

Application No: 17/6486M

Location: LAND TO WEST OF, COPPICE WAY AND SOUTH OF LOWER MEADOW WAY, HANDFORTH, WILMSLOW

Proposal: Erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works

Applicant: Phillip Jones, Halliwell Jones (Wilmslow) Limited

Expiry Date: 03-Aug-2018

SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan. Policy E1 of the MBLPS and EG3 of the CELPS seeks to retain existing and allocated employment sites in employment use. Paragraph 22 of the Framework states that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Policy EG3 provides the criteria that must be met to consider alternative uses on employment sites. These criteria are not met by the proposal.

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

The proposed building does not adequately reflect the constraints of the site and does not contribute to the sustainable development principles outlined within policy SD2 of the CELPS, and in this context it does not make a positive contribution to the immediate surroundings in line with policy SE1. The proposal also results in less than substantial harm to the setting of the adjacent listed building.

The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.

The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species. The proposal is therefore contrary to policy SE3 of the CELPS

It is also anticipated that there will be a significant net loss of woodland cover, which is contrary to the applicant's own Planning Statement and policies within the Local Plan. The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS and DC9 of the MBLP.

Accordingly there is clear conflict with a number of policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer;
- Securing 133 existing jobs worth around £3.04million per annum;
- Creation of approximately 36 new permanent jobs worth around £0.82million per annum;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.87m;
- Generation of new business rates of around £0.37million per annum;
- Allowing existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Further investment in the local area through use of new business rates payment.

The retention of an existing employer and the associated jobs would be a clear benefit of the proposal, but no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development. Therefore only moderate weight can be attached to this.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits

could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

In support of the application the applicant notes that a large proportion of the site and floorspace will fall within an employment use class. Workshop / bodyshop would be a B2 general industrial use; car storage areas would be a B8 storage or distribution use; and the office space would be a B1 use. Only the showroom element would not fall within a traditional employment use class. The applicants supporting information suggests 2.2% of the floorspace would be B1 offices, 32.4% would be general industrial, 47.5% would be storage and distribution and 17.9% would be the car showroom

Whilst this is acknowledged, these details relate only to the floorspace of the building, it makes no reference to the external display areas, which cover a significant proportion of the site. The primary use of the site is considered to be the showroom element, which is not an employment use.

The three Halliwell Jones facilities within Wilmslow/Handforth that are to be relocated to the application site currently employ 133 people. The applicant expects that the move to the proposed facility will result in an increase in total jobs by 12% (16 jobs) by the end of the first year and a further 7% (10 jobs) by the end of the second year meaning the new facility will then employ 159 people. In addition to this, the proposed premium use car display area is a new operation which is expected to create a further 10 new jobs. The applicant suggests that these figures are comparable to the office use that has previously been approved on the site.

The proposed development would also free up an existing employment site for an alternative use and two showroom sites which could be used for a wide range of employment generating uses. As set out in the Economic Benefits Statement, it is estimated that dependent on the use the existing sites could support between 93 and 163 full-time equivalent jobs.

Clearly any new job creation is a benefit of the proposal, but comparisons with an approved outline scheme, with no floorspace or job creation specified within previous permissions is purely notional, as are any benefits arising from the redevelopment of the applicant's existing sites and limits the weight that can be afforded to these matters.

The proposal will result in the loss of employment land at a time when the Council has recently taken land out of the Green Belt to allocate additional employment land as part of the July 2017 CELPS. The need for sites was such that even Green Belt locations were currently identified as being required for the provision of the employment land to 2030. The weight afforded to the considerations in favour of the development is not considered to outweigh the conflict with the adopted development plan in this case. Accordingly the proposal is not sustainable development, and the application is recommended for refusal.

RECOMMENDATION

Refuse

PROPOSAL

The application seeks full planning permission for the erection of buildings to be used as car dealerships including workshops, bodyshops, offices, car parking, external display areas, showroom and new accesses along with associated works.

