

Application No: 15/3674M

Location: 127, WELLINGTON ROAD, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5HT

Proposal: Proposed demolition of existing building and erection of a new building (for A1 and A3 use)

Applicant: S Price, Cheshire Taverns Retirement Benefit Sche

Expiry Date: 07-Oct-2015

SUMMARY

The application site is allocated within the Macclesfield Borough Local Plan as a Local Shopping Centre therefore a retail use on this site is considered to be acceptable in principle.

The existing building is considered to hold limited significance as a non designated heritage Asset. Having regard to this and the proposed design of the replacement building the loss of the existing building is considered to be acceptable and will not have a harmful impact upon the character and appearance of the existing street scene.

The Head of Strategic Infrastructure has been consulted on this application and raises no objections. The proposed off site car parking provision, access, visibility and service requirements are considered acceptable taking into account the existing servicing and parking arrangements and also taking into account that the existing building could be converted into an A1 use (Retail) under permitted development rights.

The impact of the proposal upon existing levels of residential amenity and environmental matters are considered to be acceptable subject to conditions.

The NPPF places a presumption in favour of sustainable development. The proposed development will provide environmental, economic and social benefits and is therefore considered to comply with the three dimensions of sustainable development.

RECOMMENDATION : Approval subject to conditions

REASON FOR REPORT

This application has been called in to Committee by Councillor Weston following concerns raised with regards to the impact of the proposed development upon Highway safety and the residential amenity of neighbouring properties.

Concerns in brief are as follows:

- *The proposal will have a harmful impact upon Highway safety due to increase of traffic access and egressing the proposed development, inadequate visibility at the proposed point of exit particularly when vehicles are located within the proposed loading bay. Visibility is also made worse by the position of the existing bust stop*
- *The proposal will encourage people to park in unsuitable locations causing detriment to Highway safety*
- *The proposal would result in unacceptable increases in traffic along what is mainly a residential street. The impact of traffic from a combined supermarket and restaurant operating together from the early evening onwards would produce traffic flows that will be detrimental to the amenity of the occupiers of residential property within the area.*
- *The proposed development will result in additional traffic movements at the existing very constrained and unsatisfactory junction between Grimshaw Lane and Wellington Road. Adding the combined traffic flow including delivery vehicles large lorries and buses threatens highway safety.*

DESCRIPTION OF SITE AND CONTEXT

The site is located on a highly prominent location in the centre of Bollington adjacent to the Wellington Road (B5090) and Grimshaw Lane.

Forming a triangular plot of land, the site measures approx 0.11 hectares in size and is currently occupied by a large two storey building and car park to the rear which serve an Indian Restaurant (A3 use class).

There is a butchers shop to the south of the site and a Pizza Takeaway to the north. Both neighbouring properties accommodate residential properties at first floor. The north western and south western edges of the site are fringed by residential gardens. Located adjacent to the south west of the site is an area of car parking, which serves the Butchers. Tinker Clough watercourse flows up from a culvert to the west of the site.

Vehicular access from and onto Wellington Road is currently from two points located either side of the existing building.

The site is not a Listed Building or registered on the Council Local List of Important Buildings and the site is not located within a Conservation Area.

Whilst this particular area of Bollington is largely a mix of commercial and residential uses the site is allocated within the Macclesfield Borough Local Plan (2004) as Existing Shopping Area (Policies S4 (3)) and the land surrounding the site is designated as a Predominantly Residential Area.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing building and erection of a new two storey building.

The proposed building will be set back further into the site than the existing building and in most parts, will be positioned over the footprint of the existing building. The new building is sought to provide accommodation of Retail unit (A1 use Class) at ground floor and a Restaurant (A3 use Class) at First floor with an area for of A1 retail storage.

Broken down the scheme proposes;

- 370sqm of Retail (A1 use) accommodation and
- 173 sqm of floor space for the Restaurant (A3 use)

The construction of the new building will create a gross increase of 134sqm of additional internal floorspace.

The application proposes to the following Hours of Operation Mondays to Sundays and Bank Holidays;

Retail Unit -07:00 to 23:00

Restaurant – 19:00 to Midnight

The proposal will provide one access and egress from Wellington Road, which is to be sited to the south of the proposed building. Car parking for the development is proposed to the rear of the property and will provide 12 parking spaces and 1 disable parking space.

A parking bay for deliveries is proposed to be positioned between the front elevation of the proposed building and Wellington Road.

The applicant proposes to place the plant equipment and extractor fans and ducting associated with the retail unit and Restaurant on a flat roof of the proposed new building.

