

Application No: 09/3836M

Location: LAND ADJACENT TO, LOWERHOUSE MILL, ALBERT ROAD, BOLLINGTON, CHESHIRE

Proposal: ERECTION OF 3 NO DETACHED INDUSTRIAL BUILDINGS DIVIDED INTO 16 NO. SMALL UNITS WITH ASSOCIATED PARKING AND LANDSCAPING (RENEWAL OF 06/2355P)

For AVALON PROPERTY DEVELOPMENT LTD

Registered 19-Nov-2009

Policy Item No

Grid Reference 392187 377828

Date Report Prepared: 25 January 2010

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Whether there has been any change in circumstance since the approvals of applications 05/0270P and 06/2335P in 2005 and 2006.

REASON FOR REPORT

This Major application is before the Northern Planning Committee as the proposed floor area is over 1000m².

DESCRIPTION OF SITE AND CONTEXT

This site has had permission for two schemes in 2005 and 2006, which are relevant to the decision. Permission 06/2355P expired on 26th November 2009 and it is this application which the applicant wishes to renew. Permission 05/0270P is also relevant (which was a slightly different scheme), which does not expire until 29th March 2010. As the application has been submitted as a renewal, the Committee report and update report for 06/2355P are attached at the end of this report for background information.

DETAILS OF PROPOSAL

Please see the attached report for 06/2355P, which outlines the details of the development in the section headed 'Key Issues'.

RELEVANT HISTORY

06/2335P	Erection of 3no detached industrial buildings divided into 16no small units with associated parking and landscaping - Approved 27.11.06
05/0270P	Renewal of application 99/2296P for industrial development (B2 usage) - Approved 29.03.05
99/2296P	Industrial Development (B2 Usage) Refused 10.01.00 - Appeal Allowed 21.07.00

POLICIES

Regional Spatial Strategy

DP1, DP2, DP3, DP5, DP6, DP7, W1, W3, EM17 and EM18.

Local Plan Policy

E4, BE1, DC1, DC6

Other Material Considerations

Applications 06/2335P and 05/0270P are material planning considerations in the determining of this application.

CONSULTATIONS (External to Planning)

Highways: Comments are awaited from the Strategic Highways Manager.

Environmental Health: The Environmental Health Officer raises no objections. In the event of an approval of this application, it is recommended that the conditions which were attached to the previously approved application for the site (06/2355P) – in relation to a control of days / hours of construction work on the site and also to control deliveries to the site, are similarly attached as conditions should this scheme be approved.

The Contaminated Land Officer comments that the site is within 250m of a landfill site or area of ground that has the potential to create gas. The report submitted with the application indicate that further investigations are required to address the potential for ground gas risks. It is recommended that conditions are attached should permission be granted.

VIEWS OF THE PARISH / TOWN COUNCIL

Bollington Town Council recommends refusal of this application. The Town Councils comments are summarised as follows: -

- That the site is on a flood plain
- The area is currently the subject of discussions with CEC regarding Conservation Area designation
- The surrounding materials are stone or stone clad, the proposal features bleak industrial warehouses built in completely inappropriate materials.
- Whilst agreeing that the area is designated an “employment zone” in the Local Development Plan, it would appear that employment opportunities will be extremely limited within the development. The site has been available to developers for many years now and there appears to be no interest.
- Issues regarding traffic and site access have still not been addressed, and cannot be simply ignored.
- The entrance to the site is on an extremely narrow section of Albert Road and the actual entrance appears extremely tight for large vehicles; the location of a narrow stone bridge further along the road precludes any turning manoeuvre other than within the site itself.
- The application is wholly speculative, and the developer has still not demonstrated the need for such units nor recognised that there is already an over-capacity of built units within Bollington and its environs. Given the present and medium term market conditions for such a development it is unlikely that this situation will improve for many years to come.