The proposed facility comprises 15,098sqm of floorspace over four storeys and will replace the existing BMW and Mini Showrooms in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park, Handforth (to the west of the application site). Existing staff at these locations will be transferred to the application site, and the supporting information with the application states that new employment opportunities will be generated.

The main four-storey building will front onto Kiln Croft Lane. The lower ground floor level will house the bodyshop, workshop, valet area and the parts department, as well as some office space, staff facilities, reception area and an area of parking for the servicing department. The ground floor will house the main showroom for both BMW and Mini along with office space for administration staff and the sales team, meeting rooms and staff facilities including changing rooms, toilets and canteen. A customer café will be provided on the main showroom floor. The first floor includes a showroom which will be used for BMW used car sales and an area deck parking (110 spaces) and a display area for used BMW cars. The second-floor level will provide a further 139 parking spaces along with an area of offices/meeting rooms and other staff facilities including two terraces. Externally, customer parking will be provided at the front of the site, fronting onto Coppice Way along with external car display areas for both BMW and Mini. At the corner of the site at the junction of Coppice Way and Lower Meadow Way there will be an area of hardstanding to be used for used car displays, and to the south of the site there will be an area of car parking/car storage for up to 156 cars. New accesses are proposed from Kiln Croft Lane and Lower Meadow Road.

SITE DESCRIPTION

The application site comprises a 2.43ha undeveloped area of grassland with some woodland planting to the west of the site adjacent to Handforth Brook. The majority of the site is located within an Existing Employment Area as identified in the MBLP. However there is also a small section to the south of the site that is allocated as Proposed Open Space in the MBLP. The area to the west of the site is located within Flood Zones 2 and 3.

The site is bound to the east by a Marks and Spencer store and associated car park at Handforth Dean Retail Park, across Coppice Way. St. Benedict's Catholic Primary School and grounds are located to the south of the site, adjacent to which lies Handforth Hall, a Grade II* listed building. To the west is Brooke Park, an office and industrial warehouse park comprising several business uses, including an existing Halliwell Jones body shop. To the north of the site, beyond Lower Meadow Road, is an undeveloped area of open grassland with industrial units beyond.

RELEVANT HISTORY

13/0158M – Extension of time limit on planning permission 09/3413M - Outline application for B1(Business) units, renewal of application 06/0278P – Not determined to date (s106 not signed)

09/3413M – Outline application for B1 (use class) units; Renewal of 06/0278P – Approved 15.01.2010

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

POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies)

NE9 (River corridors)

NE11 (Nature conservation interests)

RT1 (Protection of open spaces)

RT6 (Allocated open space)

E1 (Employment land)

E3 (Employment land – business)

E4 (Employment land – industry)

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)
DC63 (Contaminated land)

Handforth Neighbourhood Plan – Submission Version – February 2018 (HNP)

A referendum on the Handforth Neighbourhood Plan was held on 12 July 2018. The poll result was that 807, of the 992 ballot papers counted, voted in favour of Cheshire East Council using the Neighbourhood Plan for Handforth to help it decide planning applications in the neighbourhood area.

Once a positive referendum result is announced the plan is made, and therefore the following policies can be afforded full weight in the determination of this application:

H3 Protecting Local Green Spaces
H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface water management
H13 Supporting the Local Economy
H16 Congestion and Highway Safety
H18 Promoting sustainable transport
H19 Improving access to the countryside in Handforth and the surrounding area.

Other Material Considerations

National Planning Practice Guidance
National Planning Policy Framework

CONSULTATIONS

United Utilities – No objections subject to conditions relating to drainage

Environment Agency – No objections

Environmental Health – No objections subject to conditions relating to pile driving, floor floating and contaminated land.

Head of Strategic Infrastructure – No objections subject to parking and access being provided in accordance with plans

Flood Risk Manager – No objections subject to conditions relating to drainage

Public Rights of Way – No objection subject to advice note on developer's obligations regarding public right of way.