RELEVANT HISTORY

99/0370P Porch and Minor external Alterations
Approved 27.04.99

06/2874P Various externally illuminated and non illuminated signage (retrospective advertisement consent)
Approved 12 March 2007

POLICIES

National Planning Policy Framework (The Framework)

Macclesfield Borough Local Plan Policy (2004)

Natural Environment

NE1- Nature Conservation

Shopping

S1-Shopping Developments

S4 -(3) Shopping

S7 – Guidance for location of new local Shops

Built Environment

BE1– Design Guidance

BE2 – Historic Fabric

Development Control

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC15, DC14 – Noise

DC17, DC18, DC19, DC20– Water Resources

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space Light and Privacy

DC48- Shop Front design

DC49- Shop Front security measures

DC54- Restaurant, Cafes and Hot food takeaways

DC63 – Contaminated Land

Transport

T1,T2,T3,T4,T5- Integrated Transport Policy

Implementation

IMP1 – Development Sites

IMP2 – Transport Measures

Cheshire East Local Plan Strategy Submission Version (March 2014)

Policy C01 Sustainable Travel and Transport

Policy C02 Enabling business growth through Transport Infrastructure

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy SE 9 Energy Efficient Development

Policy EG 1 Economic Prosperity

Policy PG 2 Settlement Hierarchy

Other Material Considerations

Town and Country (General Permitted Development) (England) Order 2015

SPD for Bollington (January 2006)

SUMMARY OF CONSULTATIONS

Manchester Airport – No safeguarding objections

United Utilities -No objections subject to conditions relating to the following;

- Foul and surface water shall be drained on a separate system;

- Surface water drainage scheme to be submitted prior to the commencement of development. The development shall be completed, managed and maintained in accordance within the approved scheme.

Head of Strategic Infrastructure

Raises no objections. It is considered that the proposal can be safely accommodated on the adjacent highway network subject to conditions relating to the following;

- opening hours of the restaurant be no earlier than 6.30pm;
- the development is carried out in accordance within the Delivery Management Plan,
- Service Vehicles are restricted to no longer than 11.6m; and
- the application enters into a section 278 prior to the commencement of any development for the proposed works to the highway.

Environmental Health Officer

They assessed the application in relation to the construction phase of development, noise, air quality and contaminated land. No objection are raised subject to conditions relating to the following;

Demolition and construction phase of development

They recommended that conditions are attached in relation to the hours of construction and the hours of pile foundations (should they be required). If piling work was found to be necessary on the site as part of the development, then the contractors should be members of the Considerate Construction Scheme and should also consider and select a piling system which would result in the least disturbance to nearby residents in terms of noise and vibration.

Hours of construction should be restricted to the following;

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

In order to preserve the residential amenity for neighbouring properties.

Dust Control

In terms of demolition, site preparation and construction phases, it is recommended that mitigation measures are implemented to minimise dust.

Floor Floating

In order to reduce the impact of potential noise and vibrations from any floor floating operations it is advised that a method statement be submitted and agreed by the Local Planning Authority prior to the commencement of development

In addition to the above conditions in relation to Noise Assessment, Odour control, Air Quality Control are also requested, these are expanded in further detail below.

Flood Risk Manager – No objections subject to conditions

Cheshire East Constabulary Crime Reduction Officer /Architectural liaison Officer – No objections subject to conditions.

VIEWS OF THE TOWN COUNCIL

Bollington Town Council

Object to the proposal on the following grounds;

1. *The proposal would be contrary to the interests of highway safety because the number of turning movements into and out of the site resulting from the pattern of retail and restaurant activity, these would increase the danger to other road users in the vicinity of the site and in particular those accessing and egressing Grimshaw Lane and the site itself.*

2. *The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of exit from the site in both directions, particular to the North when any delivery vehicles are using the loading bay and to the South when deliveries are taking place at the adjacent butchers shop.*

The sight line of 35 metres to the South, without delivery obstruction, would also appear to be insufficient given the speed of vehicles approaching the site from the South which averages 28.4mph at 85th percentile. (Speed data secured from a SID machine August 2015 Northbound and September Southbound and supplied to Paul Hurdus).

3. *The bus stop immediately opposite the application site is used by large numbers of secondary school children who will be tempted to cross Wellington Road at this point to shop at the store or cross to the bus stop after having visited the store. The pedestrian crossing installed at the Albert Road junction (more than 100 metres away) to aid the crossing of this busy road will be bypassed and accidents are very likely to occur at what essentially will be a busy four way junction. If allowed the development will threaten childrens' safety.*

4. *The development would be detrimental to interests of highway safety because of an increase in parking taking place in unsuitable locations on the highway.*

13 spaces available on site is wholly insufficient at peak times and when contended by the use of the restaurant above. For many years the car park has been used by residents and customers of other local shops which will continue, and on a typical day currently at least 10 cars are already parked on the site. Added to the demand for car parking space will be that required by the staff at the retail facility.

What cannot be accommodated in the car park will inevitably have to be accommodated on the roadway or side streets in a Town where available parking is one of the greatest local concerns evidenced by our emerging Local Plan.

The car park is also "blind" and potential users will enter whether spaces are available or not and then have to turn in the limited space and exit. The lack of turning space will be exacerbated by customers being tempted to park outside the very limited number of marked bays. Drivers could well be forced to back into the main road.

The Town has a wealth of experience of the similar sized Co-op at the Junction of Albert Road and Wellington Road which caused major traffic problems and had to be relocated. We should add that the Highways report was favourable for this development in spite of major community concerns.

5. *The proposed development would result in additional traffic using Wellington Road (B5090) and Grimshaw Lane which are already at high levels particularly during school times and work travel periods coupled with large lorries from the transport business on Grimshaw Lane and those serving our two paper mills. Lorries with left hand drive, an increasing factor in delivery logistics within the EU, will also be a danger, when traversing the further congested junction occasioned by approval of this planning application.*

Retail areas in Bollington are small and spread out due to the linear nature of the Town. There is therefore a very sensitive balance to be attained when considering the increased impact of retail expansion in any one area. The B5090 is the main route through Bollington but it is in the main residential.