OTHER REPRESENTATIONS

2 letters of objection have been received from local residents, which are summarised as follows: -

Albert Road already has enough traffic being the main route for the tip, Slater Harrison and numerous other businesses. Traffic has increase significantly since the previous application. The design is not sympathetic. The site is on a flood plain and is therefore not suitable. The wildlife area would be ruined. The fact that this is a renewal would suggest that the development is not required, is too expensive to develop, and that there are already more than enough alternative developments at Tytherington etc. and brownfield sites.

The letters are available on the application file.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted to accompany this application, which are available in full on the application file: -

A Design and Access Statement

A Planning Statement

A Transport Statement

An Arboricultural Statement

A Desk Study (on the environmental impact of the development)

A letter from the Environment Agency

Flood Plain drawings – to reflect effects of global warming

OFFICER APPRAISAL

Principle of Development

This application seeks full planning permission for the industrial development of land at the rear of Lowerhouse Mills, off Albert Road in Bollington. Permission was granted for an identical scheme in 2006, which expired in November 2009. Effectively this application seeks a renewal of this application.

There has been no great change in terms of national policies since permission was granted in 2006, except that PPS4 (Planning for Sustainable Economic Growth) has been introduced. The Regional Spatial Strategy has been replaced the County Structure Plan, and, it is considered that the proposal accords with the policy requirements of the Development Plan as highlighted in the attached report to application 06/2355P. The strategic policies do not affect the land allocation which is as an employment site. There is also an extant consent (05/0270P) which could be implemented and therefore, the principle of development is accepted.

Policy

The relevant local plan policies were previously considered under application 06/2355P. The 2006 scheme was considered in relation to the Cheshire Structure Plan, which has since been replaced by the Regional Spatial Strategy. It is considered that the development broadly satisfies the requirements of the relevant policies which seek to promote sustainable communities, manage travel demand, promote environmental quality, strengthen the regional economy, and ensure that an adequate amount of employment land is supplied. It is a requirement within RSS Policies EM17 and EM18 for all

development to incorporate on-site renewable energy technologies and encourage the use of decentralised or low-carbon energy. A condition can be attached to address this issue.

In terms of National advice, it is noted that PPS4 has been published since the submission of this application. In this instance, it is considered that the proposal satisfies the main key points/policies of PPS4 and satisfies the governments' goals and objectives. One factor which is of relevance however, is Policy EC10, which considers planning applications for economic development. The previous scheme was assessed in relation to most of the criteria e.g. transport and access, design, impact on the economic and physical regeneration, and impact on local employment. One of the criteria is whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise vulnerability and provide resilience to, climate change. It is considered that this can be addressed by condition.

Highways

No comments have been received from the Strategic Highways Manager; however, it is initially considered that matters of highway safety were considered as part of the previous application/appeal.

Design

This was considered under application 06/2355P, where the design was considered to be acceptable.

Ecology, Landscape and Trees

The Nature Conservation Officer objects to the proposal. The River Dean forms the boundary to the site, which means that there is potential for a number of protected species to be affected by the proposed development. The Nature Conservation Officer has considered the previous surveys that have been undertaken and has visited the site in connection with the previous applications and advises that otters and badgers are reasonably likely to be present and affected by the proposed development. Badgers because there was some limited evidence of their presence recorded during the 2007 surveys and Otters because this species is increasing in both numbers and range in the county and so, these may have colonised the river since the last survey. Surveys for both of these species can be undertaken at this time of year and the Nature Conservation Officer considers that the results of the surveys together with any mitigation required should be submitted to and agreed by the Local Planning Authority prior to the determination of the application. If permission is granted a condition is required to protect breeding birds.

The Landscape Officer notes that this scheme follows an earlier permission and therefore, raises no objections to the scheme. Comments made reflect those which made in conjunction with the previously approved submission.

The Arboricultural Officer raises no objections to this application. The development proposals can be implemented without the removal of any of the protected or other trees contained within the site.

Other Considerations

Consideration has been given to the comments of the Nature Conservation Officer above. However, in situations such as these where permission has recently been given for the same scheme, the local authority has to determine whether there have been any changes in circumstances, or policy since the previous scheme was approved. In such instances,

the guidance suggests that it would be unreasonable for the local authority to attach new conditions unless it can demonstrate good reasons for doing so.