Handforth Parish Council – No objection, but make the following recommendations:

- Opening hours of 7:30am to 6:30pm should be conditioned
- Where possible, mature trees on the site should be preserved.
- Adequate screening between the proposed development and the school should be provided

- As the site abuts a local primary school, recommend that environmental health ensure there is adequate air quality monitoring of the site; and also that noise impact assessments are carried out .
- Can priority be given to the construction of a pelican crossing across Coppice Way at the junction of footpath 91 as part of any s106 agreement. Any S106 funds which remain available after this should benefit the residents of Handforth

REPRESENTATIONS

Four letters of representation have been received from interested parties, including the Handforth Neighbourhood Plan Steering Group, making the following general observations:

- Handforth is becoming less of a Cheshire village and more of an extension to Manchester due to loss of green space
- Development should keep away from the stream
- Trees should be retained along stream
- Surface water should not discharge into the stream.
- Trees have already been removed and should be re-instated
- S106 payments to clear the stream should be considered
- Green traffic plan should be prepared as an overall strategy with other neighbouring developments
- Financial support for a bus service to the station should be provided
- Improvements to footpath beneath railway line should be made, as this is an important link to village centre
- Funding for management to limit the use of rat run between by-pass and Stanley Road and to widen the junction between Earl Road and Stanley Road should be provided
- Appropriate surface water drainage should be provided
- The draft Handforth Neighbourhood Plan seeks to preserve the belt of woodland to the west of the site.
- The submission version of the Neighbourhood Plan seeks to designate a triangular parcel of land to the rear of Handforth Hall and to the east of St Benedict's school as a Local Green Space. If this designation is upheld it will be important that a barrier be provided between the proposed car dealership and the Local Green Space behind Handforth Hall.
- S106 agreement should include provision for the installation of a pelican crossing on Coppice Way

APPRAISAL

Principle of development

Loss of Employment Land

The application site is located within an area of Existing Employment Land as identified in the Macclesfield Borough Local Plan. The site also forms part of the Council's existing Handforth employment supply as set out in Appendix A (Proposed Employment Land Distribution) of the Local Plan Strategy July 2017. Policy E1 of the MBLP states that "Both existing and proposed employment areas will normally be retained for employment purposes". Policy EG3 of the CELPS states that

- “1. Existing employment sites will be protected for employment use unless:*
- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
 - ii. The site is no longer suitable or viable for employment use; and*
 - a. There is no potential for modernisation or alternate employment uses; and*
 - b. No other occupiers can be found⁴³.*
- 2. Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP1, SD1 and SD2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme.*
- 3. Subject to regular review, allocated employment sites will be protected for employment use in order to maintain an adequate and flexible supply of employment land to attract new and innovative businesses, to enable existing businesses to grow and to create new and retain existing jobs.”*

Footnote 43 states:

“To demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The Council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received”.

The glossary to the CELPS states that employment land is land identified for B1, B2 and B8 uses. The proposed car showroom does not fit one of these uses and therefore not an employment use for the purposes of relevant planning policy.

In terms of the site, there is nothing to suggest that the premises are causing significant nuisance or environmental problems and no evidence has been provided to demonstrate that the site is no longer suitable or viable for employment use. Whilst there has been an unimplemented outline planning permission for offices renewed at various stages over the past 12 years, this does not demonstrate that the site is no longer suitable or viable for employment use. It is therefore clear that the proposal is contrary to policies in the adopted development plan.

The applicant maintains that only point 3 of policy EG3 which refers to allocated employment sites (above) is relevant because the site has never been in employment use. However the site has been allocated as an existing employment site for many years in the MBLP. It is therefore considered that it is an existing employment site, and that all parts of the policy should be complied with.

Loss of open space

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

Para 5.34 of the Planning Statement states that the proposed development has been designed to protect the area designated as open space and the trees within it in accordance with policy. This ambition is clearly not reflected in the proposed as this area will be occupied by a new car park.

Amenity open space is not defined in the CELPS or the MBLP; however the glossary to the CELPS defines Amenity as *“a positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.”*

Whilst public access to the land is not currently possible due to its private ownership, the area does have value in visual amenity terms due to its open nature, and continuation of the retained linear area of open space to the north of the new care village at Coppice Way, and its linkages with the woodland along the banks of Handforth Brook. The open space allocation also provides a strong buffer to the setting of Handforth Hall, a grade II* listed building.