6. *The proposed ATM at the front of the premises will result a further increase in traffic and parking on the main road from those passing through. Drivers will inevitably feel they can stop at the front of the store for a few moments obstructing the road and sight lines.*
7. *The loading bay at the front will challenge highway safety and place pedestrians in conflict with delivery goods and delivery cages which could force them into walking around the road side of the delivery vehicle. Some of these vehicles are likely to be on site for much longer than 15 minutes. The delivery bay itself will also be targeted by customers and become a parking area unless measures are taken to prevent that.*
8. *There will be overuse of the highway due to the requirement of all delivery vehicles to unload then travel the full length of the Town (1 and a half miles) before being able to safely turn and exit through the whole length of the 5090. This represents excessive and disproportionate additional traffic movement in relation to the size of the development.*
9. *The building will be situated within a few metres of residential properties (the flat above the pizza parlour and the houses in the courtyard immediately to the North). Both the retail and the restaurant premises will be served by refrigeration and extraction equipment which will cause noise and in the latter case odours. Both will be noisy and much closer than the existing building. This will be detrimental to the amenity of these householders.*
10. *The Town Council and the community are not against a convenience store in the Town and would welcome discussions with any developer wishing to provide one. However, this is literally the worse possible location in the Town with just about everything pointing to the dangers of approving it. The Town has a wealth of experience of such a development 150 metres further down the road and knows what will happen if this goes ahead.*

OTHER REPRESENTATIONS

Consultation responses from members of the Public;

43 objections have been received and 1 letter of support. The letters are summarised as follows:

Highway safety

- There will be inadequate visibility at the point of exit particularly when there are vehicles unloading stock or collecting waste for the supermarket;
- The proposal will threaten highway safety through an increase in parking taking place in unsuitable locations;
- Insufficient parking spaces provided;
- Inadequate space to move in the rear car park
- The proposal will encourage unsafe road parking;
- Proposed two uses will overload busy junction at the detriment to the existing highway network;
- Visibility splays from the junction are not correct and will increase road traffic accidents;
- the proposal will create a hazardous junction;
- The proposal does not comply with the Councils parking standards;
- This particular road has been recorded as the 30th most dangerous road for KSI per KM according to ACCC survey in 2009;
- There is no alternative parking available in the area;
- The access will be located on a dangerous junction which has a curve in the road;
- The proposal will exacerbate congestion and pedestrian safety issues in this area;
- Increase off street parking in the area will add to danger;
- No plans have been submitted to improve traffic calming
- Inadequate disabled parking provision;
- The location of the delivery vehicles will have an impact on visibility from the proposed access;
- The site is located on a dangerous corner where the winter sun blinds drivers;
- The proposal is contrary to policies T9 and T3;
- The proposal will present significant parking problem;
- The 17 parking spaces at the Co –op store are full at peak times. Both the opening of the restaurant and shop will be at a premium;
- The proposed plan only shows deliveries from 1 direction, plans should be shown from both directions;
- The deliveries from lorries, position of the loading bay and proposed “uncontrolled crossing” will create grid lock;
- The loading bay is proposed on a dangerous curve of an s bend
- Construction of the loading bay will necessitate diversion of an existing footpath;
- footpaths are required for pedestrian safety;
- Such loading bay reconsidered to require high pavement or crash protection barriers or posts;
- The proposed sight lines are unrealistic.
- The delivery Lorries appear to be 2.5m wide and will impact sight lines;
- The existing damage to bollards on Grimshaw Lane illustrates there is already an issue with lorries turning;
- The proposed sight lines are flawed and vehicles are known to speed in this area;
- have there been any objection to utility services; proposal will impact up to 13 furniture cover which will cause disruption if require repair;
- Existing traffic form industrial park and mill with development will see disruption in morning, lunch and evening period;

Economic

- The introduction of Sainsbury’s will damage existing long standing retail businesses;

- The proposal will not create new jobs as local business will be lost as a result of the proposal;
- There is no demand in Bollington for another large retailer;
- **The site is considered to be a natural centre of Bollington and therefore more shops in this area are encouraged.**

Amenity

- The proposal will impact on neighbours in terms of loss of light and access;
- The new car park will impact upon privacy for neighbouring properties;
- The proposed cooling system will have an unacceptable impact in terms of noise and cause unwanted pollution.

Character

- The proposal will be the loss of an iconic building with local character;
- The application site is one of the oldest buildings in Bollington;
- The existing building should be listed and is of significance;
- The new building has limited architectural merit;
- The building has no structural problems and the façade is not dilapidated;
- The proposed building should be built in kerrie stone;
- The proposal will create overdevelopment.

Misc

- The proposal will impact upon quality of life;
- The plans are not considered to be to scale;
- The ATM machine will generate more traffic;
- Insufficient information to analyse. It is advised that Trip should be measured from the new Co-op store;
- Change of use is not required but parking and servicing could not be accommodated in the current set up on site;
- Bats are known to be on the site the proposal will impact upon foraging
- The proposal will impact on dust, and increase pollution;

APPLICANT'S SUPPORTING INFORMATION

This application has been supported by a full set of plans as well as the following supporting information;

- A Planning Statement
- A Design and Access Statement
- Condition Survey
- Bat survey
- Delivery Management Plan
- A Flood Risk Assessment
- A Transport Statement
- Pedestrian Crossing Assessment
- Technical Note: Response to Town Council Committee Report

Details of the above documents can be found on the application file.