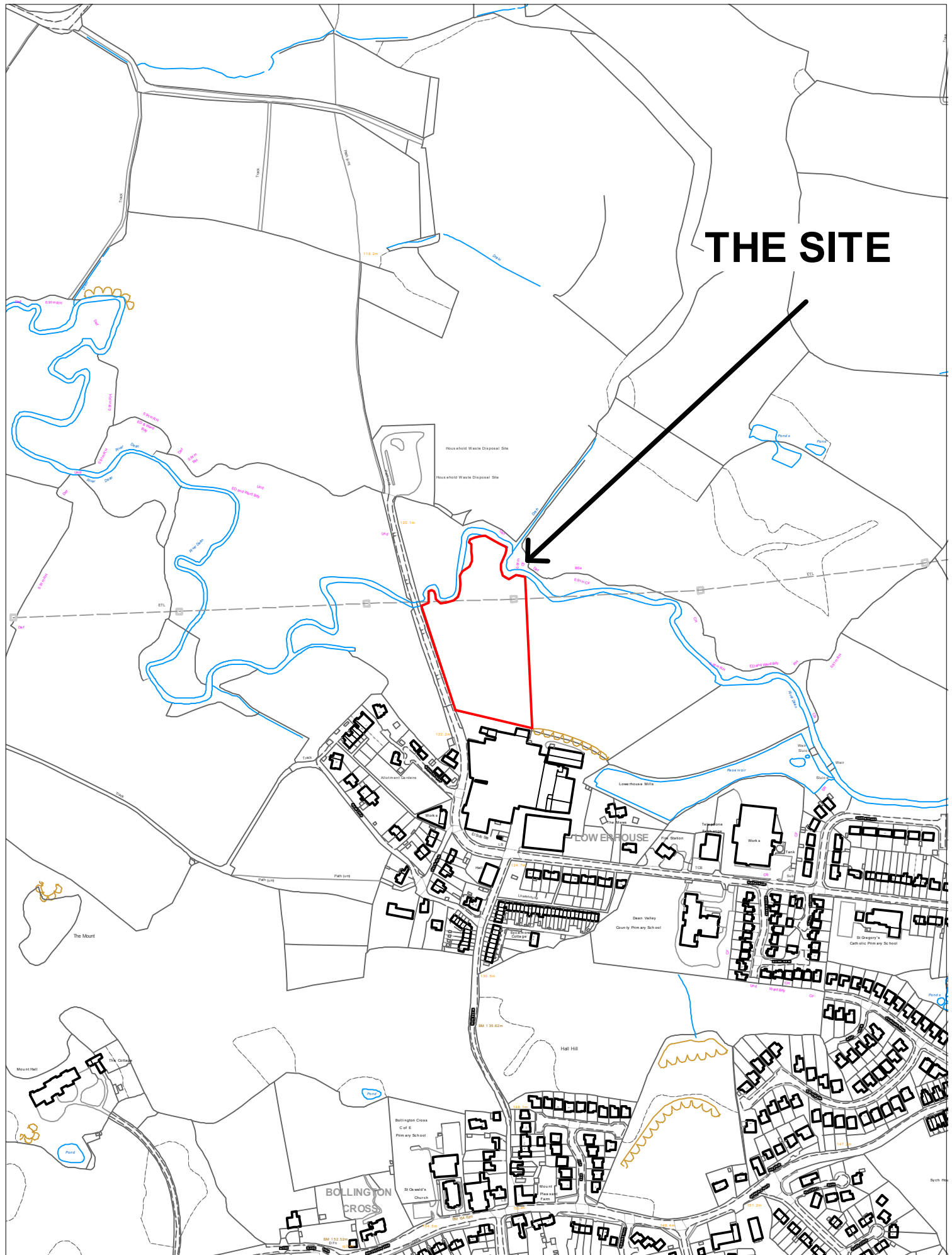
In this case, planning permission 06/2335P was approved with a condition which required a programme of works to the river bank to be submitted, and a condition which required a protective species survey to be submitted to assess the presence of any water voles or otters at the site. Although it would be the normal procedure for the Council to seek an up to date survey to be submitted prior to the grant of planning permission, given that the Council previously decided to condition this matter, it is not considered suitable to either defer the application, or recommend refusal on the basis of the lack of this information, as there has been no real change of circumstance. Had the protected species been a European Protected Species, then a different approach would be advised, given recent cases on such matters. It is also noted that the Nature Conservation issues were considered by the former Macclesfield Borough Council Planning Committee under application 06/2355P, where it was considered prudent to follow the approach of the Inspector, who had imposed an appropriate condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The previously approved scheme 06/2355P is clearly a material consideration in determining this application and in particular it has an impact on the appropriateness of attaching certain conditions. The comments from Bollington Town Council and the local residents are noted, however, those views have been considered previously. Comments are awaited from the Strategic Highways Engineer in relation to the reference to an increase in traffic generation in the area and this relationship with highway safety. The scheme is the same as that previously approved and there have been no changes to national policies with the exception of the PPS4 climate change issue. It is considered therefore, that a recommendation of approval can be made.