The proposal is therefore contrary to policies RT1 and RT6 of the MBLP and paragraph 74 of the Framework.

It should be noted that the land allocated as a Local Green Space to the rear of Handforth Hall under policy H3 of the Handforth Neighbourhood Plan lies outside of the application site.

Design, character and appearance

Whilst the site is located on the edge of an Employment Area which is characterised by buildings built more for function than form, the specific location has an established green infrastructure both on and off site, which contributes positively to the character of the area. The proposed building is a substantial contemporary building that will use glazing, white render, black and grey panels and silver aluminium cladding on its external elevations. This would depart from the utilitarian appearance of other buildings on the industrial estate, and the red brick of the Handforth Dean Retail Park opposite.

The submitted design and access statement makes many references to the BMW brand standards, and acknowledges that the building has evolved to meet these standards. Indeed precedent images of other BMW showrooms do suggest that this is a standard corporate format. Very little reference to the constraints of the site is made within the design and access statement; however the architect's response to the design officer consultation response maintains that the development does respect the site constraints.

The structure will appear as a three-storey structure to the east (front) and four storey to the west (rear). The architect maintains that the height of the structure excluding the signage banner will be the same as the upper roof of the M&S building opposite. Nonetheless, as a three / four-storey flat roof structure, the building does have significant massing, and the design officer advises that a reduced scale of building that breaks down the massing to provide a unique and locally considered approach would be more appropriate.

Added to this locally considered approach, and as noted above, the surrounding industrial estate has an established green infrastructure which screens the large scale buildings from

the road but also has established a green public realm with deep verges and in places, tree lined roads. The existing site, until recent site clearing, had a significant green buffer to the west side and perimeter planting formed of trees and hedging. The replacement and enhancement of this loss of trees on the site is essential to retain the soft structural landscaping and green character of this area.

A varied approach to alleviate flood risk and sustainably contribute to a holistic approach, including the use of SUDs solutions should also be considered as required by policy H12 of the HNP.

Security fencing is proposed to the perimeter of the site, whereas a soft structural landscaped boundary would be more appropriate than fencing or walling on the edge of the site in order to reflect the local character.

Overall, the contemporary appearance, the scale of the development, the extent of hardstanding, and the engineered urban approach to the development competes against the existing green infrastructure that has significant local value. At present the development, as proposed, overpowers this context which is to the detriment of the scheme and prevents it from contributing positively to the area's character and identity, creating or reinforcing local distinctiveness. There are positive murmurs in the design and access statement but this is not reflected in the proposed scheme.

The scheme virtually fills the site with buildings and hardstanding for sales and parking purposes. The site has a verdant character which has value in visual, ecological and arboricultural terms, and it is considered that the proposed development does not adequately reflect this character, contribute better to the sustainable development principles outlined within policy SD2 of the CELPS, or make a positive contribution to the immediate surroundings in line with policy SE1 and SE4. The proposal is similarly contrary to policies H8 and H11 of the Handforth Neighbourhood Plan.

Heritage Assets

The application is now supported by a Heritage Impact Assessment, which identifies that the proposal will have less than substantial harm to the setting of the Grade II* listed Handforth Hall, which lies to the south of the application site.

The conservation officer agrees with this assessment, noting that the harm is likely to be towards to the lower end, but is not insignificant. Policy SE7 of the CELPS outlines how all new development should seek to avoid harm to designated heritage assets.

The justification section of the Heritage Impact Assessment explains that the site is allocated as employment land, the design is high quality and the rear of the listed property is screened by its own bank of trees. However, as noted above, there are some issues with the design and the design officer objects to the application on the grounds of the design not being of high enough quality and a re-design is sought

In terms of the landscaping to the rear of the Hall, the woodland buffer that did exist appears to have been significantly reduced by the tree felling that has taken place on the site. As noted above, within the saved MBLP, the area to the south of the site, proposed for car parking is located within an area designated as open space. If this was to remain, it may help

to address in part the green infrastructure and screening issues raised by the design officer, but would also have an impact on how harmful the scheme would be to the significance of the Hall and its setting, retaining a significant buffer of undeveloped land between the hall and any future proposal for the site.

