

Northern Planning Committee

Updates

Date: Wednesday, 13th February, 2013
Time: 2.00 pm
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the committee agenda.

Planning Updates (Pages 1 - 8)

Please contact Sarah Baxter on 01270 686462
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NORTHERN PLANNING COMMITTEE – 13 February 2013

UPDATE TO AGENDA

APPLICATION NO: 12/4108M
LOCATION 43a Mobberley Road, Knutsford
UPDATE PREPARED 11 February 2012

REPRESENTATIONS

Letter of objection received from 49 Mobberley Road on the following grounds:-

- Consultation/ procedural issues
- Highway safety
- Loss of light/ amenity issues

OFFICER APPRAISAL

The consultation was carried out in accordance with statutory requirements and any procedural issues of this nature are not a matter for consideration in the determination of the application.

In response to the comments regarding amenity and highway safety, these issues have been looked at in the Committee Report. To summarise, the proposals relate to a replacement dwelling which would have one additional bedroom when compared to the existing dwelling. It is not considered that this replacement would generate additional demand for car parking which would have a significant adverse impact upon highway safety.

Turning to the amenity issues and the impact of the property on 49 Mobberley Road, the property would not result in a loss of light for this property as the new dwelling would be in excess of 22m away and over 21m from the nearest neighbour – this distance would negate any impact in respect of overlooking or overshadowing.

At the time of the committee site visit, questions were asked regarding access arrangements during the construction period given that there is currently no vehicular access into the site. Whilst this is not a matter for consideration in terms of the acceptability of the proposals, it is considered appropriate to impose a condition requiring the applicant to provide details of this within a construction method statement. This will help ensure the development is

constructed with minimum disruption to the local highway network and also enable trees within the conservation area to be adequately safeguarded.

CONCLUSION

The proposals represent an acceptable form of development and do not raise any issues in respect of amenity, highway safety, conservation area, design or in any other way.

RECOMMENDATION: APPROVAL as per recommendation in Committee Report with the addition of a condition requiring the submission of a construction method statement.

Condition 11: Construction Method Statement to be approved prior to commencement of development.

APPLICATION NO: 12/4532M

LOCATION 22, 24, 26 & 36 CASTLE STREET; 25, 25B & 25C CASTLE STREET MALL; MACCLESFIELD

UPDATE PREPARED 11 February 2012

REPRESENTATIONS

Letter of representation received from Savills pertaining to the recommendation on the application. Whilst Savills are pleased that officers are recommending the removal of conditions 5 and 7, Savills are of the opinion that condition 6 should also be removed and not revised for the following reasons:-

- There is no need for a condition of this nature to be imposed on a scheme which is seeking to strengthen and enhance the retail offer of the Prime Shopping Area within Macclesfield town centre. To retain such a condition would be detrimental to the operation of the unit(s) concerned.
- The provisions of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) are sufficient to maintain an adequate appearance of the shopfront displays and, if the Council were really that concerned about shopfront appearances within Macclesfield town centre, it would take other measures to address this, including informal discussions with retailers, a more formal designation of an Area of Special Control of Advertisements or, for consistency, be able to demonstrate where similar conditions have been imposed.
- If the original condition, or any amended version of it, is maintained then we would be minded to advise our client to lodge an appeal and, based on our view of the unreasonableness of the condition, seek an award of costs.

OFFICER APPRAISAL

The comments received do not raise any new issues that were not considered in the Committee Report. The comments in respect of the submission of an appeal against the decision of the Council on this application is a procedural issue and is not a matter for consideration in the determination of the application.

In response to the comments regarding the appropriateness of the condition as revised, it is considered that the proposed condition would accord with the relevant tests as set out in circular 11/95. The officer has set out in the committee report the justification for the condition in respect of the impact the condition seeks to mitigate against. The representation submitted does not provide any new information which would justify the removal of the condition or a revised wording.

CONCLUSION

The removal of conditions 5 and 7 is considered acceptable due to the information enclosed within the submission however it is recommended that a revised wording for condition 6 is imposed and the representation received whilst duly noted does not warrant a change in the recommendation.