In addition to this, following concerns raised by officers during the course of the application, amended plans, supplementary highways details and additional information have been submitted. All documents are on the Council online planning system to view.

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

Paragraphs 12 and 13 of The Framework states that the development plan is the starting point for decision making.

“Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

The key issues with this application are therefore as follows:

- The principle of retail development within this particular location;
- The principle of the demolition of the existing building and the impact upon the character of the area;
- Impact upon residential amenity;
- Impact upon highway safety and the existing Road network;

Retail Impact

Chapter 2 of the National Planning Policy Framework ‘Ensuring the vitality of Town Centres’ seek to ensure the vitality of Town centres. It advises that planning policies should be positive, promote competitive Town Centres environments in doing so authorities are advised (in brief) to;

- Recognise town centres as the heart of their communities and pursue policies which support their vitality and viability;
- Define a network of hierarchy of centres that is resilient to anticipated future change;
- Define the extant of town centre and Primary Shopping area;
- Promote complete town centre which provide customer choice and diverse retail offer which reflect the individuality of the Town;
- Retain and enhance existing markets; ensuring markets retain attractive and competitive;
- Suitable sites for retails should be allocated in order to ensure there is a sufficient supply of suitable sites;

Para 24 of the NPPF seeks to ensure that applications for main town uses , such as retail, are located in town centres then in edge of centre locations.

Within the Emerging Local Plan Strategy Submission Version (March 2014) Bollington is allocated as Local Service Centre. Policy PG2 advises that within

“small scale development to meet localised objectively assessed needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities”

The site is allocated within the Macclesfield Borough Local Plan as an existing Shopping Centre. Policy S4 seeks to maintain a level of shopping provision which is commensurate with the role the Service Centre serves.

The settlement of Bollington Town essentially spreads along the main thorough fair of Henshall Road, Wellington Road, and Palmerston Street. There are two shopping area allocated within the Macclesfield Local Plan. The largest being the Palmerston Street/High Street which is sited to the East of Bollington settlement and the Grimshaw Lane/Wellington Road shopping centre which serves the residents to the West.

The building within the application site currently operates under an A3 use class (Restaurant and Café). The proposed development seeks to construt a new builing which will accommodate a retail unit at ground floor and A3 (use) at first floor.

The applicant advises that the prospective occupier of the Retail unit would be Sainsbury's.

Having regard to existing Local Plan policies and its position within a Local Service centre it is considered that the proposed development would bring back an acceptable retail use, which could potentially assist in renewing the vitality and viability of the Grimshaw Lane shopping centre. The principle of a retail unit/A3 use class conforms with Shopping Development Policies within the Macclesfield Borough Local Plan and is therefore considered acceptable in principle.

Principle of demolishing the existing building

The existing building on site was constructed in 1907 and was originally known as the Waggon and Horses Public House. The building was converted into an Indian restaurant in 2006 known now as the "The Bay Leaf". Located on the junction of Grimshaw Lane and Wellington Road the existing building and noticeable front façade occupies a prominent location and landmark building within Bollington Town.

The Council Conservation Officer has been consulted on this application and was involved with pre application discussions prior to the submission of the application.

As advised above the application site is not located within a Conservation Area nor does it benefit as a Listed or Locally Listed building.

It is the front façade and historical context of this building which sets this building apart from surrounding properties and for this reason the existing building is considered to be a Non - designated heritage asset.

Para 135 of the NPPF advises that;

"The effect of an application on the significance of a non designated heritage asset should be taken into account on determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and significance of the heritage asset."

The existing two storey building is constructed in stone and has been the subject of a number of single storey side and rear extension constructed in stone and brick. The main feature of this building is predominantly the front façade with its two peaked gable features, mullion windows, castellated bay window and bow bay windows which offer some aesthetic appeal the building is however considered to have limited architectural merit that is of historical significant. The existing building is not considered to be representative of a certain style of architecture and is arguably considered to provide a rarity. Whilst the building may have had some association as a traditional public house, this has however, been eroded when the building was converted into a Indian restaurant.

As part of the supporting information the applicant have submitted a condition survey. The reports details that the existing buildings has suffered due to the lack of maintenance. Several aspects of the property are outlined as requiring replacement such as windows, doors, collapsing outbuildings electrical and mechanical installations and damp proof course. It is also advised that it is likely that the stone works on the Northern elevation will require extensive re construction. Potentially loose coping stones are identified on the front elevation and the first floor is not considered to comply with Fire safety concerns. It is concluded that the existing building may have potentially reached its end of life and a new building would be considered to be a viable alternative.

Having regard to the above and the poor state of repair of the existing building the property is considered to offer limited significance.

DESIGN /CHARACTER OF THE PROPOSED REPLACEMENT BUILDING

Local Plan policies BE1 and DC1 address matters of design and appearance.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed building has been designed in an 'L' shape and will cover a footprint of approx. 355sqm. The building is to be set further into the site from Wellington Road but retaining a car parking area to the rear of the property. Cycle storage and loading bay is to be sited along the front elevation.