The identified harm to the setting of the listed building is considered further in the planning balance section below.

Amenity

There are no residential properties within close proximity of the application site (Handforth Hall is the closest, which is approximately 100 metres to the south of the site). As such, having regard to the nature of the proposed development, no significant amenity issues are raised.

Highways

The site fronts Kiln Croft Lane / Coppice Way and Lower Meadow Road which are adopted highways, and form part of the access road network serving Handforth Dean Retail Park and Stanley Green Retail Park together with employment uses in between. To the east of the site Kiln Croft Lane becomes Coppice Way and provides the main access route from the A34 Wilmslow to Handforth Bypass at a large four arm priority roundabout. To the north of the site Lower Meadow Road becomes Epsom Avenue and Earl Road before joining the B5094 Stanley Road at a traffic signal junction.

Sustainable access

In terms of pedestrian infrastructure, within the vicinity of the site all roads have wide lit footways on both sides. Dropped kerbs and tactile paving are provided at minor crossings and accesses and at the refuge islands at crossings on the roundabouts adjacent to the site.

Bus stops are located on Epsom Avenue and within the Handforth Dean Retail Park within approximately 350m and 400m respectively of the proposed site access.

The nearest rail station to the site is Handforth Train Station which is located approximately 650m walking distance to the west of the site.

A Travel Plan is submitted as part of the planning application submission. The Travel Plan sets out measures designed to minimise car trips from the development and to maximise sustainable travel alternatives.

Safe and suitable access and parking provision

Two new accesses are proposed from Kiln Croft Lane for customer parking and to access the lower ground floor service parking, motorcycle parking and cycle parking.

Two new accesses are proposed from Lower Meadow Road. The western access will be for service deliveries by car transporter and refuse collection and also to access the rear parking area for staff. The eastern access will be for the customer parking for the premium used car sales area.

Vehicle tracking for service vehicles using the proposed Lower Meadow Road site access has been undertaken; this tracking exercise demonstrates that service vehicles can access and

egress the site in forward gear. The proposed site access junctions can accommodate the required junction visibility of 43m in both directions at a minor road set back of 2.4m.

There will be 35 customer parking spaces (including 4 mobility spaces) at the front of the building accessed from Kiln Croft Lane and associated with the BMW and Mini showrooms. There will be 28 spaces for service vehicles on the lower ground floor accessed from Kiln Croft Lane. There will be 15 customer parking spaces associated with the premium used car sales and accessed from Lower Meadow Road. A further 157 back of house parking spaces for staff and customer cars left for work and accessed from Lower Meadow Road. The total car parking provision on site will be 235 spaces, which is sufficient for the proposed use.

Network Capacity (trip rates/distribution/jn modelling etc)

A third of development traffic has been assigned to/from the north using Earl Road to the Stanley Road junction. Two thirds of development traffic has been assigned to/from the A34 east of the site. At peripheral junctions traffic has been distributed between route destinations. Vehicle trip rates for the car showroom development have been estimated using the TRICS database.

The assessment of the likely traffic generated from the scheme proposal on the A34 junction, utilising the above inputs, demonstrates that the while there will be an impact it could not be considered 'severe' in traffic terms hence considered acceptable in the context of national policy guidance contained with the Framework.

Furthermore the traffic generation associated with this proposal needs to be seen in the context of the previous employment scheme where an associated level of traffic generation was deemed to be acceptable.

In relation to the Earl Road/Stanley Road junction as this falls outside the jurisdiction of Cheshire East Council any impacts that may result require assessment by the appropriate Highway Authority, which, in this instance would be Stockport Council.

