

Application No: 12/0800C

Location: FORMER TWYFORD BATHROOMS SITE, LAWTON ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DF

Proposal: Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works

Applicant: Sainsbury's Supermarkets Ltd & Lagan Als

Expiry Date: 11-Jun-2012

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Impact of the development on:-

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

REASON FOR REFERRAL

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

1. DESCRIPTION OF SITE AND CONTEXT

The application relates to 2.34 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.

There is a separate planning application for residential development on a larger part of the Twyford's site (11/4109C) and there is a separate planning application for the formation of a roundabout on Linley Lane (11/4390C).

2. DETAILS OF PROPOSAL

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store (3,903sq.m gross/2,345sq.m net sales area), a petrol station and 298 car parking spaces.

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

3. RELEVANT HISTORY

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

4. POLICIES

Local Plan policy

PS3 – Settlement Hierarchy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

E10 – Re-use or Redevelopment of Existing Employment Sites
S1 – Shopping Hierarchy
S2 – Shopping and Commercial Development Outside Town Centres

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
DP4 Making 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
W5 Retail Development
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM2 Remediating Contaminated Land
EM3 Green Infrastructure
EM5 Integrated Water Management
EM 10 A Regional Approach to Waste Management
EM11 Waste Management Principles
EM17 Decentralised Energy Supply

National Policy

National Planning Policy Framework

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Community Infrastructure Levy (CIL) Regulations 2010
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review
Cheshire Retail Study Update (April 2011)
PPS4 Practical Guidance
SPD 4 Sustainable Development
Alsager Town Centre Strategy SPD

5. CONSULTATIONS (External to Planning)

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

- The development site is within Flood Zone 1 with a low probability of river/tidal flooding
- There is an existing watercourse that flows through the site in culvert. For any proposed construction on the line of this culvert, or adjacent to the culvert, any additional loading should be avoided as a collapse of this culvert could result in causing a localised flooding problem.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site, via the existing surface water drainage system. For discharges above this, attenuation will be required for up to the 1% annual exceedence probability event, to include allowances for climate change. A variable discharge, at existing run-off rates, is acceptable in principle.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate
- The following conditions are suggested;
 - A scheme to dispose of and limit the surface water run-off generated by the proposed development
 - A scheme to manage the risk of flooding from overland flow of surface water
 - The submission of a contaminated land assessment
 - A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation
 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
 - 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 Master Plan shows that the applicant intends to leave the watercourse in culvert. As part of previous enquires regarding this site the Environment Agency have consistently asked for the watercourse to be restored. The EA are very disappointed to see that the culverted watercourse will not be restored. The redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat.
- Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. The EA seek to restore and enhance watercourses to a more natural channel wherever possible.
- This stance is supported by the National Planning Policy Framework (NPPF) paragraph 109, which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.

United Utilities: No objection subject to the following;

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

Strategic Highways Manager: The Strategic Highways Manager has assessed this application together with the provided Transport Assessment, Travel Plan and other highway related information.

The Transport Assessment did not fulfil the requirements of the Highway Authority and was returned to the applicant's consultant for appropriate revision. The Travel Plan also requires some revision.

Currently the Strategic Highways Manager remains in discussions with the applicant's highway consultant and it is understood from a conversation with them that revisions to the whole site, including the likely scale of development for the residential element which is not part of this application may well alter the potential traffic generation from the site. This will therefore alter the off-site impact on the existing highway network.

As a result the Strategic Highways Manager awaits further information from the applicant's highway consultant and is currently assessing some additional information recently received.

As a result of the above position it is not possible for the S.H.M. to recommend on this development proposal and the S.H.M. finds that the most pertinent position in highway terms would be for this application to be deferred until the highway aspects of this site are finalised.

The Strategic Highways Manager recommends that this application be deferred to allow full and detailed discussions with the developer and their highway consultant on all aspects of the revised scale of development.

Environmental Health: Conditions suggested in relation to hours of construction, pile driving, noise impact assessment, acoustic enclosure of any fans, compressors or other equipment and contaminated land.

In terms of air quality the assessment utilises 2009 monitoring data as its baseline year. This should be updated considering the most current annual data available. The impact of car park emissions and diurnal variation of the likely traffic flows should be taken into consideration within the report. In addition, the assessment should consider the cumulative impact of all live applications in the vicinity.

Emissions from the proposed biomass boiler should be assessed to ensure potential air quality impacts are controlled.

The report needs to also take into account the trend that NO_x and NO₂ concentrations are not declining as expected (i.e. considering the potential effect of the development against the current baseline year).

The report as it stands states that the development is predicted to give rise to a medium change in NO₂ concentrations at one receptor, a small change at another and imperceptible at the remaining. Any negative impact on air quality should be mitigated against to help safeguard future air quality irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an AQMA.

Natural England: The nearest designated site is Oakhanger Moss Site of Special Scientific Interest and Midland and Meres Mosses Phase 2 Ramsar, which is a European Sites protected under the Conservation of Habitats and Species Regulations 2010. Natural England are satisfied that there is no direct hydrological link between the proposed development site and the above designated sites. Natural England considers that the proposed development will not materially or significantly affect the aforementioned protected sites. For information on protected species please refer to the Natural England standing advice.