SUBJECT TO

The comments from the Strategic Highways Engineer and Environment Agency.



THE SITE

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A22GR - Protection from noise during construction (limit on hours of construction works)
7. A20GR - Hours of deliveries
8. A01NC - Protected species survey
9. A10LS - Additional landscaping details required
10. A04NC - Details of drainage
11. A12GR - No external storage
12. A02HA - Construction of access
13. A03HA - Vehicular visibility at access (dimensions)
14. A07HA - No gates - new access
15. A23HA - Provision / retention of turning facility
16. A07HP - Drainage and surfacing of hardstanding areas
17. A09HP - Pedestrian visibility within car parks etc
18. A05HP - Provision of shower, changing, locker and drying facilities
19. A03AP - Development in accord with revised plans (unnumbered)
20. A08MC - Lighting details to be approved
21. Retention of buffer strip to Eastern boundary
22. Programme of works to river bank
23. Details of oil receptor to be submitted
24. Not to be combined into larger units without permission
25. Provision of cycle facilities
26. Details of compensatory flood plain works to be agreed
27. Floor levels of buildings
28. Contaminated land
29. Renewable Energy

THIS REPORT (06/2355P) IS A BACKGROUND PAPER TO APPLICATION 09/3836M

DATE REPORT PREPARED

15 November 2005

POLICIES

The site lies within an Existing Employment Area as designated within the Macclesfield Borough Local Plan.

RELEVANT PREVIOUS APPLICATIONS

05/0270P	Renewal of application 99/2296P for industrial development (B2 usage) Approved 29.03.05
99/2296P	Industrial Development (B2 Usage) Refused 10.01.00 Appeal Allowed 21.07.00

CONSULTATIONS

Bollington Town Council recommend refusal of the application for a number of reasons:

Much of the development is situated within the floodplain of the River Dean, and the effects on the local environment would be devastating.

The whole area is currently under discussion regarding Conservation Area designation, the proposed buildings would be built of completely inappropriate materials. There appear to be no offices included in the development, therefore employment opportunities would be limited.

Issues regarding traffic and access have not been addressed. Albert Road contains two schools and a fire station, as well as residential development. It is a narrow road which has increasing amounts of traffic using it and is unsuitable for heavy traffic.

The application is wholly speculative and the developer has not demonstrated need for the development.

The Highways Authority would have preferred to see additional information on the scheme to fully assess the proposal in accordance with current transport planning policies. However, it is also recognised that there is an existing permission for the site and therefore the lack of such information cannot justify a refusal.

Environment Agency has raised initial objections to the proposal due to the site's location within the flood zone of the River Dean. However, further details of the compensatory flood plain works have been submitted to

overcome the objections raised. A final update from the Agency is however awaited.

PUBLICITY

The application has been advertised by means of site notice, neighbour notification and press advertisement. Revised plans have been submitted with last date for comment of 17 November 2006.

REPRESENTATIONS

Seven letters of objection have been received including one from Bollington Civic Society on the original submission.