The proposed building is larger in terms of its scale and massing then the existing building. The building however has been designed to incorporate a more traditional frontage and will include a pitched roof, linking two gable features, as well as mullioned windows at first floor, which are of a similar character and style to the existing building.

The primary retail frontage is to be located on the front elevation and side facing elevations facing the proposed vehicular access.

The proposed building is to be constructed in natural stone along the side and front elevations with slate roofing. Plans detail a fair faced blockwork is however proposed along the north

and west elevations. Should planning permission be given it is advised that a condition be attached ensuring a more appropriate facing treatment is secured for these elevations.

The proposed building has been designed to incorporate a similar eaves height to that of the existing building. The maximum ridge height of the existing building is currently 8.4m. The ridge height of the proposed link is to measure approx. 7.7m, which rises to approx. 9.5m at the peak of the large gable feature on the front elevation. Although larger than the existing building the scale, bulk and massing of the proposed building is considered to be in keeping and subservient with the neighboring properties and is therefore unlikely to have a harmful impact upon the overall character of the existing street scene. The proposed development is therefore considered to satisfy Local Plan policies in terms of design.

It is acknowledged that the existing building has some significance. The value of the existing property as a non designated heritage Asset however, in this case, is considered to be limited having regard to the poor state of repair of the building. The proposed building has been designed so to incorporate features of the existing building and on overall balance, it is considered that the traditional character of this area will be maintained with the construction of the new building. The demolition of the building is unlikely to result in the significant loss of a Non designated Heritage Asset.

Design/Crime Prevention

The Cheshire East Constabulary Crime Reduction Officer has been consulted on the application and initially raised the following concerns;

- *Refuse storage areas should be robustly secured to ensure fire protection and prevent rubbish crime;*
Concern raised with regards to the low level ledges on the front elevation which will encourage young people to congregate;
- *Concern old entrance covered by corner canopy will encourage people to congregate and create a crime hotspot;*
- *Drain pipes and external infrastructure i.e. drainage, CCTV, bell box should be secured to prevent attack;*
- *The gates at the front and rear elevations should be adequately secured;*
- *It is encourage CCTV installed to rear car park, ATM machine, car park entrance and cycle storage.*

The applicant was made aware of the abovementioned concerns. After meeting with the Crime Advisor the applicant have addressed the above concerns by making the following adjustment's to the plans;

- Measures to reduce seating opportunities on window sills and low level ledges are being introduced.
- Bin stores are more secure.
- Changes to the alcove (corner canopy) have been introduced in the design.
- Vehicle restriction measures are included in the plan if necessary.
- Exterior drainage and external infrastructure (CCTV/Vents etc.) are being considered.
- Secured gate to service area.

The Crime Reduction Advisor is satisfied that the amendment addressed concerns no further objection are raised.

The Council Conservation Officer has been consulted on the proposed amendments the proposal are therefore considered to be acceptable to the proposed building and will not have a harmful impact upon the appearance of the surrounding area.

IMPACT UPON RESIDENTIAL AMENITY

Noise /Disturbance.

This particular area of Bollington is surrounded by a mix of commercial and residential properties. The site is located within a Local Service Centre where the existing A3 use and proposed A1 uses are considered to be typical to the character of a shopping area.

The Council Environment Protection have been consulted on the application and have raised no objection to the proposed use in term of loss of noise or disturbance subject to conditions, which restrict hours of operation to the following;

Retail Unit -08:00 to 23:00

Restaurant – 19:00 to Midnight

The proposed condition is considered to be necessary in order to ensure the proposal has an acceptable impact upon residential amenity for the neighbouring residential properties.

It is advised that that in addition to the above and in order or to preserve existing levels of residential amenity deliveries to and from the site should be restricted to between the A1 opening hour and 19.00 hours on Monday to Saturday with no deliveries (or restricted deliveries) on Sundays & Bank Holidays.

In order to ensure the proposed ventilation system, extraction fans and air conditioning units propose will not have a harmful impact upon residential amenity. Environmental Protection Officer has recommended the following conditions relating noise assessment and odour control and specified below;

Noise Assessment

In order to ensure the proposed development has an acceptable impact upon the residential amenity of neighbouring properties in term of noise from the plant, kitchen extract equipment and air conditioning system it is requested that a noise impact assessment should be submitted prior to the commencement of development with any appropriate mitigation

An agreed scheme should be implemented and maintained through out the use of the development. A maintenance schedule of plant and equipment shall be kept on site and available for inspection at any time by officers of the Local Authority.

Odour Control

A detailed scheme for odour and noise control should be submitted to the Authority and approved prior to the commencement of development to ensure that the proposed development will not have a harmful impact upon existing residential amenity due to odours and noise form the kitchen extraction system. Any scheme should include details of the

filtration and extraction system to control the discharge of odours and fumes arising from food handling; preparation and cooking.

Loss of Light

The proposed new building is to be sited closer to the southern side elevation of 125 Wellington Road, which currently operates as a Hot food takeaway at Ground floor with ancillary residential accommodation above. The southern elevation of the takeaway currently has two window opening which face into the application site and are the only openings to two separate bedrooms. The larger window is currently obscurely glazed.

