

Application No: 13/0158M

Location: LAND TO WEST OF KILN CROFT LANE, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: Extension of time limit on planning permission 09/3413M - Outline application for B1(Business) units, renewal of application 06/0278P

Applicant: Tesco Stores Ltd

Expiry Date: 07-Mar-2013

**Date Report Prepared:** 8 May 2013

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106

#### **MAIN ISSUES**

- Whether there have been any material changes in policy or circumstances since the previous application

#### **REASON FOR REPORT**

The application site area covers approximately 3 hectares. As such under the terms of the Council's constitution the proposal needs to be determined by the Strategic Planning Committee.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises two open areas of land on opposite sides of Lower Meadow Road. The majority of the site is designated as an Existing Employment Area and the southernmost part is identified as Proposed Open Space in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks to extend the time limit on application 09/3413M for the erection B1 use class units (outline with all matters reserved).

The previous permission was also subject to a s106 planning obligation requiring:

- Contributions to offsite outdoor sport and recreation facilities
- Provision of public open space
- Submission of a site travel plan

- Financial contribution (to Stockport MBC) for off site highways improvements at Earl Road / Stanley Road junction

In order to comply with 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 provision of a travel plan, public open space and contributions towards offsite outdoor sport and recreation facilities are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased impact on highways within the Stockport MBC area. The commuted payment towards a highway scheme is required to improve traffic flows in the area of Earl Road and Stanley Road. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **RELEVANT HISTORY**

06/0278P – Erection of B1 (use class) units (outline) – Approved 26.10.2006

09/3413M - Erection of B1 (use class) units (outline) – Renewal of 06/0278P – Approved 15.01.2010

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial principles applicable to development management)

DP2 (Criteria to promote sustainable communities)

DP3 (Promotion of sustainable economic development)

DP4 (Making the Best Use of Existing Resources and Infrastructure)

DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)

DP7 (Promote Environmental Quality)

DP9 (Reduce Emissions and Adapt to Climate Change)

W1 (Strengthening the Regional Economy)

W3 (Supply of Employment Land)

RT2 (Managing Travel Demand)

RT3 (Public Transport Framework)

RT9 (Walking and Cycling)

EM17 (Renewable Energy)

MCR3 (Southern Part of the Manchester City Region)

The Secretary of State for Communities and Local Government has announced that North West Regional Strategy will be revoked. An Order will be laid in Parliament to formally revoke the strategy, until that happens the policies should still be given weight as part of the Development Plan according to their degree of consistency with the NPPF.

### **Local Plan Policy**

NE9 (River corridors)  
NE11 (Nature conservation interests)  
BE1 (Design principles for new developments)  
E1 (Employment land)  
E3 (Employment land – business)  
E4 (Employment land – industry)  
T3 (Improving conditions for pedestrians)  
T5 (Provision for cyclists)  
RT1 (Open space)  
RT6 (Proposed open space)  
IMP1 (Provision for infrastructure)  
IMP2 (Need for transport measures)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC5 (Natural surveillance)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Requirements to provide and maintain landscape schemes for new development)  
DC9 (Tree protection)

### **Other Material Considerations**

National Planning Policy Framework (the Framework)

### **CONSULTATIONS (External to Planning)**

Strategic Highways Manager – No objections

Public Rights of Way – It appears unlikely that the proposal would affect the public right of way, therefore no objections subject to advice note

Manchester Airport – Not been possible to undertake a full assessment of the proposal from an airport safeguarding aspect (due to outline nature of proposal)

Environment Agency – As with application 09/0278M, no objections

Stockport MBC – No objections subject to completion of a S106 Agreement (or UU) to secure a financial contribution towards the costs of highway improvements within the vicinity and imposition of appropriate planning conditions.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Handforth Parish Council – Support the application

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

A planning policy update assessment and an updated badger survey and assessment report have been submitted with the application.

## **OFFICER APPRAISAL**

### **Principle of development**

For an extension to time limit application such as this, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

The development was previously approved in 2010 and was extant at the time the application was submitted to the Local Planning Authority. The previously approved scheme was considered to have an acceptable impact on the character and appearance of the surrounding area, neighbouring amenity, nature conservation interests, open space and highway safety.

No changes have occurred to Local Plan policy since the application was previously approved. Changes have occurred to regional planning policy however this is not considered to have any implications for this application. Similarly, the Framework has been introduced, which outlines the Government's commitment to secure economic growth. The proposed employment use is consistent with this objective.

### **Nature Conservation**

Great Crested Newts are known to occur at a pond some distance from the application site. However, the nature conservation officer does not anticipate that the potential impacts of the proposed development on this species will have materially changed since the grant of the previous planning consents. No additional action is therefore required in respect of this species.

A significant badger sett was previously present adjacent to the proposed development. Surveys undertaken to inform the previous planning consent found this sett to be inactive. As badgers can frequently abandon and then reuse sett an updated badger survey has been submitted, which has recorded an increase in badger activity both on-site and within the adjacent woodland.

One outlying badger sett is likely to be directly affected by the proposed development. To facilitate the proposed development it is necessary to close this sett under license from Natural England. In addition as some aspects of the proposed development will occur within 20m of a number of the off-site setts the development is likely to have an indirect impact upon them.

To address the potential impacts of the proposed development upon badgers a mitigation method statement has been developed by the applicant's ecologist which will be subject to a Natural England license.

The nature conservation officer advises that the submitted survey and mitigation method statement is acceptable. As there may be a further delay between the grant of this extension of time application and any future reserved matters application it is recommended that a condition be attached requiring any future reserved matters application be supported by an updated badger survey and mitigation method statement.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The previously approved application was considered to comply with relevant local, national and regional planning policy. Whilst the Framework has been introduced since the previous approval, no changes have occurred to planning policy that would result in a different decision. Therefore the application is recommended for approval subject to conditions and a s106 planning obligation.

### **Application for Extension to Time Limit**

**RECOMMENDATION:** Approve subject to a Section 106 Agreement and the following conditions

1. A01AP - Development in accord with approved plans
2. A01OP - Submission of reserved matters
3. A02OP - Submission of reserved matters
4. A03OP - Time limit for submission of reserved matters
5. A04HP - Provision of cycle parking
6. A05HA - Pedestrian visibility at access (dimensions)
7. A05HP - Provision of shower, changing, locker and drying facilities
8. A06OP - Commencement of development
9. A07HA - No gates - new access
10. A09HP - Pedestrian visibility within car parks etc
11. A13HA - Construction of junction / highways
12. A21HA - Submission of details of turning facility
13. A30HA - Protection of highway from mud and debris
14. Access available for use before occupation
15. Maximum floor area of 9,500 sq m with upper limit of 80% B1a Use (offices)

16. No 3 storey development south of line parallel to south elevation of M & S
17. No development shall exceed 12m and 3 storeys and no more than 30% of buildings on sites A and B shall be more than 2 storey
18. Reserved matters application to incorporate public right of way route, unless diverted/extinguished
19. Surface water regulation system
20. Additional landscaping to be provided on south and west boundaries of Site A
21. Habitat creation including mitigation if appropriate
22. Provision of measures to mitigate impact on badger set/habitat
23. Reserved matters to identify trees to be retained
24. Provision of signing/carriageway marking on Coppice Way/A34
25. Development to be carried out in accordance with FRA
26. 10% Renewable Energy
27. Protection of breeding birds
28. waste audit to be submitted



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