Public Rights of Way: No comments received at the time of writing this report

Archaeology: No comments received at the time of writing this report

Cheshire Wildlife Trust: Cheshire Wildlife Trust has the following comments to make;

- The application is accompanied by Chapter 6 Ecological Impact Assessment, which appears to be extracted from a much longer Environmental Statement prepared in 2010 in connection with a mixed-use Masterplan for the whole site, rather than having been written specifically for the proposed Sainsbury's supermarket development site. It is therefore difficult to isolate information which refers specifically to the development site. However, the EclA appears to have been carried out (with some exceptions – see below) at an appropriate level of detail and by suitably qualified consultants.
- The EclA recommends that full breeding bird surveys should be carried out in April/May 2011. There are no results to indicate whether these surveys were duly carried out. If not, this requirement is outstanding.
- Similarly, the EclA recommends that bat and badger surveys be repeated prior to the start of development. While additional bat surveys were undertaken in 2011, there do not appear to have been any additional badger surveys since the initial EclA. This requirement is therefore also outstanding.
- The EclA also recommends the preparation of a Woodland Management Plan and a Badger Mitigation Plan, to be agreed between CEC and professional consultants prior to the commencement of development on site. These documents do not appear to be included with the current submission.
- The EclA recommends that a culverted stream through the site is opened up, in order to enhance the ecological value of the watercourse. The Sainsbury's proposal does not achieve this – the stream remains culverted as it traverses the eastern edge of the development site, although sections of the culvert are in soft landscaped areas. This is a missed opportunity for biodiversity enhancement.
- Among the recommendations of the EclA is the suggestion (Para 6.8.6) that planting proposals for the site *'should include only native species of known biodiversity value...instead of planting the more standard Laurels and Hebe's, future detailed landscape plans could include fruit and berry producing trees such as Rowan, Wild Cherry and Hawthorn'*. Although the detailed planting plan for Sainsbury's includes some native species the proposals are still dominated by evergreen ornamental shrubs of low biodiversity value.
- The recently-published Draft Alsager Town Strategy, currently out for consultation, makes specific reference to the future development of the former Twyford Bathrooms site. Local community suggestions do include the provision of retail facilities on this site, but for *'small scale local retail development in the region of 200-300sq.m.'* The supermarket application is for a supermarket of 2345sq.m. net area (about ten times the size that the Draft TS favours). In this respect the application is directly contrary to current community aspirations.

- Should this application be given permission, CWT would recommend that the following (more fully worded) conditions are attached including (but not limited to):
 - Submission for approval of Woodland Management and Badger Mitigation Plans
 - Protection of existing vegetation
 - Protection of actively nesting birds during the breeding season
 - Provision of bird nest boxes and bat roosting boxes.
 - Submission for approval of low-impact lighting proposals, to minimise disturbance of bats

Network Rail: No comments received at the time of writing this report

Newcastle-under-Lyme Borough Council: Objects to the application on the grounds that further consideration should be given to the impact of the proposed food store on the trade of the Tesco store in Kidsgrove which could reduce linked trips into Kidsgrove Town Centre and could therefore harm the vitality and viability of the centre.

6. VIEWS OF THE PARISH COUNCIL

Alsager Town Council: The Town Council has no objection

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

- The National Planning Policy Framework reflects the approach taken in the adopted Local Plan and recognises that town centres should be at the heart of their communities & that Planning Authorities should pursue policies to support their viability and vitality.
- Where possible applications should be located in town centres, then in edge of centre locations & only if suitable sites are not available should out of centre sites be considered.
- Sainsbury's have provided a forecast for the retail sales impact of the new store. The Parish Council would expect that Cheshire East would conduct its own assessment of the retail sales impact to verify these figures.
- Ensuring the continuing individuality, vitality & viability of nearby Town Centres should be a major influence upon the determination of the application.
- Following the receipt of the illustrated plans prepared by Sainsbury's the Parish Council has further concerns over the proposed roundabout. The plans have been modified to the original planning application. The Parish Council's main concern is the adequate and safe access from the highway to the proposed site.
- The modified plans now show bus stops on both sides of the road on Linley Lane.
- Creating bus stops on this road would further impact the traffic flow. The Parish Council strongly feels that it would be dangerous for pedestrians to attempt to cross such a busy road.
- Bearing these safety concerns in mind the Parish Council would recommend that any bus stops are situated on the Supermarket site itself in order to avoid congestion & to ensure public safety.
- The modified plans now show access to the field just before the roundabout. This field is used for farming, and it should be noted that continued access would be required for tractors & machinery etc.
- Linley Road is used not infrequently as an alternative route by drivers when there has been a closure or partial closure of the M6 Motorway in the locality. It is questioned whether or not adequate account has been taken of the pressures exerted by such additional traffic flows. In particular, whilst roundabouts do generally maintain traffic flows during off peak times, at peak times they can cause significant tail backs

- The Parish Council considers that the Supermarket design is not of a sufficiently high quality design. The National Planning Policy Framework states 'In determining applications, great weight should be given to outstanding or innovative designs which will help raise the standard of design more generally in the area.'
- A further point is that the application does not state the opening hours of the petrol station. The Parish Council would like clarification of the opening hours. Particular consideration should be given to this aspect of the proposals because of the potential impact of late night traffic within the site upon the residential development which could take place next door to the proposed supermarket and filling station.
- Finally, the consultation on the draft Alsager Town Strategy carried out by Cheshire East Council has recently closed (2nd April). The draft Strategy referred to the Twyford's site as a "Preferred Development Site" and suggested that it may be suitable for a mixed use development involving a range of types of development including a small scale retail scheme in the region of 200 to 300 square metres of floor area. It is hoped that the results of the public consultation will be available prior to the Council making a decision on the future of this site and determining planning applications for its development.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 19 households raising the following points;

Principal of Development

- The proposal is contrary to Policy S2
- The draft Alsager Town Strategy supports the protection of Alsager Town Centre
- The proposal is contrary to the advice contained within the NPPF
- No need for a supermarket
- There is a Tesco Store within 2 minutes of the site
- The site is in a un-sustainable location