Highways conclusion

As detailed above, the estimated transport impact from the proposal on the Cheshire East Council highway network is considered to be acceptable from a network operation, access and sustainability perspective subject to the parking and access details being provided in accordance with the approved plans. The proposal is therefore considered to comply with relevant highways policies in the local and neighbourhood plans.

Ecology

Grassland Habitats

The submitted National Vegetation Classification (NVC) survey identified only relatively limited botanical interest in the grassland habitats on site. The submitted survey was however undertaken slightly early in the survey season and the list of species recorded was restricted to those species present in their NVC samples.

The Council's nature conservation officer has visited the site and recorded a number of species which are considered to be 'indicators' of Local Wildlife Site quality habitat. Based on the species recorded during the submitted NVC survey and those recorded during his site

visit, the nature conservation officer advises that the grassland habitats on site are of sufficient value to be designated as a Local Wildlife Site. Habitats of this type receive protection through Local Plan Policy SE3 (paragraph 6). This policy requires the submission of mitigation and compensation proposals to address any impacts on habitats of this type. The compensation proposals currently submitted as part of the ecological assessment are inadequate to address the loss of this habitat.

Woodland Habitats

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. The nature conservation officer states that this vegetation community is considered to be a Priority Habitat Type. Habitats of this type receive protection through Local Plan Policy SE3 paragraph 4. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

Bats

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and as such a detailed survey would be required to determine the presence /absence of roosting bats. This has not been submitted and as such insufficient information has been submitted to fully assess the impact upon this protected species.

Great Crested Newts

A small Great Crested Newt population was previously recorded at two ponds located at Handforth Hall. Two great crested newt mitigation ponds have also been created to the north of Handforth Hall to mitigate for the effects of other developments located on Coppice Way.

The submitted ecological assessment has looked at the two recently considered mitigation ponds, but has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. The nature conservation officer therefore advises that the Council currently has insufficient information to assess the impact upon this protected species.

Water voles

No evidence of this species was recorded during the submitted surveys and as such this species does not present a constraint on the proposed development.

Nesting Birds

In the event that planning permission is granted standard conditions would be required to safeguard nesting birds.

Trees and landscape

This application is not supported by an Arboricultural Impact Assessment, nor has an assessment of the woodland located within the site been carried out. In the absence of this supporting information it is not possible to assess the impact of the proposal on existing trees and woodland.

Contrary to the submitted Ecological survey the woodland located within the central and western section of the site is designated as deciduous Woodland Priority Habitat on the National Inventory of Priority Habitats

In early January of this year part of the woodland was removed which included various semi mature Silver Birch, Goat Willow, Ash and Sycamore which formed part of an area of natural regeneration within the site. The tree removals were subsequently subject to an investigation by the Council's Planning Enforcement Team and whilst the woodland was not protected by a Tree Preservation Order or located within a designated Conservation Area it is subject to Felling Licence restrictions under the Forestry Act 1967 administered by the Forestry Commission.

A subsequent investigation was carried out by an Officer from the Forestry Commission who has concluded that contrary to Section 9 of the Act no licence was in force at the time of the felling. In this instance the Forestry Commission has decided to take no further action but has sent a warning letter to the Agent advising them of the consequences of any further offence.

The Planning Statement states that the proposed development has been designed to protect the area designated as open space and the trees within it in accordance with policy. However, given the recent removal of the section of woodland and physical extent of the proposed development and its impact on the remaining woodland, it is anticipated that there will be a significant net loss of woodland cover, which is clearly contrary to the Planning Statement and policies within the Local Plan.

The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.

Flood Risk

The submitted Flood Risk Assessment (FRA) outlines that the NPPG classifies the proposed commercial use of the site as being "Less Vulnerable". A "Less Vulnerable" use located in Flood Zone 1, 2 and 3 (as in the case here) is an appropriate development in terms of flood risk. The FRA notes that suitable mitigation measures are proposed within the FRA and the site is located within an already well established commercial / industrial area.

