

Application No: 14/5754C

Location: Land to the east of London Road, Holmes Chapel (colloquially known as 'the former Fisons site)

Proposal: Variation of condition 23 (hours) attached to planning permission 13/3294C. Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping.

Applicant: C/O Agent, Bluemantle Ltd and Sainsbury's Supermark

Expiry Date: 23-Mar-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 13/3294C.

The variation of condition no. 23 to relating to hours of deliveries is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the locality.

APPROVE subject to conditions as varied by this application and a formal deed of variation to secure the same Heads of Terms as application 13/3294C

PROPOSAL:

This application seeks to amend the hours for deliveries detailed in condition no. 23 of planning ref; 13/3294C, which granted full planning permission for the 'demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping' at the former Fison's site in Holmes Chapel.

Condition no. 23 stated that:

"The foodstore hereby approved shall not open to the general public nor shall any deliveries be made before 07:00 nor after 23:00 hours Mondays to Saturdays and not before 08:00 hours nor after 18:00 on a Sunday or Public Holiday."

This application seeks the following wording for condition no. 23:

“The foodstore hereby approved shall not open to the general public before 07:00 nor after 23:00 hours Mondays to Saturdays and not before 08:00 hours nor after 18:00 on a Sunday. Deliveries to the foodstore shall not take place outside the hours of 06:00 to 23:00 throughout the week and at weekends.”

SITE DESCRIPTION:

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road, the Manchester to Crewe railway line to the northwest and the remaining part of the former Fisons site to the east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and accommodates an attractive Art Deco building which fronts London Road. The site is partly elevated compared to the levels at London Road but the topography of the site is generally flat. Many of the buildings towards the rear of the Art Deco building have now been removed and development has begun on implementing the residential scheme further to the east of the site approved under planning refs; 11/1682C and 12/2217C.

RELEVANT HISTORY:

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 09-Dec-2011

13/1908C - Prior Notification for the Demolition of two structurally independent wings to the rear elevation of the main building - Refused 13-Jun-2011

13/3291C - The buildings to be demolished include two structurally independent warehouse wings to the rear elevation of the main office building (not to be demolished). In addition the modern structurally independent office wing (identified on the accompanying plan) will also be demolished – Approved 28-Aug-2013

13/3294C - Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping – Approved 29-Aug-2014

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14, 22, 26, 27, 135 and 206

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS5 –Villages

GR1 - New Development

GR6 - Amenity and Health

GR7 - Amenity and Health

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD2 Sustainable development principles

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection: No objection

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL:

No objection

REPRESENTATIONS:

Letters have been received from 3 addresses, 2 in support of the proposal and 1 objecting to it. The grounds for objecting are as follows:

- No need for another supermarket in Holmes Chapel
- Store will threaten jobs and viability of other stores
- Traffic generation

APPRAISAL:

Principle of Development

Considerations relating to the suitability of the site for use as a Class A1 foodstore and petrol filling station have already been accepted and the proposed amendment does not raise issues relating to

retail policies, design, highways, parking, traffic generation or other relevant material planning considerations except for amenity. The main issue to consider as a result of the proposed change in hours of deliveries is the potential impact on any neighbouring properties.

Impact on Residential Amenity

The proposed variation to condition no. 23 would allow deliveries to be made to the store between the hours of 06.00 to 23.00 on weekdays and at weekends. The hours of opening would remain as originally conditioned.

There are residential properties in the vicinity, mainly those on the opposite side of London Road forming the Alum Court development and those to the north on the other side of the railway line. It is also important to note, that the residential development on the remaining part of the former Fisons site to the east will introduce more properties close to this proposed development. However, sufficient separation will be retained from the proposed development and the hours of deliveries requested are reasonable. The Council's Environmental Protection Unit has confirmed that the proposed amendment would be acceptable and as such, it is considered that the residential amenity afforded to the nearest properties would not be unduly harmed.

Other Matters Raised Representation

The Planning Practice Guidance states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not an opportunity for the complete re-consideration of the original application. As such, the reasons cited in objection to the scheme by a neighbour would not sustain a refusal as they relate to matters which have already been considered and accepted.

S106 AGREEMENT:

The original permission comprises a S106 Agreement. As part of 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.

The approved planning application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved.

PLANNING BALANCE:

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the conditions as originally stated would not satisfy the reasonableness test with National Policy Guidance. The variation of the suggested condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to the completion of a Section 106 legal agreement/deed of variation to secure the same Heads of Terms as the outline permission (detailed below)

- Commuted Sum of £20, 000 towards extending the speed limit on A50 (London Road)

And the following conditions

1. Standard Time limit (3 years)
2. Approved Plans
3. Materials
4. Landscape Scheme
5. Implementation of Landscaping
6. Tree protection measures
7. No works within protected area
8. Surface water regulation system
9. Maximum discharge
10. Surface water attenuation measures;
11. Scheme for management of overland flow
12. Construction of access
13. Provision of parking
14. Provision of cycle parking
15. Pedestrian Crossing Improvements
16. Incorporation of sustainable features
17. CCTV and speed humps to car park
18. Contaminated Land remediation Strategy
19. Jodrell Bank Electromagnetic Screening Measures
20. Breeding Birds Survey during bird nesting season
21. Suite of design and construction plans for the following aspects of the development access strategy to the satisfaction of the LPA:
 - The proposed new traffic signal junction.
 - The upgrades to the existing traffic signal junction at the A54/A50 crossroad to include for pedestrian phase and refuge on the southern arm and pedestrian facilities on the western arm.
 - The central refuge on the pedestrian desire line to Portree Drive.
22. Hours of construction / piling restricted
23. Hours of Use/Deliveries restricted (**as amended by this application**)
24. Submission of an environmental management plan
25. Scheme to record the building materials including internal features
26. Scheme of maintenance of Biomass installation including method statement for fuel delivery and no visible smoke emissions during operation

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Principal Planning Manager, in consultation with the Chair of the Southern Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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