

Application No: 18/6404M

Location: Land West of Coppice Way and South of Lower Meadow Way, Handforth

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. (Re-submission of 17/6486M)

Applicant: Mr Phillip Jones, Halliwell Jones (Wilmslow) Limited

Expiry Date: 22-Mar-2019

## SUMMARY

The previous application was refused for 6 reasons. In summary these were:

1. Loss of employment land.
2. Loss of open space.
3. Out of character with site context
4. Harm to the setting of listed building
5. Insufficient arboricultural information
6. Ecological impacts

The majority of these reasons have been addressed within this resubmission. Adequate open space is now provided within the site to mitigate for the loss of the rather historic proposed open space allocation within the MBLP along the southern boundary. The proposed building has been amended to better reflect the characteristics of the site and will now positively contribute to the character of the area. Whilst some woodland will be lost as part of the proposal, the development will secure long term management of the woodland to maintain its integrity into the future. Finally, subject to the satisfactory receipt of mitigation proposals for specific ecological impacts, the ecological impact of the development will be acceptable.

However, the principle of a car showroom (a sui generis use) on a site allocated for employment uses (B1, B2 and B8 uses) remains in conflict with policy EG3 of the CELPS. In addition, there is still "less than substantial" harm to the setting of the listed building.

Accordingly there is clear conflict with 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 in the local area;
- Securing 127 existing jobs worth around £3.7million per annum through wage generation;
- Creation of approximately 45 new permanent jobs worth around £1.3million per annum through wage generation;

- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.9m;
- Generation of new business rates;
- Freeing up of 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;
- Employment opportunities created as a result of the local authority reinvesting the business rates generated by the proposed development in the local area.

The reasoning behind the proposal is to allow the existing, and clearly successful, local business to expand and adapt to the requirements of the car manufacturing brands that they represent. The proposed development will replace the existing BMW and Mini garages in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park in Handforth, combining these facilities into a single site. It is understood that Halliwell Jones have been looking to relocate these facilities for over 3 years as the current sites are constrained by their locations and the adjacent uses, which impacts upon their operation and potential for expansion.

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.

The proposed use is a sui generis use, and land is not allocated for such uses within the local plan, given the range of uses this particular use class could include. The applicant therefore suggests that it is appropriate to consider the nature of the proposals, which in this case comprise workshop, bodyshop, office facilities and car storage, which are all included within B1, B2 and B8 uses classes. Only the car showroom element is the non-conforming use on this employment site. Within this range of uses there is a wide variety of job roles, the majority of which would fall into the 'B use' classes. This is considered to be a reasonable approach given the requirement at paragraph 81 of the Framework (February 2019) which states that planning policies should... *"be flexible enough to accommodate needs not anticipated in the plan"*. In these terms, the constituent uses of the proposed car dealership are considered to attract significant weight in the planning balance.

The retention of an existing employer and the associated jobs is undoubtedly a clear benefit of the proposal. Whilst no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development, there are no other known sites that could be suitable for the development, outside of other employment sites. Therefore significant weight can also be attached to this.

Overall, given the absence of any other harm, the proposed benefits and considerations in favour of the development are considered to outweigh the policy presumption against the development on employment land grounds and the less than substantial harm to the setting of the listed building. Accordingly a recommendation of approval is made.

## RECOMMENDATION

Approve subject to conditions and satisfactory receipt of ecological mitigation proposals

## 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 15,302sqm of floorspace 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 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 (133 spaces) and a display area for used BMW cars. The roof level will provide a further 190 parking spaces. 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 and west of the site there will be further areas of car parking/car storage. New accesses are proposed from Kiln Croft Lane and Lower Meadow Road.