Retail Impact

- Detrimental impact upon Alsager Town Centre
- Undermine future investment
- Serious impact upon trade
- There would be a reduction in the number of people visiting the town centre
- There will be no linked trips despite the claim of Sainsbury's
- The Councils own retail study concludes that there is no need for any significant new food stores in Alsager
- Impact upon local businesses
- Businesses in the town centre will close
- Other towns have suffered from supermarket development such as Congleton
- The proposal will not serve the community like local stores
- The expansion of the Sainsbury's Store in Nantwich has resulted in town centre foot fall dropping by 20% according to the Chamber of Trade.
- Jobs will be lost in Alsager Town centre
- There are many supermarkets within a 5 mile radius of the site
- The development will create a ghost town in Alsager
- There is a significant level of objection amongst local businesses
- The application site is too far from the centre of town

Highways

- Increased traffic congestion
- Highway safety
- The roundabout would be dangerous
- Poor visibility at the site access

Amenity

- Deliveries to the store would cause amenity concerns to local residents
- Increased pollution
- Structural damage

A petition objecting to the application which has been signed by 269 local residents has been received.

Letters of support has been received from 47 households raising the following points;

Principal of Development

- Support the new store
- Increased employment
- A petrol station is needed in Alsager
- The proposal will reduce the carbon footprint of residents as they will not have to travel as far to shop
- The application site is a brownfield site
- The site is on a bus route

Retail Impact

- Promote healthy competition with the CO-op
- The Sainsbury store would reduce trips to Crewe
- The store would not have an adverse impact upon Alsager Town Centre
- The new Co-op will do more damage to the Town Centre
- The new housing proposed in the area will also benefit from the proposed development
- The proposal will enhance Alsager
- The proposal will attract people to Alsager from the surrounding areas of Kidsgrove, Rode Heath and Sandbach
- The Co-op redevelopment will not enhance provision within Alsager
- It will benefit Cheshire East if money is spent within the Borough instead of Stoke-on-Trent
- The residents of Alsager deserve greater choice
- Competition between stores will drive prices down
- Increased out of town shopping is a good thing
- Increased variety of goods will be available in the Sainsbury's store
- The objections are lead by the retailers within Alsager and do not represent the people of Alsager
- The Co-op has limited stock and expensive prices

A letter of objection has been received from Fiona Bruce MP raising the following points;

- It is acknowledged that opinion is divided within Alsager. However, there are concerns about the impact of out of town supermarkets upon local communities.
- I endorse the formal objections raised by the Alsager Partnership and Alsager Chamber of Trade

- Work has commenced on the Co-op store and this expansion has been assessed as providing the convenience retail need in Alsager up to 2015.
- The Alsager Partnership has severe concerns about the impact of the proposed store on the viability and sustainability of the town centre, its businesses and the focal point for community life
- In reality there would be no linked trips with Alsager Town Centre as the two zones are too far away and the supermarket would have a significant negative impact.
- The vacancy rate in Alsager is below average as people shop in the town centre. An out-of-centre supermarket would jeopardise this.
- The Cheshire East Retail Study Update 2011 identifies a total convenience retail floor space in the town of 1,791sq.m. The Sainsbury's convenience floor space would measure 2,016sq.m this is twice the size of all of the convenience floor space that currently exists in the town. The scale of the proposal is completely inappropriate and unnecessary.
- Independent retailers and businesses in Alsager have managed to show resilience during difficult trading conditions but have also had to contend with the closure of MMU and a reduction in capacity at Radway Green. Traders believe that such a development would further reduce footfall.
- The impact of out-of-town supermarket developments can be seen elsewhere namely Congleton where a large number of people are using the out-of-town Tesco and other retail units. One constituent has stated in recent correspondence that *'jobs are an enticement which might seem alluring in a time of no work but weighed against those jobs that their arrival will squash there is no net gain in employment'* and that local independent retailers cannot compete with the *'crushing buying techniques'* of the major retailers. These words of warning would be well heeded with reference to this application which in the strongest terms should be given very careful consideration.

A letter of representation has been received from Cllr Fletcher raising the following points;

- Declares a personal interest as a member of the Coop
- The meeting at Alsager Town Council was well attended and confirmed that there is strong support from the people of Alsager for a large food store in the town
- The new Coop store is welcome but only has limited retail space
- There have been objections from the Coop, Chamber of Trade and Alsager Partnership who say it will take people out of Alsager and from Newcastle-under-Lyme Borough Council who say it will stop people travelling out of Alsager.
- It is an accepted fact that at present most Alsager people do their main shopping outside Alsager, especially at Tesco in Kidsgrove, Asda in Wolstanton, and Waitrose in Sandbach.
- Newcastle-under-Lyme Borough Council allowed Tesco to build a large supermarket on former railway sidings about 300 metres from the Cheshire Border. Asda Wolstanton is built on an old colliery site and it is expected that permission will be given for a large Marks and Spencers to be built there. Also Stoke-on-Trent City Council have given planning permission for a large Morrisons to be built on the outskirts of Tunstall.
- There used to be four petrol stations in Alsager now there are none.
- The view of some residents is that if permission is given for the Sainsbury's supermarket and petrol station they will no longer have to drive into Staffordshire to shop.
- When the Strategic Planning Board is considering this planning application will they please take environmental issues into account.
- If they are mindful to approve it will they should place conditions that will not allow Sainsbury's to sell white goods, clothes etc to protect the small businesses in Alsager.

