

Application No: 15/0699C

Location: 19, LAWTON ROAD, ALSAGER, ST7 2AA

Proposal: Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space.

Applicant: ASDA Stores Ltd

Expiry Date: 14-May-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 10/0741C.

The variation of condition no. 9 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

PROPOSAL:

This application seeks to amend the hours operation detailed in condition no.9 of planning ref; 10/0741C, which granted full planning permission for the '*Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space*' at 19- 23, Lawton Road, Alsager.

Condition no. 9 stated that:

'No deliveries to shall be taken at, or goods dispatched from, the hereby-approved food store outside the hours of 07.45 and 20.00-hours Monday to Saturday and 09.00 and 17.00 hours on Sundays, Bank or Public Holidays.'

This application seeks the wording of condition no. 9 to be amended to:

*"No deliveries shall be taken at, or goods dispatched from, the hereby-approved food store outside the hours of **7.00** and **22.00** hours Monday to Saturday and 09.00 and **19.00** on Sundays. **Between***

the hours of 7.00 and 7.45 Monday to Saturday, deliveries shall be taken at the front of the site only as indicated in a Delivery Management Plan which shall be submitted to, and approved in writing by the Local Planning Authority prior to the implementation of this consent and retained in such a manner thereafter”

The above is a negotiated position following discussions between the applicant, the Council's Environmental Health Team and the Council's Planning Officer during the application process.

SITE DESCRIPTION:

This application relates to a detached Co-op supermarket located on the northern side of Lawton Road, Alsager, within the Alsager Town Centre.

The supermarket has recently been taken over by ASDA and is undergoing refurbishment.

RELEVANT HISTORY:

15/0699C - Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space – Under consideration

12/2162C - Non-Material Amendment to Planning Application 10/0741C - Elevational Alterations – Approved 20th June 2012

12/2135C - Non-Material amendment to 10/0741C for a Sub-Station – Approved 29th June 2012

11/2902C - Non-Material Amendment for Existing Co-Operative Foodstore and Town Centre Car Park – Approved 5th October 2011

10/0741C - Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space – Approved 15th July 2011

37808/3 - Erection of Class A1 retail foodstore, together with associated car parking, servicing and landscaping, and the formation of new vehicular accesses – Approved 22nd February 2005

37761/1 - Erection of food store, alteration and extension of town centre car park and improved highways access – Withdrawn 4th April 2005

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.

PS4 – Towns, GR1 - New Development, GR6 - Amenity and Health and 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 objections

VIEWS OF THE ALSAGER TOWN COUNCIL:

Object on grounds on causing nuisance and being unneighbourly to local residents.

REPRESENTATIONS:

Letters have been received from 1 address. The grounds for objecting are as follows:

- Increase in noise and disturbance

APPRAISAL:

Principle of Development

Considerations relating to the suitability of the site for use as a Class A1 foodstore and 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. 9 would allow the store to take deliveries between the hours of 07.00 to 22.00 on weekdays and Saturday and the hours of 9.00 to 19.00 on Sundays.

There are residential properties in the vicinity, mainly those on Lawton Road to the south, Wesley Avenue to the east and Sandbach Road North to the west.

The Council's Environmental Protection Team have advised that they have received numerous complaints from local residents with regards to noise nuisance being generated from the premises through deliveries being undertaken to the store when it was previously the Co-operative.

However, since ASDA have taken over the store The Council's Environmental Health team and representatives for ASDA have worked together to ensure concerns of residents have and are being addressed. This has ranged from plant and equipment through to the deliveries.

Following discussions between the Council's Environmental Health team, the Council's Planning Officer and ASDA, the applicant has changed their original proposal which sought to take deliveries from 6am Monday-Saturdays to 7am Mondays-Saturdays instead. Furthermore, between 7am and 7.45am, the applicant has agreed take these deliveries at the front of the site, the details of which are to be agreed via the prior submission of a Delivery Management Plan.

The Council's Environmental Health Team have strongly encouraged deliveries to the front of this store as the building would provide mitigation of delivery noises to the residents at the rear of the premises.

As such, the proposal is supported by Environmental Health and is not considered to create any significant noise or nuisance concerns.

Other Matters

There is no evidence on file of the formal discharge of a number of conditions included on the original application re: 10/0741C. As such, should this application be approved, it is proposed that these conditions are re-inserted and where information is required for submission, this be conditioned to be submitted within 6 months of the date of this determination.

Planning balance

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the condition 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 following conditions

- 1. Within 3 months – submission of a Delivery Management Plan**
- 2. Development in accordance with approved amended plans received 29th April 2010 (10/0741C)**
- 3. Materials - as per discharge (27/10/2011)**
- 4. Restriction of retail floor space within the supermarket to 1318m² net retail floor space.**
- 5. Restriction on hours of opening for supermarket (as recently approved)**
- 6. Restriction on hours of opening of restaurant**
- 7. Restriction on hours of delivery for all units (as revised)**
- 8. Noise mitigation for delivery areas – as per discharge (27/10/2011)**
- 9. Noise mitigation for plant and equipment – as per discharge (07/03/2012)**
- 10. Refrigeration and/or air conditioning plant and equipment - Submission of details within 6 months**
- 11. Extraction equipment re cooking equipment – Submission of details within 6 months**

12. Bus stop upgrade details - Submission of details within 6 months
13. New junction plans – as per discharge (07/03/2012)
14. Final layout of the car parking area - as per discharge (27/10/2011)
15. Signal junction installations - as per discharge (07/03/2012)
16. TRANSYT Design - as per discharge (07/03/2012)
17. Electric car charger points - as per discharge (27/10/2011)
18. CCTV details - Submission of details within 6 months
19. Public realm treatment strategy – as per discharge (07/03/2012)
20. Footpath enhancement - as per discharge (07/03/2012)
21. Surface water discharge rates - as per discharge (27/10/2011)
22. Surface water regulation system timescales - Submission of details within 6 months
23. Site to be drained on a separate system with only foul drainage connected into the foul sewer - as per discharge (27/10/2011)
24. Standard landscaping - as per discharge (27/10/2011)
25. Tree Protection - as per discharge (27/10/2011)
26. Standard landscaping replacement planting within remaining period.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species) - Submission of details within 6 months
28. Roller shutter details - as per discharge (24/02/2012)
29. Site waste management plan - as per discharge (24/02/2012)
30. Post construction Review - Submission of details within 6 months
31. Development phasing - as per discharge (07/03/2012)
32. 10% renewable energy – Submission of details within 6 months
33. Public Art - as per discharge (30/05/2013)
34. External lighting - as per discharge (07/03/2012)

In order to give proper effect to the 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 Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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