

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