The submitted FRA demonstrates that a relatively small part of the site, at the south-western corner, is affected by Flood Zone 3. However, this assessment is based on the modelled 1 in 100 year plus climate change flood level (71.45 mAOD), at a point just upstream of the site. The relevant flood level at the south-western corner of the site would be lower than this level and so there would, in reality, be a smaller area affected by flood risk. It is unlikely that development as submitted adjacent to the affected flood risk area would have any significant effect on nearby fluvial flood levels.

The Flood Risk Manager notes that all design works need to be in line with the submitted Flood Risk Assessment and development approved by Environment Agency (EA), ensuring minimum finished floor level (FFL) of development should be set 72.05 (in line with EA requirements of FFL being set 600mm above 1 in 100 year + 30% climate change flood level). However, as the Lead Local Flood Authority the Flood Risk Manager advises that the

submission of a drainage strategy / design will be required, which can be secured by condition.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The Phase II report (GRM/P8003/F.1) submitted in support of the application has identified a ground gas risk at the site and recommends that a Gas Protection Measures Design and Verification Plan is submitted to the LPA for approval.

These details can be secured by condition.

PLANNING BALANCE

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan. Policy E1 of the MBLPS and EG3 of the CELPS seeks to retain existing and allocated employment sites in employment use. Paragraph 22 of the Framework states that, "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". Policy EG3 provides the criteria that must be met to consider alternative uses on employment sites. These criteria are not met by the proposal.

Policy RT6 of the MBLP allocates a swathe of land to the south of the site for amenity open space. Policy RT1 of the MBLP states that areas of recreational land and open space will be protected from development. This protection is reflected in paragraph 74 of the Framework, which requires any loss to be justified by an assessment to show the open space to be surplus to requirements or, the loss is replaced by equivalent or better provision. No open space assessment has been submitted and no alternative provision is proposed.

The proposed building does not adequately reflect the constraints of the site and does not contribute to the sustainable development principles outlined within policy SD2 of the CELPS, and in this context it does not make a positive contribution to the immediate surroundings in line with policy SE1. The proposal also results in less than substantial harm to the setting of the adjacent listed building.

The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.

The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.

The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species. The proposal is therefore contrary to policy SE3 of the CELPS

It is also anticipated that there will be a significant net loss of woodland cover, which is contrary to the applicant's own Planning Statement and policies within the Local Plan. The current design provides no scope for compensation or mitigation to offset this loss, nor has a green buffer been incorporated to offset the harm to the existing woodland. The proposal is therefore contrary to policy SE5 of the CELPS and DC9 of the MBLP.

Accordingly there is clear conflict with a number of policies within the development plan. Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of other material considerations, the applicant has outlined the following economic benefits as part of the proposal:

- Retention of an existing employer;
- Securing 133 existing jobs worth around £3.04million per annum;
- Creation of approximately 36 new permanent jobs worth around £0.82million per annum;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.87m;
- Generation of new business rates of around £0.37million per annum;
- Allowing existing Halliwell Jones sites to be brought into an active employment use following the relocation resulting in the creation of between 93 and 163 new full-time equivalent jobs; worth between £2.28million and £4.38million per annum;
- Support for existing and new businesses and associated employment as a result of the increased income in the local area;
- Increased demand within the supply chain created by the proposed development and new businesses reoccupying the existing Halliwell Jones sites;
- Further investment in the local area through use of new business rates payment.

The retention of an existing employer and the associated jobs would be a clear benefit of the proposal, but no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development. Therefore only moderate weight can be attached to this.

Any financial benefits from business rates will simply be transferred from the applicant's existing sites, which will not necessarily be redeveloped for business use. Similar benefits could be achieved from a conforming employment use on the site. Limited weight can only be attached to these benefits.

In support of the application the applicant notes that a large proportion of the site and floorspace will fall within an employment use class. Workshop / bodyshop would be a B2 general industrial use; car storage areas would be a B8 storage or distribution n use; and the office space would be a B1 use. Only the showroom element would not fall within a traditional

employment use class. The applicants supporting information suggests 2.2% of the floorspace would be B1 offices, 32.4% would be general industrial, 47.5% would be storage and distribution and 17.9% would be the car showroom

Whilst this is acknowledged, these details relate only to the floorspace of the building, it makes no reference to the external display areas, which cover a significant proportion of the site. The primary use of the site is considered to be the showroom element, which is not an employment use.