A letter has been received from Alsager Chamber of Trade raising the following points;

- The application does not satisfy the sequential test and does not demonstrate that there are no other town centre or edge of centre locations. The existing Co-op is already being extended and the completion of the new store (which trebles the current trading space) should be delivered within the next 6-9 months.
- Alsager Chamber of Trade have considered significant amounts of research from existing academic studies and case reports of similar developments since 1998, sought advice from specialist planning consultants, undertaken surveys within the local community, reviewed and considered the conclusions of the existing Local Plan (2005) and the new Local Plan (2011 and currently going through the process of being formally adopted).
- The impact on the town centre will be detrimental to the long term sustainability and wellbeing of the town and its residents. There is no evidence from previous case studies and research that any perceived short term benefits will be maintained. The conclusions of all research and case studies prove, without exception, that the long term effects are negative.
- The “ghost town” effect of such developments has been fully researched and recorded in towns within the UK over more than a decade. Fakenham, Hunstanton, Stalham, Warminster and Dumfries are typical examples where footfall fell by over 30% within 6 months of the stores opening.
- There is also strong evidence that superstores alter the percentage of space given over to traditional consumer goods once the application has been approved. There is a growing move by trading entities such as Sainsbury to diversify into the sale of non-traditional goods which places further impact on traders who may believe they will be unaffected by the store.
- The Council’s Retail Study Update 2011 identified a total convenience retail floor space in the town of 1,791 sq. m. The Sainsbury’s convenience floor space measures 2,016sq.m – this is twice the size of all the convenience floor space that currently exists in the town, thereby clearly of an inappropriate scale.
- The proposed development does not comply with criterion II and III of Policy S2. Criterion III fails as the size and scale of the proposed development is considerably beyond any future requirement as already identified by retail studies of both 2005 and 2011. In terms of criterion I, the catchment area used in the Sainsbury’s application extends way beyond what could be readily classed as serving the needs of a locally resident catchment i.e. Alsager, as it extends to areas such as Kidsgrove, Sandbach, Church Lawton, Haslington and Audley to name a few.
- Sainsbury’s allege that the vast majority of trade will be drawn from other areas, particularly the existing Tesco in Kidsgrove and Waitrose in Sandbach. The application seeks to play down the impact on Alsager Town Centre and claims that the impact on other businesses within the Town Centre (outside of the Co-op and Sainsbury’s local) will be in the region of 6% and will not be “significantly adverse”, which is the test applied in national planning policy.
- Sainsbury’s also claim that Alsager is a ‘healthy’ town centre with relatively few vacancies and therefore it will be well placed to withstand any impact. The Alsager Chamber of Trade would challenge that assumption particularly as the view from a significant number of the businesses is that they are only just making ends meet at the moment without this additional level of inappropriate competition. Case studies and academic research collated since 1998 concludes that a drop in local town footfall occurs at a minimum level of 20% when an out of town store is built. This statistic occurs immediately from the date the store opens and has not been proven to recover naturally.
- Sainsbury’s allege that customers to their store will combine their visit with a “linked trip” to Alsager. However, given that there is not an easy, short or direct route between the supermarket site and the town and it is nearly 1km away, this is considered an over-optimistic assumption and that the new store will be a standalone “destination” in itself. This is backed up

by the number of parking spaces being proposed (which is equal to the Town Centre provision). Sainsbury's own household survey (submitted to 10,000 households in the area) has a question on this point. Q.8 of the survey asked respondents if they 'linked' their main shopping activity with another activity and nearly 65% of the total replied 'no'. This backs up the concerns that people will not link their trips.

- Sainsbury's state that 200 jobs will be created – this is not however split down into Full Time Employments, how many will be contract jobs and at what level. Equally, this is not a "net" jobs figure and does not take into account the reduction in jobs caused by local traders reducing staff numbers (as a result of lower turnover), or from jobs lost when a shop closes. Once this is taken into account, the "net" number of jobs created will be much lower, with the consequent weight to be attached to this factor in the Council's decision-making also being lower.
- An EIA may be required and it does not appear that the applicant has asked the Council for a screening opinion
- There does seem to be concern locally about the impact of the new roundabout (Alsager Chamber of Trade submitted an objection to this application In January 2012). Cheshire East's Highways engineers responded in detail to the separate roundabout planning application, and raised significant number of serious issues. It is understood that the developers and the applicant will seek to address many of these in their supplemental report but we still wish to raise concerns in respect of the cost to the local community and other related issues that were raised at the time.

A letter of has been received from Alsager Partnership raising the following points;

- The proposal is not in accordance with the Local Plan policies or the recently published NPPF
- The proposal does not satisfy the sequential test and the applicant has failed to demonstrate that there is no town centre or edge of town centre locations available for such development. Since the application has been made, work has commenced on the extension to the existing Coop store in a town centre location. The sequential approach outlined by the application ignores this location (which is clearly deliverable) and any of the surrounding car park / open space as being a possibility for further expansion of the retail offer. Therefore that the sequential test is not satisfied and the application should be refused.
- The application does not contain an adequate assessment of the impact on town centre viability and vitality in the context of the expanded Co-op store and investment. The White Young Green study states that the Co-op store will provide the convenience retail need for Alsager up to 2015. An analysis should therefore be done in the context of this expansion of the town centre provision which is already under development. For this reason the application is flawed.
- Surveys taken in 2010 and 2011 demonstrate that 32% of Alsager town centre users live outside the town, but within a 30 minute driving distance of Alsager, such as Kidsgrove, Rode Heath, Barthomley, Scholar Green and Audley. . By locating a supermarket out of town, those visitors will, in effect, be stopped at the boundary to meet their convenience shopping needs. Potential loss of such a high percentage of foot fall could seriously impact on the viability of independent businesses in the town centre, which represent 81% of business premises occupied.
- The proposal is out of town centre so will clearly not improve the offer of the town centre in itself and the prospect for linked trips will be at very best minimal. Alsager Partnership are very firmly of the opinion that people visiting the proposed store for their main food shop will not visit Alsager Town Centre for a linked trip to visit other shops. It is too far away and therefore the proposal will have a significant negative impact on the town centre by drawing shoppers away from the town centre convenience provision.

