as follows:

- £100,000 Bus Service Contribution
- £100,000 Footway widening works along Linley Lane (as a replacement to condition 37)
- £200,000 Linley Lane/B5077 junction improvement works (as a replacement of condition 36)
- £100,000 Local highway works

The application also seeks to remove the following highways related conditions:

36 – Construction of the off-site highway works (roundabout access, bus stops on the A5011, and junction improvement works at the junction of the A5011/A50/B5077) prior to the store being brought into use

37 – Provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 (the wording of this condition was amended as part of Non-Material Amendment application 17/5683C)

Highway Safety and Capacity

The store would be accessed via an estate road which connects Richard Woodcock Way and a three-arm priority-controlled roundabout which is located on Linley Lane (A5011).

The transport impacts of the revised slightly smaller store will be slightly lower than the consented scheme and the primary access is now in place; so, there are no concerns from a highway safety and capacity point of view.

The letters of objection refer to the traffic moving through the recently constructed Wain Homes development, this has been the intention for the development of this site dating back to the first permission as part of application 11/4109C. As part of the residential development Wain Homes should have provided traffic calming measures including rumble strips along the primary access road. These works have not been provided and the issue is subject to a separate enforcement investigation and discussions with Wain Homes.

Car Parking

In accordance with the CELPS Parking Standards development requires the provision of 271 parking bays using this standard. This application proposes a total of 249 parking bays and this provision is broadly compliant with that recommended in the Council's standards. It should be noted that the parking standards will only apply where there is clear and compelling justification that it is necessary to manage the road network and that the Council will accept representations to vary from car parking standards on a site-by-site basis.

In support of this application the applicant has provided evidence, that alongside removal of the onsite café (from the consented scheme which reduces dwell-time) and the changes brought about by retail shopping patterns since the pandemic (more people working from home, a significant uptake in home deliveries, and trips to stores are less concentrated around the traditional pre-Covid peak periods), that the 249 spaces are adequate. The Head of Strategic Transport has accepted this and raised no objection to the reduction in the parking provision within this site.

The applicant is aware of the potential issues of displacement parking because of the likely introduction of car parking charges in Alsager on Council controlled car parks. As such, the applicant is prepared to agree a condition for the control and management of the car park; with a maximum 2 hour stay permitted.

Cycle Parking

As the floor space for the proposed development is greater than 1,000 sqm, the recommendation of 10 cycle parking spaces within the CELPS Parking Standards is exceeded with 20 cycle parking spaces proposed.

Accessibility by Public Transport

The previous planning consent secured a S106 contribution of £330,000 to provide a suitable level of bus provision to serve the site. This was designed to fund the provision of a new or extended Alsager town centre bus service with a 30-minute frequency on Monday to Saturday and to include a link between the development and Alsager town centre.

It is however noted that the 317-bus service already routes to Alsager town centre, passing the site via the bus stops on Linley Lane from Monday to Friday, but there is no weekend service. The proposal therefore requires a reduced level of public transport support; and it has been agreed with the applicant that a sum of £100,000 will support an hourly Saturday bus service between Alsager and Sandbach for three years. This will give opportunity for this service to become self-financing in due course. The Head of Strategic Transport has raised no objection to this change to the Heads of Terms.

Accessibility by Walking

Condition 36 of the extant scheme provided improvements to the Linley Lane junction with the inclusion of a pedestrian phase to assist crossing the A5011/A50/B5077 signal junction. The Head of Strategic Transport has agreed the estimated cost of these works at £200,000 and is content to accept

a contribution of this value. This will provide the Council with the maximum flexibility in its approach and undertake maintenance works at the same time.

In addition, condition 37 of the extant scheme required improvements to the footway between the development and the Linley Lane signals. As with the above, the Council has undertaken an exercise to satisfy itself that the cost of these works will be in the region of £100,000 and is content to accept a contribution of this value. This will provide the Council with the maximum flexibility in its approach and undertake maintenance works at the same time.

It is suggested that the contributions above are grouped together as the two schemes abut each other and will allow maximum flexibility in delivering the improvements.