The distance from these windows and the existing northern elevation of the 127 Wellington Road measures approx. 5.4m. The proposed building is to be sited within closer proximity of these two windows, however a light well has been designed into the proposed northern side elevation of the proposed building in order to mitigate against the harm to the existing neighbouring windows, in term of loss of light.

Following concerns raised by Officers with regards to the impact up of the development upon these windows further amended plans have been received increasing the depth and width of the light well.

The proposed relationship of the proposed building and 125 Wellington Road will fall subs standard of the Council current guidelines on privacy distances set out within Policy DC38 of the Local Plan which, advises a guideline distance of 14m habitable room to non habitable room or faces blank wall. Although it is acknowledged that the proposed development will have some impact upon these windows in terms of loss of light, having regard to the existing situation substandard relationship, the fact that the larger of the windows is obscurely glazed restricting outlook and that the first floor accommodation would appear to be ancillary function to the takeaway. The impact of the proposed development is not considered to be significant.

It is noted that there is also a living room window located on the rear elevation of 125 Wellington Road at First floor. The proposed building will fall just along the limits of the 45 degree angle, when taken from this window and is therefore unlikely to cause a significant loss of light or overbearing impact upon this particular opening.

It is noted that there is currently a window at first floor window on the northern side elevation of 1 Henshall Lane, which looks out over the application site. This window is believed to be a lounge window for a residential flat. This window is currently located approx 3.8m from the side elevation of the existing building. Although, the depth of the proposed new building is to be extend further into the site the side elevation of the new building will however be set back a further 3m away from this window. The impact of the proposal is therefore unlikely to be any more harmful then the current relationship.

At first floor on the rear elevation of 1 Henshall Lane there are two kitchen windows. The proposed development will not fall within the 45 degree angle when taken from the centre of these windows, therefore the proposed development will have a minimal impact upon current levels of residential amenity.

The proposed development is considered to be a sufficient distance from the neighbouring properties within the area so as not to have a harmful impact upon residential amenity.

Having regard to the above, the proposed development is considered to be acceptable impact upon existing level of residential amenity.

HIGHWAY SAFETY AND TRAFFIC GENERATION

The proposal has been designed to accommodate 14 Car parking spaces in total including 1 disabled parking space. Access and egress to the site car park is to be gained from Wellington Road from the south eastern corner of the site.

The Head of Strategic Infrastructure has been consulted on this application and has raised no objections.

Context of the Local Highways network

The site sits in a curve within an 's' bend opposite the junction where Grimshaw Lane meets Wellington Road (B5090). Wellington Road is one of the main through fare, which runs through Bollington Town. The existing site currently has two points of access and egress from the rear of the site onto Wellington Road which are located to the north and south of the existing building.

Within the vicinity of the site there is a bus stop on the opposite side of the carriageway to the north of the application site and the speed limit is 30mph. There is a no waiting Traffic Regulation Order on both side of the Wellington Road carriageway.

It is noted that there has only been 1 accident outside of the site in the last 5 years therefore the site is reported as having generally good record of road safety despite the shortcomings of the existing two accesses onto Wellington Road.

Traffic generation

Transport Statement submitted in support of the application provides an assessment of the morning and evening commuter period peak traffic generating potential.

	Arrivals	Departures	Total
08:00-09:00	21	19	40
17:00 -18:00	32	32	64

Having regard to the figure provided within the above table the Head of Strategic Infrastructure is satisfied that the proposed anticipated traffic generation caused by the proposed development, would not generate a level of traffic which would have a material impact upon the operation of the adjacent highway. No concerns are therefore raised with regard to the intensification of the proposed development

Access

The proposed access is to incorporate a visibility spays of 2.4m x 35m to the South and 2.4 X 34m to the north, the latter of which is considered to be a significant improvement on the existing 2.4m X21 m visibility splay to the south of the site.

Concerns raised with regards to visibility splays are acknowledged. The Head of Infrastructure notes that;

The Information submitted by the applicant in the Speed Indicator Device (SID) indicates that the 85th percentile of speed of vehicles approaching this from the south is around 28mph and on site observations have confirmed that speeds in both directions are generally around 30pmh.

Using as a proxy for vehicle speeds in both directions on Wellington Road, equates to a normal visibility splay requirement of 2.4m x 40m. Having regard for the current and previous use of the site and its existing access arrangements, the shortfall in visibility of just 5.1 per 5sqm per public floor area 0m and 6.0m to the south and north of the site access would not be expected to have a material impact on road safety.

It is therefore considered that taking into account the existing road junction, layout and visibility the proposed access arrangements onto Wellington Road are considered to be acceptable.

Car Parking /layout

The Council parking standards our set out within the Cheshire East Local Plan Strategy Submission Version recommends;

1 space per 14 sqm for Retail Food; and
1 per 5sqm per public floor area

(A footnote advises that the latter is capable of adjustment appropriately depending on the location and accessibility of the development)

Having regard to the above guidelines, it is considered that for this particular development 20 parking spaces would be required.

Para 39 of the NPPF however advises that when setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

Located within the settlement area of Bollington Town and located within a Local Service Centre which is accessible by both public forms of transport, cycle and in walking distance for a number of residents within the Local Area the application site is in a sustainable and accessible location.