- The application should be refused in line with S27 of the National Planning Policy Framework because it is a significant out of town centre proposal, does not satisfy the sequential test and will have a negative impact on Alsager town centre vitality and viability.
- The Neighbourhood Plan for Alsager, currently under consultation will also be a consideration. This will show how sustainable growth can be delivered in Alsager to meet the growth agenda whilst ensuring the continued viability of the town centre. The location of this application will never form part of, or become adjacent to, an expanded town centre. The neighbourhood plan is absolutely clear in its wish to protect the town centre from out of town development.
- NPPF's core principle of "empowering local people to shape their surroundings" is one which the Alsager Partnership supports wholeheartedly. Alsager Partnership does not want or need an out of town development blowing Alsager town centre to pieces. The residents of Alsager and the Alsager Partnership have supported the redevelopment and enlargement of the Co-op store because it enhances the town centre offer and will support its continued growth and prosperity.
- Alsager works as a town centre because there is no major threat to the town centre in an out of town location. This proposal poses a real threat that to the town centre because out of town centre provision will have a significant detrimental effect on the centre by removing the need for linked trips and local top up shopping, which is vital to the success of a small town like Alsager.
- The Alsager Partnership wish to make it clear that they are not opposed to the development of the site for appropriate uses. Alsager Partnership recognises the need for change and the Government's desire for growth. Alsager Partnership would support the principle to develop housing within a mixed development on the site as previously outlined, and would support the development of a small convenience store (less than 450 sq m) to meet the needs of residents within the housing development.

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

- The Local Plan Policies (in particular Policy S2) should be afforded significant weight and the proposal does not accord with this policy.
- The Co-op is currently implementing an extant planning permission which secures a comprehensive town centre redevelopment. The proposal would undermine this investment and would draw trade and expenditure away from the town centre
- The sequential test should look at sites more appropriately located within Alsager
- Policies S1 and S2 seek to promote and protect town centres from out of centre development which may undermine vitality and viability of centres. The proposal will redirect expenditure away from the town centre and will reduce the ability for existing businesses to grow and survive.
- The development would detract new businesses from locating within the centre of Alsager which would impact upon the overall confidence to invest within Alsager town centre.
- There is limited residential population within walking distance of the site and the nearest bus stop is 550m away. The site is not accessible by a variety of forms of public transport and is not situated within the most sustainable location.
- The proposal does not accord with the Draft Alsager Town Strategy. Within this document the application site is identified as a potential mixed use site. In relation to retail provision the strategy states that the development could include a *'small scale local retail development in the region of 200sqm-300spm'*

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

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

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principal of Development

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

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

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

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

The site is an existing employment site within the settlement zone line for Alsager. Policy E.10 does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses.

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

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'

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

Sequential Test

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

- Existing vacancies within Alsager and Kidsgrove Town Centres
- Land to the northwest of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street, Kidsgrove
- Land to the southeast of Heathcote Street and north of Market Street, Kidsgrove
- Land between Liverpool Road and the Railway, Kidsgrove

In terms of the existing vacant units at the time of the submission of the application, there were 8 vacant units with Alsager Town Centre and 5 vacant units within Kidsgrove Town Centre. All of these units are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore accepted that these existing units are not suitable alternative sites.

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

The Council has obtained advice from a retail planning consultant who has considered the sequential test and his response is based on the PPS4 practical guide and makes the following conclusion in relation to the sequential assessment:

'It is apparent that the proposal fails to meet one or more of the PG (6.52) checklist criteria for assessing compliance with the sequential assessment. The proposal is a poorly accessed out-of-centre location and there may be sequentially superior out-of-centre sites that have not been considered. The proposal is of a much greater scale than needed locally and TA have not adopted a flexible approach in the sequential assessment. Clearly not all the sequential sites have been thoroughly tested as there is a potentially sequentially superior site in Talke that may be available and suitable for this type of retail development. The scale of development needed might also be met on smaller out-of-centre sites that are sequentially preferable. The proposal therefore fails the sequential assessment to site selection on the basis of information submitted to date'

Given the conclusions made by the retail consultant it is considered that the sequential test has not been met and this issue will form a reason for refusal.

Impact Assessment

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

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 2,017sq.m (86%) of the sales area will be for the display of convenience goods with the remaining 328sq.m for comparison goods.

The applicant states the Co-operative Group is aware of Sainsbury's aspirations for Alsager and the Co-op is proceeding with the application to extend and redevelop the existing store in Alsager. Given this firm commitment, the applicant does not consider that the proposal will undermine investment in Alsager.

This has been considered by the Councils retail consultant he states that the applicants;

'fail to demonstrate any capacity for an additional food store in the town. To justify the Sainsbury proposals they have to draw upon an unrealistic extensive catchment area and apply a 50% company average to the Co-op extension (to lower its claim on available capacity). There is no need for both developments'

And in terms of the cumulative impact:

'the Sainsbury proposal in addition to the Co-op extension is a cause for concern as it will impact directly on town centre stores that rely upon top-up expenditure. In addition, the proposal will impact on the anchor Co-operative store that provides parking and generates footfall for all stores in the town centre. Finally, TA fail to take account of the cumulative impact of the committed development at Talke just 2km south of the proposal site on the A5011 in their capacity and impact assessments'

In relation to the positive effects of the proposal identified by the applicant, the retail consultant states that:

'With regard to retaining retail expenditure in Alsager, this will not be in the town centre from which expenditure will be removed. Because of the peripheral location of the site and inadequate public transport access the proposal has no social inclusion benefits. The proposal therefore will not 'provide a significant boost to the local economy' as claimed'

In terms of the impact upon vitality and viability, the applicant states that Alsager Town Centre is performing well and there is need to improve the relative retail offer of the town. The applicant considers that the proposal will have a positive impact improving the retail offer and it is still likely that linked trips will take place. The report also states that, as residents will not travel as far to undertake their main food shopping, they will have more time to visit Alsager Town Centre.