Traffic Management Measures

With a development of this nature, it is not always possible to fully predict all traffic related issues such as speeding and or anti-social parking, etc. As such the applicant has agreed to provide a sum of £100,000 for the Council to provide a scheme of traffic management measures in the vicinity of the site.

Highways Conclusion

The applicant has demonstrated that the servicing of the site can be safely accommodated, and the provision of car parking is adequate. The revised contributions from the applicant mitigate the developments harm in an acceptable way and justify the removal of the previous planning conditions relating to an improved footway connection and traffic signal pedestrian crossings. The application is considered to comply with policies CO1 and CO2 of the CELPS, INF1 and INF3 of the SADPD and TTS1, TTS2 and TTS4 of the ANP.

Amenity

The nearest residential properties are over 35 metres to the north of the proposed store and 21 metres to the east (at the closest point). The application would not alter the position of the store, the location of its vehicular access, service yard or delivery areas, whilst the building height would be reduced by 300mm. The proposal would provide a greater level of landscaping to the northern boundary and as such the impact upon residential amenity would not be any greater than the extant planning permission.

Noise

The nearest residential properties are over 35 metres to the north of the proposed store and 21 metres to the east (at the closest point). The application would not alter the position of the store, the location of its vehicular access, service yard or delivery areas.

The extant planning permission is the subject of the following conditions:

11. Construction hours
12. Piling hours
13. Construction Management Plan
15. Hours of deliveries to the store
17. Details of all fixed plant

18. Scheme of CCTV for the proposed car-park

The above conditions would be included within the decision notice for this application and would protect the nearby residential properties from noise generated at the site (condition 15 would be amended to remove the reference to the biomass boiler but would retain the reference to the hours of delivery to the store).

Air Quality

The application seeks to remove the biomass boiler from the proposed development and as such conditions 15, 16, 19, 20, 21 and 22 are requested to be removed.

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 application would result in a benefit in air quality in comparison to the extant scheme and as such there is no objection to the removal of conditions 15, 16, 19, 20, 21 and 22.

Lighting

The details of the external lighting is secured via the imposition of a planning condition. This condition will be imposed as part of any new permission to protect residential amenity.

Contaminated Land

The issue of the land contamination is dealt with via the imposition of a planning condition. This condition will be imposed as part of any new permission to protect residential amenity/public health.

Renewable Energy

The applicant has advised that the biomass boiler will be removed as Sainsburys no longer use these in new stores (principally because the fuel is often not able to be sourced in a sustainable manner). Sainsburys have advised that the amount of energy required will be reduced by reducing the volume of the store, new mechanical and electrical technologies and features such as doors to fridges and freezers). In addition to these measures, the applicant now proposes to install solar panels to the roof of the store, and this will provide a sustainable energy source for the proposed development. A condition will be imposed to ensure that these solar panels are provided before the store first opens.

Conditions 32 and 33

These conditions are as follows:

32 – The net sales area shall be limited to 2,323sq.m.

33 - The sales area shall be limited to 1,975sq.m for the display of convenience goods with the remaining 348sq.m for the display of comparison goods

The applicant has stated that the changes to the floorspace are due to less comparison floorspace being required and a greater focus being given to food sales within the store. The majority of the

comparison goods provision will be centred on the inclusion of a 'store-in-store' Argos which will allow the ordering, purchase and collection of a range of goods.

This application proposes to amend these conditions and combine as *'the net sales area shall be limited to 2,322sqm of which a maximum of 348sqm shall be for the display of comparison goods'*. This is considered to be acceptable and there would be no greater harm to the vitality and viability of Alsager town centre.

Trees and Hedgerows

The trees which stood along the Linley Lane frontage were the subject of the Congleton Borough Council (Crewe Road/Linley Lane) TPO 2007. The trees were of a poor quality and were accepted for removal as part of the earlier application and have since been removed. Replacement planting can be accommodated within the new development, and the proposed site plan shows that tree planting will take place on the site (including the Linley Lane frontage).

There are no other trees within the site other than self-seeded specimens along the railway line. This application would have no greater impact upon trees or hedgerows.

Ecology

Other Protected Species

A number of setts were found within the wider site as part of the survey dated February 2014. Condition 26 attached to planning permission 13/4121C requires the development to proceed in accordance with the mitigation measures identified within the 2014 Survey.