The land is unsuitable for the development, being on the flood plain, and should be returned to Green Belt. The area is suitable for Conservation Area status. The introduction of large warehouse units would fundamentally alter the character of the area. The landscape would be altered, the access is unsuitable, additional traffic generated will be unacceptable. The local Bollington Community are totally opposed to this development, it is unnecessary and potentially dangerous. There are already empty units at Tytherington, a site of natural beauty will be destroyed. Building in the flood plain is not permissible.

One further letter has been received which endorses the Committee's decision to visit the site, as members will be able to see the problems of access to the site.

APPLICANTS SUBMISSION

A planning statement and a design and access statement has been submitted with the original submission.

The proposal is for 3 high bay industrial buildings of similar dimensions set around a courtyard with vehicular access from Albert Road. The buildings are to be sub-divided, to provide 16 smaller units of commercial B2 and/or B8 use.

The proposal is a variation of a scheme approved on appeal in 2000 and renewed in 2005 for a similar level of floor space in 2 detached buildings. This proposal will provide similar floor space and parking, however the configuration allows an area of land to the north of the site adjacent to the River Dean to remain undeveloped to facilitate a more appropriate open area.

It is in accordance with the requirements of the Development Plan and not considered to have any greater detrimental impact on the amenity of the area or neighbouring property.

It is likely the reduced size of the units and the use, would reduce the level of traffic visiting the site – particularly the number of articulated vehicle.

KEY ISSUES

This application seeks full planning permission for the industrial development of land at the rear of Lowerhouse Mills, off Albert Road in Bollington. The site already has consent for such development, and effectively this application seeks a variation to that consent.

The scheme proposes a similar floorspace of development, but now within three buildings on the site. The three buildings would be sited on the eastern, southern, and western boundaries of the site with parking provided within the site, and partly to the north. Each building would have basic dimensions of approximately 63m x 25m, with a height up to 8m. They would be constructed of steel profile cladding. Each of the units would be sub-divided to create a total of 16 smaller units on the site for commercial/industrial use within Class B2 of B8. Access would be provided off Albert Road, the southern and western unit. An appropriate landscape belt would be provided around the perimeters of the site.

RELEVANT PLANNING POLICIES

The site is allocated for employment purposes under Policy E4. Other relevant policies are BE1, DC1 in terms of character and appearance; and DC6 and DC7; access and parking.

SITE HISTORY

As indicated above the site already benefits for consent for industrial development, therefore many of the relevant policies and issues on the site have previously been considered.

For information the Inspector at appeal concluded;

“the provision of landscaped belts along both the eastern and northern boundaries of the site, coupled with a satisfactory form of built development, mean that the proposal would have an acceptable impact on the character and appearance of the Green Belt and the countryside.....I consider the proposal accords with the policies of the development plan and Government advice in PPG2.” He continued, *“I appreciate the concern about additional traffic along roads that are not ideal for such a purpose, but neither the evidence nor my own observations point to significant problems of highways safety of traffic flow. Subject to appropriate safeguards I am not persuaded that the development would have an adverse impact on the River Dean corridor or the habitats of any protected species, and I am satisfied that the development could not proceed until adequate compensatory flood storage had been provided within the flood plain....Whether or not there is a need for the development has little relevance, in my view, in the context of the allocation of the site in the Local Plan.”*

Given that this scheme is in effect a variation the main issue for consideration is whether the development causes any additional detriment or harm over that previous approval.

SITE PLANNING FACTORS AND DESIGN

The proposed buildings are no higher than the previously approved structures, and will be constructed of similar materials. The approved scheme had 2 buildings, a larger one located on the eastern boundary, and a smaller building on the western boundary. This scheme has three similar sized buildings situated around the southern part of the site, enabling a courtyard for parking to be created. It is not considered the change in layout is significantly harmful to the character of the area. A small benefit of this scheme is that the parking area has been reduced so that it no longer fully extends to the far north of the site, enabling an area of open space close to the river to be achieved.