The Councils retail consultant considers that the proposed development is far too peripheral to generate any benefits to the town centre and identifies that the retail statement does not follow the Practical Guide to PPS4 for the following reasons:

- *TA have identified a study area that far exceeds the PCA of Alsager town centre and the proposed supermarket. Most of the zones don't even form a secondary catchment area for Alsager as demonstrated by the trade draw of the Co-op store;*
- *The trade draw presented by TA in Table 7B is totally unrealistic. There is no prospect of the store drawing 60% of its trade from beyond zone 1 when the offer in the other zones and / or closer to the main centres of population within them is superior to the proposal;*
- *The trade diversions that build on the trade draw analysis are therefore skewed and do not appear to reflect current market shares within the zones;*
- *TA have adopted a zonal approach within the extensive study area but they don't present their trade diversion assumptions by zone; and,*
- *There is no prospect of the proposal diverting 58% of its trade from facilities outside this extensive (6 zone) catchment area in the form of clawback and inflow particularly when the strength and proximity of the competing centres / superstores / supermarkets is considered*

The Councils retail consultant then goes on to conclude that the proposed development will have a *'significant adverse impact on the vitality and viability of Alsager Town Centre'*. This issue will form a reason for refusal.

Loss of Employment Land

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

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

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

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

Landscape

The development, together with the new roundabout and associated highway alterations, would result in the removal of roadside vegetation for a length of approximately 150 metres, opening up views to the supermarket and the wider site. The submission includes soft landscape proposals for this boundary.

The Design and Access Statement indicates that the supermarket service yard and car park will be recessed into the landform to reduce their visual prominence and will be screened by proposed new boundary planting, landform modifications and an acoustic barrier for the service area. The planting would consist of trees and shrubs. The boundary of the development and the new distributor road would be enclosed by a brick wall. References are made to further screening being provided in the wider development scheme for the Twyford's site.

The development would dramatically alter the appearance and character of the site when viewed from Linley Lane. There is no evidence that consideration has been given to the possibility of retaining existing peripheral vegetation which is regrettable. The roadside vegetation in particular would have provided a degree of screening from the outset of development. Nonetheless, in the context of the development proposed, the detailed soft landscape proposals provided appears reasonable.

Highways Implications

The store would be accessed via a proposed three arm priority controlled roundabout which would be located on Linley Lane. The site access would form the western arm of the Linley lane roundabout and from this road the access to the store would be via a priority controlled junction which is 50 metres west of the Linley Lane junction. In terms of public transport it is proposed to install two bus stops onto Linley Lane and the TA states that there is a possibility for the site to be linked in with the existing bus services.

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

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

The TA provides an assessment of 5 years after the submission of the planning application (2017) and includes the traffic associated with committed development proposals in the area.

The TA states that, in order to establish trip rates for the proposed development, reference has been made to the TRICS database. The TA predicts that the proposed store would generate 285 two-way vehicle trips during the weekday AM peak hour (08:00 – 09:00), 520 two-way trips during the PM peak hour (16:30 – 17:30) and 644 two-way trips during the Saturday peak hour (11:30 – 12:30). Due to the location of the site off the A5011 Linley Lane, the TA states that in the AM and PM peak hours 50% would be primary transfer trips with the rest split between pass-by trips and diverted trips. At Saturday peak the level of primary transfer trips would rise to 75%.

The TA then refers to the catchment zones for the store (as contained within the Retail Statement) and the proportion of trade draw which is predicted from each zone with 75% of trade drawn from zones 1 – 3 (Alsager, Kidsgrove, Scholar Green and Rode Heath).

The TA states that, in terms of the AM peak hour, none of the existing junctions above is anticipated to experience an increase in vehicles of more than 1 per minute. At the PM peak, the majority of the existing junctions only experience a nominal increase in traffic with a maximum increase of 1 vehicle per minute at the Crewe Road/Linley Lane junction. In terms of the Saturday peak hour, the Crewe Road/Linley Lane experiences the greatest increase in vehicle movements with an additional 3 vehicles per minute. The TA concludes that such changes in traffic are

'in practice less than that which might be predicted through the daily fluctuations in traffic flow, considering the network flow as a whole'.

Despite this conclusion, the applicant has also undertaken a capacity assessment of the Crewe Road/Linley Lane junction. This shows that the junction currently operates within capacity with a maximum degree of saturation of 79.6% during the evening peak hour on Linley Lane South. With the proposed development three arms of this junction would be operating close to capacity during the PM peak and the Saturday peak hours. In order to address this, the TA states that amending

the signal staging at the junction allows for 'significant capacity improvements' in all three peak hours so that they operate with a degree of capacity of less than 90%.

In terms of car parking, the proposal would provide 298 car parking spaces. The TA states that using Annex D to PPG13 (which has now been superseded) the maximum standards equate to 1 space per 14sq.m of Gross Floor Space, the TA then calculates that for this development there would be a requirement for a maximum of 279 car parking spaces. In addition, to this the TA states that for retail developments with more than 200 spaces, the car parking standards for disabled spaces included within the Traffic Advisory Leaflet 5/95 require 4 additional bays plus 4%. This would give an additional 18 spaces for mobility impaired users and give a total; requirement of 298 spaces.

