

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD REPORT

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<b>Date:</b>	10 <sup>th</sup> July 2014
<b>Report of:</b>	Daniel Evans – Principal Planning Officer
<b>Title:</b>	Update following the resolution to approve application 13/4121C subject to a S106 Agreement
<b>Site:</b>	Former Twyford's Bathrooms Ltd, Lawton Road, Alsager, ST7 2DF

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### 1.0 Purpose of Report

1.1 Planning application 13/4121C was determined by the Strategic Planning Board on 2<sup>nd</sup> April 2014. This report is to consider the amendment to the planning conditions within the SPB resolution for this application.

1.2 The minutes from the meeting are as follows:

*'That for the reasons set out in the report and in the update to Board the application be referred to the Secretary of State with a recommendation to approve subject to the completion of a Section 106 Agreement securing the following:-*

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

*And subject to the following conditions:-*

1. Standard Time – 3 years
2. Approved Plans
3. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
4. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.

5. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority

6. The development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

7. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

9. Contaminated Land

10. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.

11. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil

12. Construction Management Plan

13. External Lighting Details

**14. Hours of Deliveries to the Store and Biomass Boiler to be submitted and agreed**

**15. Hours of Operation of the Biomass Boiler**

16. Details of Fixed Plant and Equipment

17. Scheme of security barriers for the proposed car park

18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.

19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.

20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA

21. *The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.*

22. *Dust mitigation measures during construction*

23. *Prior submission and approval of materials*

24. *Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.*

25. *Nesting Bird Mitigation Measures*

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

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

28. *Tree protection measures*

29. *Arboricultural Method Statement*

30. *Implementation of the submitted landscape proposals*

31. *Cycle Parking Details*

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

33. *1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.*

34. *Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.*

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

36. *Prior to first use the developer will fully construct the off-site highway works: proposed roundabout access junction, the proposed footway/cycleway from the access to the site to the signal junction at the A5011/A50/B5077 cross-roads, the new bus stops on the A5011 and the agreed junction improvement at the A5011/A50/B5077 cross-roads*

37. *Within 6 months of first operation of the store the developer will provide a formal Travel Plan to the satisfaction of the LPA.*

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

## **2.0 Decision Required**

- 2.1 Further negotiations have now taken place with the applicant. They have requested that conditions 14 and 15 which are underlined above, are not attached to this decision. It is also requested that two new conditions are attached to this permission as follows;

- To secure phasing for the development with the roundabout and internal road being part of phase 1 and the supermarket being part of phase 2
- Prior to the commencement of phase 2 the elevational details of all minor structures including trolley bays, sprinkler tanks, the biomass boiler and electrical services structures shall be submitted to the LPA for approval in writing.

### **3.0 Background**

- 3.1 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.
- 3.2 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.

### **4 Proposed Development**

- 4.1 13/4121C is a full planning application for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces.
- 4.2 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.

### **5 Officer Comment**

- 5.1 In this case it is accepted that conditions 14 and 15 can be deleted. This follows negotiations with the Councils Environmental Health Officer who has confirmed that the conditions can be removed as the Environmental Health Department can manage any amenity issues which may arise from deliveries through the Environment Protection Act. The conditions are therefore not required to make the development acceptable in planning terms and the reasons for applying the conditions are protected by separate legislation.
- 5.2 The additional conditions suggested by the applicant would not raise any issues and would make it easier and quicker for the developer to implement the planning permission. This is in line with objectives to ensure sustainable development is brought forward without delay.

### **6 Conclusion**

- 6.1 On the basis of the above, it is considered that the minor amendment to the committee resolution is acceptable.

## **7 Recommendation**

7.1 Conditions 14 and 15 shall be deleted and two additional conditions attached to the resolution requiring

- Phasing for the development with the roundabout and internal road being part of phase 1 and the supermarket being part of phase 2

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

7.2 The slip rule was included within the officer report but was not included within the minutes and it is also recommended that this is attached to the resolution:

*In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

## **8 Financial Implications**

8.1 There are no financial implications.

## **9 Legal Implications**

9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

## **10 Risk Assessment**

10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

11.1 For the purpose of negotiating and completing a S106 Agreement for application 13/4121C and to issue the planning permission.

### ***For further information:***

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### ***Background Documents:***

- *Application 13/4121C*