The use of the buildings for B2 (industrial) and B8 (storage/distribution) expands the possible use of the buildings, but is still within the uses of Local Plan Policy E4. Increasing the number of individual units on the site to 16 is not considered to cause any additional harm. The smaller units may reduce the amount of larger articulated vehicles visiting the site.

LANDSCAPING AND TREE IMPLICATIONS

The landscaping around the eastern boundary of the site would be maintained as a 9.5m wide buffer as indicated on the original appeal scheme. Although the building on the eastern side extends closer to the boundary than the previous scheme, it is not considered that this will have a significant impact on the surrounding area due to the wide landscaping belt.

The building along Albert Road has now been slightly angled to ensure that appropriate space is available to plant a new hedge outside the visibility splays of the development. (It should be noted that this was also part of the previous approved scheme). The lack of parking at the far north of the site is a benefit of this scheme, and will retain an element (albeit limited) of open space close to the river. Similar landscaping can be achieved to the north of the site.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

Previous concerns in respect of nature conservation interests, particularly in respect of the River Dean were considered by the Inspector at appeal and appropriate condition imposed. It is not considered that any further issues are generated from this scheme.

HIGHWAY AND TRANSPORT IMPLICATIONS

The Highway Authority would normally request much more detailed information with the application including a travel plan to fully demonstrate the

impact of the scheme on the local highway network. However, the principle of industrial development on the site has already been established and therefore the wider issues of accessibility to the site cannot be revisited.

The Highway Authority is satisfied that the layout of the proposed scheme, including turning, servicing and parking within the site is acceptable. The visibility splays from the site entrance and local highway improvements will be similar to the approved scheme. It is requested by the Highway Authority that a legal agreement be required for the applicants to submit a travel plan. However, given the existing permission it is considered unreasonable to enter such an agreement. Conditions similar to those previously imposed however are considered appropriate.

OTHER MATERIAL PLANNING CONSIDERATIONS

The Environment Agency has been consulted on the application and discussions have also taken place with Officers in respect of works currently being undertaken on the site. The final comments of the Environment Agency in respect of this application are still awaited. However, ground works including raising of the ground levels, and compensatory flood plain storage have previously been agreed by the Environment Agency. These works are currently being implemented on site in accordance with the condition imposed on the previously approved scheme.

OTHER RELEVANT INFORMATION

This application was deferred from the last meeting for a Committee site visit, to consider amended plans, and the comments of the Highways Authority.

CONCLUSIONS

The approved scheme is clearly a material consideration in the determination of this application, and particular has an impact on the appropriateness of attaching certain conditions. This application is not considered to be significantly different from that approval, and will not have a significantly greater impact on the surrounding area.

THIS REPORT (UPDATE TO 06/2355P) IS A BACKGROUND PAPER TO APPLICATION 09/3836M

PLANNING COMMITTEE – 27 NOVEMBER 2006

UPDATE TO AGENDA

APPLICATION NO: 06/2355P

LOCATION Land adjacent to Lowerhouse Mill, Albert Road, Bollington

UPDATE PREPARED 23 November 2006

CONSULTATIONS

Bollington Town Council remain unanimous in recommending refusal, with many issues still not addressed by the applicant.

The whole area is in a flood plain; there is little room for landscaping; the site is subject to discussions about Conservation Area status; traffic issues have still not been properly addressed.

REPRESENTATIONS

Three further letters have been received in respect of the application.

Concern is expressed about the development of the site, which is taking place at present.

The scheme still overdevelops the sensitive site, which will maximise its impact on the environment due to the lack of landscaping. Landscaping has also been lost due to large visibility splays.

A further letter has been received from the Ramblers Association expressing concern about the loss of the hedge, and suggesting that the building be moved to allow space for a new hedge.

ISSUES

The expected revised plan (as indicated in the main report) has now been received which slightly alters the angle of the building adjacent to Albert Road, thus enabling a new hedgerow to be planted outside the required visibility splay. It should also be noted that the building to the east of the site has been slightly moved to enable a 2.5m strip of landscaping to be achieved within the site, as well as the 9.5m belt outside the site – as per the original approval.

The comments of the Environment Agency are still awaited.