Within the supporting Travel Statement the results of a car parking utilisation analysis have been presented, which have indicated that under normal working operational conditions the proposed store car park would have sufficient capacity to serve the proposed retail and restaurant uses. The Head of Strategic Infrastructure is satisfied that the car park would be

expected to exceed a capacity during the daytime, the busiest time of the day being between 4pm and 6pm when around 12 vehicles would be expected to be parked.

During the evening when both the restaurant and retail unit are in operation it is expected to be fully occupied between 8pm and 9pm.

The concern in relation to the conflict of the opening hours of the two proposed uses on site along with parking ratios provided have been discussed with the applicant and it has been agreed that the restaurant will not open before 7pm and a condition securing this is advised.

Whilst it is acknowledged that in cases where there may be an over demand in parking, patrons of the site would find other off site location to park. Whilst it is acknowledged that parking concerns are a particular concern within Bollington it is considered that the sites accessibility should be used as encouragement for customers to walk cycle rather than park.

There is a No Waiting at Anytime Traffic Regulation Order (double yellow lines) on Wellington Road outside of the site which would discourage patrons from parking at the front of the proposed store on Wellington Road. Misuse of this TRO is considered to be a matter for Highway Enforcement.

Following concerns raised with regards to the position of the proposed ATM machine on the front elevation. Amendments have been received relocating the machine within the Store therefore discouraging patrons to park at the front of the property.

It is noted that the siting and layout of the proposed car park is not ideal. The applicant have submitted a swept path to illustrate a car tuning within the proposed car park and also how two vehicles can pass each other within the access route which measure 4.5m wide.

In order to alleviate concerns the applicant have advised that they are willing to operate a 90 minute parking policy in which patrons of the store are able to park but which would also prevent unauthorised parking. It I advised that a planning condition should secure details of how the policy will operate are agreed in writing prior to the operation of the store.

It is the Head of Strategic Infrastructure view that the proposed parking layout is considered acceptable.

Servicing

The applicant proposes a service bay to be located directly between the front elevation and Wellington Road. The bay will be constructed in cobbled stone and has been designed to appear like part of the footpath. The bay has been designed in such a manner to prevent patrons from parking in the bay as the Highways Engineer considers that the loading Bay Traffic Regulation Order would highlight its presence to potential patrons.

Swept paths of service lorries accessing and existing the proposed service bay have been provided to the Authority and a Delivery Service Plan (Ref:660556-DMP-Rev02) has been produced to ensure that the service bay is kept free of obstruction prior to deliveries. The service plan include the following measures;

- cones to be placed within the loading bay 30 minutes before the delivery and removed immediately prior to the arrival of the delivery vehicle;

- The largest lorrie HGV to visit the site is 11.6m in length ;
- Staff of the store will encourage pedestrians and vehicle to clear the application site access to prevent conflict;
- The service lorries will approach the site from the south and leave in a northerly direction.

The Head of Strategic Infrastructure acknowledged that due to the positioning of the service bay there may be times when the proposed service vehicles restrict the visibility to the north for vehicles leaving the application site. The servicing proposal is considered however, to create an improvement on the existing access arrangements, which currently take place on either the road side or vehicles reversing into the site from Wellington Road.

The Head of Strategic Infrastructure therefore raises no objections with the proposed servicing arrangements

Mitigation

As part of the proposal the applicant proposes to incorporate four courtesy crossing; two on Wellington Road, one before the junction on Grimshaw Lane and one across the site access. The crossings are to be constructed in Stone setts and both the north and south crossing are to be raised in order to encourage vehicles to lower vehicle speeds on approach to the site.

During the course of the application concerns raised by Officers with regards to the pedestrian movement crossing Wellington Road crossing from the bus stop to the proposed store and negotiating the vehicular junction. In order to ensure all options have been explored it was requested that the applicants explore the potential for introducing a pedestrian crossing facilities within this area.

Following consultation within the Council Highways Engineer the the following crossing were examined;

Signalised crossing:- likely to cause ques and operational difficulties and unlikely to effect vehicle speeds when the crossing is not in use

Zebra crossing:- A zebra crossing is already located further north of the site. An additional zebra crossing in this area likely to sterilise the frontage and conflict within the existing bus stop. It could potentially result in the relocation of the bus stop which is the perceived need for the crossing.

It is agreed by the Head of Strategic Infrastructure that the Courtesy crossing in this location are considered to be the most appropriate form of crossing. The crossings work by relying on vehicles giving priority to pedestrians. They therefore require vehicle speeds to be low, which is proposed to be encouraged through the use of rumble strips, these also have a dual use in delineating the crossing. The crossings on Wellington Road are to be led to a raised to allow pedestrians are crossing at footway level rather than carriageway, forcing drivers to slow down.

Having regard to the above the Councils Head of Strategic Infrastructure is satisfied that the proposed development will not have a significantly harmful impact upon Highway safety and therefore a recommendation of approval is made subject to conditions.

ENVIRONMENTAL CONSIDERATIONS

The Environmental Protection Officer has advised that in order to ensure the cumulative impact of the development upon air quality in particular, the impact of transport related emissions on Local Air Quality. Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern, sustainable developments.