RECOMMENDATION: Removal of condition 5 and 7 and revised wording for Condition 6 as per recommendation in Committee Report

NORTHERN PLANNING COMMITTEE – 13 FEBRUARY 2013

UPDATE REPORT

Application No. 12/4544M

**Location: UNIT 8, STAR BUSINESS PARK, CONGLETON ROAD,
NORTH RODE, SK11 9JA**

**Proposal: RETROSPECTIVE CHANGE OF USE OF EXISTING
BUILDING FROM B8 TO PROVIDE A COMBINED B2 &
B8 USE**

Prepared: 11 FEBRUARY 2013

APPLICANT'S ADDITIONAL SUPPORTING INFORMATION

The applicant's agent has submitted additional supporting information in light of the recommendation to refuse the application due to insufficient information. The additional information includes an addendum report from Acia Acoustics. The key points are summarised below:

- It would seem the Environmental Protection Officer has provided no further information to substantiate their objection, including justification in relation to policy DC13.
- There has never been any intention by the applicant to cause any nuisance, noise or otherwise, to their neighbours.
- Our clients have taken a pro-active approach to the situation, voluntarily approaching the Council to suggest it may have been their unit that the noise issue had emanated from. Subsequent changes to working practices have been introduced to limit noise from the unit voluntarily.
- It is understood that, since the first noise issue raised, no further complaints have been made, against our clients or the building in question.
- It is understood that the Environmental Protection Officer (EPO) had to "drive around searching for the noise" and to "investigate and trace the source" and it was only our client contacting the EPO suggesting the noise may have been from their property that any source was identified. This surely raises a concern that the noise levels are not significant.
- To be absolutely clear; no B2 use is proposed at night-time and this can be controlled by condition in any case.
- There are a range of machines stored within the building; however there is only one type of machine that generates any noise. The remaining machines (laser cutters etc) do not make a significant noise and this needs to be taken into consideration.
- The noise levels inside the building are such, that unless directly operating the machinery in question, there is no statutory need to wear

hearing protection; this clearly demonstrates the noise levels are not significant even within the building. Indeed the EPO clearly states the noise is at “low level”.

- It has previously been suggested that a personal permission, for JTES Ltd, could be added to a conditional approval if this is felt appropriate and reasonable.
- The accompanying acoustic report clearly states that the noise is “barely discernible” and in effect “inaudible” and there is “no need for any mitigation” as there will be “no nuisance to neighbouring properties”. The EPO does not provide any justification disagreeing with this detailed scientific report or providing justification in relation to local or national policies or guidance.
- Notwithstanding this, Local Plan policy DC14 clearly states that if the Councillors felt necessary, mitigation measures could be added as condition to any approval, requiring sound proofing measures. It is clear that, subject to acceptable details, the sound emanating from the building can be adequately controlled and as such it is suggested that it would be unreasonable to refuse the application on lack of information grounds. If mitigation measures were felt reasonable, this could include internal screen or partitioning.

In terms of noise levels, the applicants agent refers to the original report and subsequent addendum which states, in relation to daytime periods which gives the following headline figures:

- The existing daytime background noise level at the neighbouring residential property is 44 dB (excluding the machine noise)
- The noise level, when the machine is running, at the neighbouring property, is 29 dB
- A reversing lorry would be an existing and typical noise emanating from the existing Business Park, which can operate 24 hours per day and emit a noise level of about 80db.
- Internally, within the nearest residential property, the background noise level would typically be 25db.
- With the machine running and a window in the dwelling open, the noise level internally would only be 17db and therefore would be inaudible inside the property.
- The noise level of the proposed machine is similar to that of a Tractor (90db), which is a common and expected noise generator in this location however whilst the machine is located 170m from the neighbouring boundary, the tractor could be operated in close proximity to the boundary. Similar noise generating from the adjacent road and aircraft overhead would all be significantly higher than the noise produced from the unit.
- For comparison purposes only, and whilst there is absolutely no intention of operating at nighttime, the World Health Organisation (WHO) set a reasonable internal nighttime noise level of 35 dBA (with a maximum of 45 dB). This is substantially lower than maximum daytime levels. This figure is included only to illustrate that the noise level of the machinery, externally during the daytime is significantly lower than the WHO requirement for internal night-time noise levels. It is therefore

suggested that the noise level cannot be classed a significant and grounds for refusal.

- The figures above, clearly illustrate that there will be no significant or material impact on residential amenity of the residential properties located over 150m away. There will also be no material change to the existing rural character/ noise climate

In relation to Planning Policy:

- The NPPF states that **significant** loss of amenity is required in order for a development to fail the tests in the NPPF. The proposed noise levels, as being barely discernible at worst, is clearly not significant.
- Local Plan Policy DC13 states that noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level will not normally be permitted. The figures in the Acoustic Report (and addendum attached) illustrate that the proposals are generally lower than the ambient noise level and therefore the proposals will not have an unacceptable or cumulative impact on background noise levels.

This information has been submitted to the Council's Environment Protection Team, their response will be verbally updated to members during the Meeting.

CONCLUSION

The additional information is noted and has been forwarded to the Environment Protection Team for their additional comments, which will be updated to Members during the Committee.

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