An updated badger survey has now been provided. The updated report identifies a potential sett being present in the railway embankment on the south of the site. However, due to the surveyor not having access permission to enter the railway embankment the sett could not be inspected to determine whether was active or not. The sett is potentially within 30m of the proposed works and so could be affected by the proposed development. The Councils Ecologist has advised that until the sett has been surveyed in detail the Council does not have sufficient information assess the potential impacts of the proposed development upon other protected species or to agree a revised mitigation strategy. Discussions are continuing into this matter and an update will be provided.

Culvert

The opened-up culvert would be replaced by an ephemeral stream which would accommodate surface water run-off from the site. This ephemeral stream would be landscaped with native planting including bog features/planting and wildflower meadow planting. The Councils Ecologist has confirmed that he is happy that this would be an acceptable solution.

Flood Risk and Drainage

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 application proposes to amend condition 39 which states as follows:

Notwithstanding the approved plans referred to in Condition 2 and prior to the commencement of development on Phase 3 as identified on plan reference A-PL-110 Rev A received on 21st March 2016 details of the works to open up the culvert including a timetable for the works shall be submitted to the Local Planning Authority for approval in writing. The development shall be completed in accordance with the approved details prior to the commencement of use of the premises.

Some of the letters of representation have made reference to the drainage issues associated with Linley Lane as it passes under the railway. The applicant has undertaken an assessment of the existing situation, and this has identified that the flooding issues are due to the following two factors:

- Inadequate highway drainage. The highways drains are undersized and unable to accommodate even the 10-year flood event.
- Blockage of the culvert inlet due to trash/debris at the inlet safety grill, which is unmaintained.

The opening up of the stretch of culvert along the eastern boundary of the site as required by condition 39 would require extensive engineering works due to its depth and the provision of retaining structures to either side. This would result in the creation of a deep over-engineered channel.

As an alternative the application proposes culvert works to improve its operation rather than an opening up of the culvert. These works would involve improvements to the culvert inlet by widening the channel so that it can accommodate a new culvert trash screen (designed in accordance with the Environment Agency guidance). The new trash screen will be anchored to a new headwall inlet and is designed to accommodate the flow of the watercourse and the trash/debris loads. The trash screen will also incorporate a safe working platform and a safe route of egress in case of accidental entry and provisions for a harness and safety line to allow the removal of debris/trash.

To the north of the culvert inlet the application proposes an ephemeral stream which would accommodate surface water run-off from the site. This ephemeral stream would be landscaped with native planting including bog features/planting and wildflower meadow planting. The provision of a stone riverbed would protect against erosion.

The works to the culvert have been considered by the Councils Flood Risk Officer who has confirmed that he has no objection to the application.

The other drainage conditions: surface water run-off details (condition 5), a scheme to manage the risk from overland flow (condition 6) and a scheme for the disposal of surface water (condition 8) would be retained on the decision notice.

This application does not raise any drainage/flooding issues and the variation of condition 39 is acceptable.

Other issues

In addition to the conditions which the applicant seeks to vary, the following conditions can be amended/deleted in accordance with the amended details:

1. Standard Time Limit – The development has commenced, and this condition is no longer required.
3. Phasing – The condition required the implementation of the access and roundabout as part of phases 1 and 2. The access and roundabout have been constructed and the condition is no longer required.

4. Finished Floor Levels – This application shows that the proposed floor level would be 0.12m lower than that which was approved. The condition will be amended to ensure compliance with the revised details.
7. Petrol filling station tanks - The condition will be amended so the trigger is amended to refer to the commencement of the petrol filling station rather than the development of the entire site.
10. The contaminated land remediation strategy has been approved. The condition will be amended to ensure compliance together with the submission of a site completion report.
13. Construction Management Plan – compliance with the details approved as part of application 16/1305D.
23. This application includes the details of the materials – The details are acceptable and can be approved.
28. Tree Protection Measures – compliance with the details that have been approved as part of application 16/2762D.
29. Arboricultural Method Statement – compliance with the details that have been approved as part of application 16/2762D.
34. Internal road infrastructure – this has been approved and the road infrastructure has been constructed. The condition can be deleted.
40. Minor structures – This condition relates to any trolley bays, sprinkler tanks and any electrical service structures. The condition can be amended so that it requires the details to be submitted prior to the first use of any facing or roofing materials rather than pre-commencement.

