

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD REPORT

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<b>Date:</b>	3 <sup>rd</sup> June 2015
<b>Report of:</b>	David Malcolm – Head of Planning Regulation
<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 Heads of Terms 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 To agree to the amended Heads of Terms to secure additional contributions to the bus service to the site.

## **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 there have been negotiations regarding the bus service contribution and it has been concluded that the sum of £198,000 within the Heads of Terms would not cover the agreed bus service for a period of three years.
- 5.2 Following further negotiations with the Strategic Highways Manager, the Transport Services Manager, the landowner and the applicant it has been agreed a contribution of £330,000 would cover the bus service and as such it is necessary to amend the Heads of Terms to ensure that this sum is included within the S106 Agreement.
- 5.3 It has also been agreed that the trigger for the payment can be altered to six months before the store opens (the development would have a 9 month build). This would still enable the Transport Services Manager to negotiate the contract with the bus service operator and to ensure an operational service on the day that the store is first brought into use.

#### **6 Conclusion**

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

#### **7 Recommendation**

- 7.1 The Heads of Terms are altered as follows:
- *£5,000 Travel Plan Monitoring*

- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- **£330,000 for the provision of the agreed new bus service for the site sum to be paid 6 months before the store is first brought into use**
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

- 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:***

Portfolio Holder: Councillor Don Stockton  
 Officer: Daniel Evans – Principal Planning Officer  
 Tel No: 01270 686751  
 Email: daniel.evans@cheshireeast.gov.uk

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

- Application 13/4121C