The Highways Officer does not consider that the contents of the TA are acceptable. The Highways Officer has raised issues in relation to the safety audit, roundabout design, modeling within the TA together with concerns about the change in scale of the residential development which means that the TA is not appropriate. As a result, the Highways Officer has requested deferral. This is not considered to be an option given the other issues associated with the application. As a result, there is insufficient information to recommend approval and the highways impact will form a reason for refusal.

Amenity

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

In terms of air quality, the Environmental Health officer does not consider that the submitted Air Quality Assessment is acceptable due to concerns relating to the date of the data used, the car park emissions and diurnal variation of the likely traffic flows, the emissions from the biomass boiler, the need to also take into account the trend that NO_x and NO₂ concentrations are not declining as expected and any necessary mitigation. The lack of a sufficient air quality assessment will therefore form a reason for refusal.

Trees and Hedgerows

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

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

Design

The proposal is for a single storey (commercial scale) rectangular food store building located toward the western edge of the site, with a taller element toward the back of the building. A service wing encloses a frontage service yard, creating an L shape footprint. The service access is proposed directly off the new access spine into the Twyford's site from Linley Lane. At the north eastern corner of the site, adjacent to the proposed new roundabout, it is proposed to site the petrol filling station and a drive through car wash.

The store is proposed to be orientated to the east, overlooking a substantial area of car parking. 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. Gas and electricity easements run along the southern part of the site. Landscape buffers are proposed along the southern and eastern boundaries (replacing the existing hedge line on the Linley Lane boundary). The northern boundary would be defined by walling and trees and shrub planting. The service yard is enclosed by a high timber screen with frontage landscaping.

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

The building is to be faced in timber and glazing on the eastern elevation but will be predominantly metal cladding on other elevations, with a modest timber return on the southern elevation and a limited amount of glazing on the southern and western elevations.

The orientation and layout of the building is introverted, focused upon the frontage car park, and creating inactive frontages to the western and northern elevations of the building. This is worsened by the location of the servicing yard to the north of the building, directly off the proposed spine road serving the entire development.

The options identified in the Design and Access Statement set out a number of layout scenarios. In urban design terms, and having regard to the proposed housing to the north, the proposal is the weakest urban design solution, and is primarily determined by the functionality and efficiency of the use and not by place shaping or achieving good urban design.

This proposed arrangement results in 3 inactive frontages and most worryingly a very poor interface between the site and the proposed housing area to the north of the site. The sole interaction between these neighbouring uses would be via a pedestrian route between the housing and the store, crossing the new spine road. The placement of the service yard adjacent to this road will create a negative and inactive frontage in proximity to future housing.

The proposed layout is a wholly missed opportunity to integrate the retail and housing proposals and there is a strong argument that a masterplan led approach should have informed their design.

Given the peripheral location and the scale of residential development also being proposed, it is considered that there is also scope to introduce a modest element of finer grain mixed use that could have helped to create a stronger and more cohesive form of development. The NPPF states:

'To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (NPPF p 17)'

Aside from operator convenience, there is no valid justification for siting the service yard in the most sensitive location in terms of its prominence and impact. This severely affects the scheme and compromises how it relates to the proposed future housing development. This will result in a poor street environment and outlook for future housing. It is a poor urban design solution to servicing the site.

The proposed parking is fully surface level, which creates significant open areas within the site. Some parking could be accommodated below the building to reduce the land take and free up the potential for more and better quality public realm and possibly some smaller uses to complement the large floor plate retail and residential (such as small scale employment, leisure and crèche facilities).

For the above reasons it is considered that the scheme has failed to take the opportunity to positively place shape the site as part of a more comprehensive approach for the former Twyfords site.

In terms of the detailed design of the building, the design is generic and, aside from the orientation being introverted in nature, the building is bland and uninspiring. The front elevation is enlivened by the canopy and sections of full height glazing but even this seems to be generic in character. The store design reads as one that has been used elsewhere rather than being specifically designed for the site. More could be done to enhance the quality of detailing and to introduce materials within the palette to help better tie the building into the wider area, such as using brickwork. Re-development of the wider Twyfords site is an opportunity to reinforce local character and sense of place, but also promote innovative and progressive design.

Three of the elevations are largely inactive and inanimate. This is not welcomed. Whilst it is accepted that one part of the building will be inactive and used for servicing, the remaining elevations could and should express high quality in terms of appearance and how they interface with the adjoining site. As proposed the northern and western elevations present a particularly poor character and relationship to the main street frontage and to open space indicated within the proposals for the adjacent housing site.

The appearance of the screen fence to the service yard is likely to present a poor approach into and outlook from the adjacent housing scheme, notwithstanding the proposed landscaping between it and the road.

In respect to architectural design, the scheme has failed to take advantage of the opportunities presented by the re-development of the site to create a distinctive and high quality building that positively relates to its surroundings.

The area of public realm off the spine road is extremely modest and will be ineffective as genuinely planned space defining a pedestrian gateway into the site. It is, to all intents and purposes, an area of spare land laid to paving, sandwiched between landscaping and the road, rather than a planned high quality space to welcome visitors on foot and create a positive interface between the different land uses.

A further key concern in relation to the landscape design is the lack of trees and greenery within the car park. All of the landscaping is peripheral. This is a weakness both in terms of landscape character and appearance but also in terms of climate change adaptation. Trees and vegetation should be located within the car park to provide shading (especially for the longer term) and to help break up the car park and define pedestrian routes through it.

The overall, poor quality layout and relationship to the surrounding proposed development, the bland appearance of the building and the poor quality public realm and landscaping will form a reason for refusal.