The three Halliwell Jones facilities within Wilmslow/Handforth that are to be relocated to the application site currently employ 133 people. The applicant expects that the move to the proposed facility will result in an increase in total jobs by 12% (16 jobs) by the end of the first year and a further 7% (10 jobs) by the end of the second year meaning the new facility will then employ 159 people. In addition to this, the proposed premium use car display area is a new operation which is expected to create a further 10 new jobs. The applicant suggests that these figures are comparable to the office use that has previously been approved on the site.

The proposed development would also free up an existing employment site for an alternative use and two showroom sites which could be used for a wide range of employment generating uses. As set out in the Economic Benefits Statement, it is estimated that dependent on the use the existing sites could support between 93 and 163 full-time equivalent jobs.

Clearly any new job creation is a benefit of the proposal, but comparisons with an approved outline scheme, with no floorspace or job creation specified within previous permissions is purely notional, as are any benefits arising from the redevelopment of the applicant's existing sites and limits the weight that can be afforded to these matters.

The proposal will result in the loss of employment land at a time when the Council has recently taken land out of the Green Belt to allocate additional employment land as part of the July 2017 CELPS. The need for sites was such that even Green Belt locations were currently identified as being required for the provision of the employment land to 2030. The weight afforded to the considerations in favour of the development is not considered to outweigh the conflict with the adopted development plan in this case. Accordingly the proposal is not sustainable development and the application is recommended for refusal for the following reasons:

RECOMMENDATION

It is recommended that the application is refused for the following reason:

- 1. The proposal seeks to provide a car showroom on an employment site, which is protected for B1, B2 and B8 uses. It has not been demonstrated that the premises are causing significant nuisance or environmental problems and it has not been demonstrated that the site is no longer suitable or viable for employment use. The proposal is therefore contrary to policy E1 of the Macclesfield Borough Local Plan and policy EG3 of Cheshire East Local Plan Strategy.**

2. The proposal results in the loss of open space. No assessment to show the open space to be surplus to requirements has been submitted, and the loss is not replaced by equivalent or better provision. The proposal is therefore contrary to policies RT1 and RT6 of the MBLP.
3. The site has a verdant character which has value in visual, ecological and arboricultural terms, and the proposed development does not adequately reflect this established character, and in this context does not make a positive contribution to the immediate surroundings. The proposal is therefore contrary to policies SE1 and SD2 of the CELPS and policies H8 and H11 of the HNP.
4. The proposal results in less than substantial harm to the setting of a grade II* listed building, which is not sufficiently justified. The proposal is therefore contrary to policy SE7 of the CELPS.
5. No arboricultural information has been submitted with the application. However, it is anticipated that there will be a significant net loss of woodland cover on the site. The design provides no scope for compensation or mitigation to offset this loss. The proposal is therefore contrary to policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.
6.
 - a) The proposal results in the loss of habitats of sufficient value to be designated as a Local Wildlife Site, and the compensation proposals are inadequate to address the loss of this habitat.
 - b) The woodland on western side of the site has been identified by the submitted NVC survey as being 'W6' woodland. This is considered to be a Priority Habitat Type. Policy SE3 states that development which is likely to have a significant adverse impact on such a designation will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.
 - c) The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. The woodland is not shown to be retained as part of the proposed development, and no survey has been carried out to determine the presence /absence of roosting bats. Therefore there is insufficient information to fully assess the impact upon this protected species.
 - d) The submitted ecological assessment has not considered the potential impacts of the proposed development upon Great Crested Newts associated with the ponds located at Handforth Hall. There is currently insufficient information to assess the impact upon this protected species.

The proposal is therefore contrary to policy SE3 of the CELPS, policy NE11 of the MBLP and policy H8 of the HNP.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