It is advised that the following conditions be attached to any permission for the scheme.

A Fast Electric Vehicle Charge Point shall be provided on the car park for staff/customer use. This shall be maintained throughout the use of the development.

Reason: In accordance with paragraph 35 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

It is not anticipated that the proposed development will have an impact interm of contaminated land.

Landscape

The applicant proposes shrub planting along the boundaries of the proposed car park. It is advised that a full landscaping scheme is submitted prior to the commencement of development to ensure proposed planting and hardstanding are in keeping with the character of the local area.

Ecology

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. The following condition to ensure the protection of breeding birds is imposed;

Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Reason: To safeguard protected species in accordance with the NPPF.

Flood Risk

During the course of the application an objection from the Flood Risk Manager was received following concerns over the local flooding problems affecting properties particularly basement within this particular area.

It is considered that due to the location of this property and its proximity to Tinkers Clough this site is likely to be susceptible to flooding or flood risk. It was therefore considered essential that local flood risk issues be reflected in any new development.

During the course of this application the applicant have submitted a Flood Risk Assessment. The Flood risk Manager has been consulted on this and has withdrawn his objection given that the proposed new building will not incorporate a basement and due to additional flood resilience measure which are to be incorporated into the scheme.

The proposed development is therefore considered to satisfy Policies DC17 ,DC18 of the Local Plan and Chapter 10 'Meeting the challenge of climate change, flooding and coastal change'.

OTHER MATERIAL CONSIDERATIONS

Fall back position

It is important to note that following recent changes to the Town and Country (General Permitted Development) (England) Order 2015. Schedule 2, Part 3 Class A allows for the change of a building from a use falling within Class A3 (restaurant to café), of the schedule to the use classes order, to a use falling within Class A1 (shops) or A2 (financial and professional services) of the Schedule provided it complies with the relevant criteria. At the time of writing this report, it is considered that the change of use of the bay leaf to a retail establishment could be carried out under permitted development right and is therefore a reasonable fall back position for the applicant.

CONCLUSIONS

In summary, for the reasons outlined, it is considered that the principle of demolition of the existing building and replacement with a Retail/Restaurant on site is acceptable.

Overall, the scheme is considered to be sustainable development as:

- The application site is allocated as an existing Local Service Centre within the Local Plan which located within the Centre of Bollington is located within an accessible location;
- The proposed development would bring back an appropriate Retail use to the existing shopping area which would provide economic benefit to the local community and create customer choice;
- The proposed building has been designed to incorporate architectural features which are a replicate the existing building. The proposal would provide a more energy efficient building which would not have a harmful impact upon the character of the existing street scene;
- It is considered that the extent to which the proposal would not have a significantly harmful impact on neighbouring residential amenity;
- The proposal would bring environmental improvements in terms of flood risk;
- Concerns raised from member of the public and the Town Council with regards to highway Safety have been considered. The off site parking provision to the rear of the site is considered to be acceptable having regards to the sites accessibility and additional information submitted illustrates that vehicles are able to manoeuvre and egress the site in a forward gear. The means of access and visibility splays are considered to present an improvement on two existing mans of access to the site.

Subject to condition restricting the length of the Lorries and securing the delivery management plan and hours restricting the delivery of goods it is considered that the proposed location of the service bay is unlikely to have a harmful impact upon Highway safety. The proposed trip generation to the proposed development is not considered to have a material impact upon the operation of the adjacent highway. The Head of Strategic Infrastructure therefore considered that the proposed development will have an acceptable impact upon highway safety subject to conditions.

Paragraph 14 of the NPPF emphasis that there is a **presumption in favour of sustainable development** and when making decisions Local Planning Authorities should approve development that accord with the development plan without delay and where planning policies are out of date grant planning permission unless any adverse impact would significantly outweigh the benefit of doing so. In this particular instance it is considered that the proposed development will not have a significant adverse impact.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmentally- the proposed development will provide a more energy efficient building, incorporate flood risk measure and improve the appearance of the application site.

Economically – the proposed development will assist in contributing to the local community inter of jobs and creating competitive business..

Socially – The proposed development will provide a beneficial and accessible service to the local Community.

The proposed development is considered to represent and sustainable form of development in which there is a presumption in favour. The proposed development is considered to comply with policies within the Development Plan and NPPF therefore on planning balance there are no material planning consideration which are considered significantly harmful to suggest otherwise.

A recommendation for approval is therefore made subject to conditions.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chair (or in his absence the Vice Chair) of Northern 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.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Submission of landscaping scheme
5. Provision of car parking
6. Landscaping (implementation)
7. Air conditioning equipment
8. Vehicular visibility at access (dimensions)
9. Cooking odour extraction equipment
10. Business hours
11. Details to be submitted on how a parking restriction policy
12. Detailed survey to be submitted to check for nesting birds if the development is carried out between 1st and 31st August
13. Hours restricting delivery of goods
14. A fast Electronic Vehicle Charge point required
15. Foul and surface water drainage

16. surface water drainage scheme to be submitted
17. Development carried out in accordance with a Delivery Management Plan
18. Service vehicles restricted to 11.6m in length
19. Hrs of construction
20. Floor floating
21. Dust Control
22. Noise mitigation
23. A scheme of odour / noise control should be submitted
- 24.