Ecology

Bats

No buildings or trees with any significant potential to support roosting bats were identified on site during the survey. The proposed development is therefore unlikely to affect roosting bats. There may be some loss of foraging habitat associated with the loss of vegetation on the eastern boundary of the site. However, this is not likely to have significant impact on the species of bats known to be active on the site.

Birds

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

Other Protected Species

An outlying sett of another protected species has been identified has been found as part of the surveys on this site. To mitigate the impacts of the development the submitted report recommends the closure of the sett under a Natural England license and the construction of an artificial sett in the woodland to the north of the application boundary. This approach is accepted by the Councils Ecologist.

The report also recommends the provision of a tunnel below the proposed roundabout to allow the protected species to continue to move in a north/south direction along the eastern boundary of the site. Considering the amount of development proposed and the resulting level of activity anticipated during the operational phase in close proximity to this part of the site, it is unlikely that the protected species would continue to utilise this route once the site is in operation despite the provision of the tunnel. An alternative mitigation strategy has been suggested. The tunnel is instead provided to the north of the new round-a-bout to allow the protected species passage from

the application site beneath Linley lane to the open countryside on the eastern side of Linley Road. An amended mitigation strategy has been provided and an update will be provided in relation to this issue.

Flood Risk and Drainage

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

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

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

The Environment Agency has raised concerns about a watercourse which would remain in culvert as part of the proposed development. The EA identify that the redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat. The EA also identify that engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. Given the support within the NPPF to conserve and enhance biodiversity it is considered that the watercourse could be opened up and this issue will form a reason for refusal.

Renewable Energy & Sustainability

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a wood pellet Biomass Boiler this would be installed to provide heating and hot water. The Biomass Boiler has been calculated as providing an energy consumption saving of 35.9% which exceeds the target of 10% contained within Policy EM18 of the RSS.

The proposed store would have limited connectivity to the surrounding residential areas in terms of pedestrian/cyclist connectivity and public transport. The site is not considered to be sustainably located, with the nearest bus stop being over 500 metres away from the site.

The TA does identify the possible provision of new bus stops onto Linley Lane. However there would be no change in services as part of the development and there would be no buses in the morning or evening peak or on Sundays.

10. CONCLUSIONS

The site is located within the Alsager Settlement Boundary and relates to an out-of-centre supermarket. The application fails to satisfy the sequential test or the retail impact tests and is therefore contrary to the NPPF and Policy S2 of the Local Plan.

The design and layout of the store is poor and it would have an unsatisfactory relationship with the proposed housing which would surround the site. The proposed development does not take the full opportunities available to improve the character and appearance of the site.

The information contained within the TA is not considered to be adequate to enable the application to be determined in relation to the highway/traffic implications of the proposed development.

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

The application is considered to be acceptable in terms of flood risk and drainage. However the application does not take the opportunity to open up the culvert and improve biodiversity which is contrary to guidance contained within the NPPF.

The development would not have a detrimental impact upon residential amenity however the AQA submitted with the application is not considered to be acceptable and this will form a further reason for refusal.

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

11. RECOMMENDATIONS

REFUSE for the following reason;

- 1. The proposed development relates to an out-of-centre supermarket which fails to satisfy the sequential test and does not satisfy both retail impact tests of the NPPF (para 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed store would not be accessible by a choice of means of transport and would be reliant on carborne trade. As a result the proposed development is not considered to be sustainable development and would have a significant adverse impact upon Alsager in terms of the impact upon committed private investment and the impact upon the vitality and viability. The proposed development is therefore contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.**
- 2. The proposed development fails to take the opportunities available for improving the character and quality of the area. The proposed development would create an introverted and separated use that presents the worst aspects of its operation to the proposed neighbouring housing. Furthermore, the detailing of the building and interface and public realm of the store is not of a quality which would be acceptable**

given emphasis for good design contained within the NPPF. As a result, the proposal is not considered to be sustainable development and is contrary to the NPPF and Policies GR1 (New Development) and GR2 (Design) of the Congleton Borough Local Plan First Review (2005) which seek to achieve high quality and inclusive design for all development.

3. The Transport Assessment which has been submitted with the application is not considered to be acceptable due to issues relating to the safety audit, roundabout design, modeling within the TA together with concerns about the change in scale of the residential development which means that the TA is not appropriate to the development proposed, it is therefore not possible to accurately assess the impact upon the highway network. As a result insufficient information has been provided to allow the Local Planning Authority to determine the highway implications of the development and the proposal is contrary to the NPPF and Policies GR9 (Accessibility, Servicing and Parking Provision) and GR18 (Traffic Generation) of the Congleton Borough Local Plan First Review (2005) which seek to maximise sustainable transport solutions.
4. The plans show that a watercourse which crosses the site would be left in culvert. The redevelopment of this site provides a good opportunity to open up this watercourse and restore the river channel to a more natural state providing ecologically valuable habitat. As a result, the proposed development does not conserve and enhance biodiversity and would be contrary to the NPPF.
5. The Local Planning Authority considers that insufficient information has been submitted with this application in relation to the impact upon air quality. The submitted air quality assessment is considered to be inadequate due to concerns relating to the date of the data used, it does not consider the car park emissions and diurnal variation of the likely traffic flows, it does not consider the emissions from the biomass boiler, the need to also take into account the trend that NO_x and NO₂ concentrations are not declining as expected and any necessary mitigation. As a result the development could have result in a harmful impact upon air quality. The lack of a sufficient air quality assessment is contrary to the NPPF and Policies GR1 (New Development) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review (2005) which seek to contribute to conserve and enhance the natural environment and reduce pollution.

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