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:

- £100,000 Bus Service Contribution
- £100,000 Footway widening works along Linley Lane (as a replacement to condition 37)
- £200,000 Linley Lane/B5077 junction improvement works
- £100,000 Local highway works

The contributions of £100,000 for local highway works is identified within the applicants own Transport Statement and is necessary along Linley Lane and the vicinity of the site. A development of this scale would have highway implications which would require mitigation. The contribution 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 and by foot, contributions will be required towards an improved bus service, together with the junction improvements and the improvement to the Linley Lane footway. These contributions are directly related to the development and fair and reasonable.

CONCLUSIONS

The supermarket has an extant consent as part of application 13/4121C, and this proposal seeks minor amendments to the design and layout of the proposed development.

The applicant also proposes to amend the Heads of Terms of the S106 Agreement and the conditions relating to the off-site highway works. These amendments are based upon the current position and the Head of Strategic Transport has confirmed that he has no objection to these changes.

As a consequence of the above and the phases 1 and 2 of the development having commenced, there are also changes required to other conditions within this decision and these are considered to be acceptable.

The scheme proposed as part of this application would not cause harm in terms of residential amenity, design, trees, ecology (subject to an update report), flood risk/drainage, pollution or highways. The application complies with the relevant policies of the Development Plan when taken as a whole and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to completion of a Section 106 Agreement with the following Heads of Terms to replace the S106 Agreement completed as part of application 13/4121C:

S106	Amount	Triggers
Bus Service Contribution	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
Linley Lane/B5077 junction improvement works and Linley Lane footway widening works	£300,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
Local Highway Works	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have

		commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
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And the following conditions

1. **Approved Plans – AS AMENDED**
1. **Proposed land levels to be in accordance with the approved plans – AS AMENDED**
2. **Surface water run-off details to be submitted and approved**
3. **A scheme to manage the risk of flooding from overland flow of surface water to be submitted and approved.**
4. **The construction of the petrol filling station 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.**
5. **A scheme to dispose of surface water to be submitted and approved.**
6. **Unexpected contaminated land**
7. **Contaminated Land compliance with the details submitted as part of application 16/0454D. Site completion report to confirm validation works to be submitted.**
8. **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.**
9. **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**
10. **Construction Management Plan compliance with the details approved as part of application 16/1305D.**
11. **External Lighting Details**
12. **Hours of Deliveries to the Store to be submitted and agreed.**
13. **Details of Fixed Plant and Equipment to be submitted and agreed.**
14. **Scheme of security barriers/CCTV for the proposed car park to be submitted and agreed.**
15. **Materials as application**
16. **Breeding birds – timing of works**
17. **Nesting Bird Mitigation Measures**
18. **Mitigation recommendation of the 2014 Badger report to be secured**
19. **Boundary Treatment Details including details of all retaining structures**
20. **Tree/Hedgerow protection measures in compliance with the details approved as part of 16/2762D.**
21. **Arboricultural Method Statement compliance with the details approved as part of 16/2762D.**
22. **Submission of a revised landscaping plan and implementation of the approved landscape proposals.**
23. **Cycle parking to be submitted and approved.**

24. The net sales area shall be limited to 2,322sqm of which a maximum of 348sqm shall be for the display of comparison goods
25. Prior to first use all access roads and car parking will be constructed and formally marked out.
26. Travel Plan details to be submitted and approved.
27. Details of the culvert works to be submitted to the LPA for approval in writing
28. Minor structures details to be submitted and approved.
29. Solar panels to be provided prior to the store first opening
30. Prior to the store first being brought into use a scheme for the control and management of the car park; with a maximum 2-hour stay permitted shall be submitted and approved.

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 Head of Planning 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 enter into a S106 Agreement with the following Heads of Terms to replace the S106 Agreement completed as part of application 13/4121C:

S106	Amount	Triggers
Bus Service Contribution	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
Linley Lane/B5077 junction improvement works and Linley Lane footway widening works	£300,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
Local Highway Works	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.



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