The application is a resubmission of application 17/6486M which was refused for the following reasons:

- 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 Macclesfield Borough Local Plan.*
- 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 Cheshire East Local Plan Strategy and policies H8 and H11 of the Handforth Neighbourhood Plan.*

- 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 Cheshire East Local Plan Strategy.*
- 5. No arboricultural impact 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 Cheshire East Local Plan Strategy, DC9 of the Macclesfield Borough Local Plan and H9 of the Handforth Neighbourhood Plan.*
- 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 of the CELPS 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 benefits of the proposal do not outweigh the impact of the development in this case.  
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 insufficient information to assess the impact upon this protected species.  
The proposal is therefore contrary to policy SE3 of the Cheshire East Local Plan Strategy, policy NE11 of the Macclesfield Borough Local Plan and policy H8 of the Handforth Neighbourhood Plan.*

## **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**

17/6486M - 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 – Refused 02.08.2018

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 – made 12 July 2018

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 subject to mitigation measures detailed in FRA

**Environmental Health** – No objections subject to conditions relating to contaminated land.

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

**Flood Risk Manager** – No comments received – (No objections to previous submission 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 - concerns raised with previous application 17/6486M have been addressed. It is noted that efforts have been made by the applicant to comply with policies H8, H9 and H11 of the Handforth Neighbourhood Plan and the Parish Council are satisfied that the applicant has achieved this and that the development would not have a detrimental impact on the visual character of the site, wildlife habitat or affect in any way the nearby Grade II listed building.

## **REPRESENTATIONS**

8 letters of representation (either in support or making general observations) have been received from interested parties, employees of Halliwell Jones, and the Handforth Neighbourhood Plan Steering Group noting that the proposal will:

- Will allow company to expand
- Create new jobs and safeguard current jobs
- Have negative impact on employees if application fails
- Add to profile, character and appearance of the area
- Resolves previous concerns
- Proposed use comprises employment uses
- Council has supported loss of employment land on other land at Earl Road
- Additional land allocated for employment in Garden Village
- Frontage footpath should be widened to provide shared cycle/footpath to provide better links from Garden Village to Handforth centre
- Applicants existing sites can be improved
- Should include provision for the installation of a pelican crossing on Coppice Way
- Should include provision for the completion of the ponds and some tree planting in the Local Green Space behind Handforth Hall.
- a barrier (i.e. trees/hedgerow) be provided between the proposed car dealership and the Local Green Space immediately to the north of Handforth Hall.

1 letter has also been received on behalf of Eskmuir (owner of the Grosvenor Shopping Centre in Macclesfield) which suggests that a condition should be imposed to restrict the use of the site to a car dealership (with ancillary operations) and for no other purpose.

## **APPRAISAL**

### **LOSS OF EMPLOYMENT LAND**

The application site forms part of the Council's existing employment land supply in Handforth as set out in Appendix A (Proposed Employment Land Distribution) of the Local Plan Strategy July 2017. 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 found<sup>43</sup>.*

*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 comprise these uses. For example, the lower ground floor comprises service area, workshop and bodyshop (a B2 use), the ground floor, including the external area to the south, and the roof space comprises some storage parking (a B8 use), and the first floor comprises offices (a B1 use). Sales / display areas are also included to the ground and first floors and externally. The presence of the sales areas places the car dealership, as a whole, outside of a strictly defined employment use. Instead a car showroom is a *sui generis* use, 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. Conflict with policy EG3 of the CELPS can therefore be identified.

## **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 97 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. An open space assessment has been submitted by the applicant to address this issue.

The open space allocation within the site extends northwards from the southern boundary by approximately 30 metres, and includes an area of approximately 0.35ha. The proposed development retains a strip of open space of approximately 16 metres along the southern



boundary. There will therefore be some loss of the Proposed Open Space (as allocated in the MBLP) to the south of the site.

The applicant's open space assessment suggests that the MBLP allocation of Proposed Open Space is no longer sufficiently up-to-date or NPPF compliant to be given weight in planning decisions, a view which is reinforced by the fact that the HNP is now adopted. The assessment also notes that the proposal includes provision for additional open space along the western boundary, bordering Handforth Brook.

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.

It is acknowledged that whilst the allocated open space area to the south is reduced by approximately half by the current proposal, it does still retain a reasonable landscaped buffer to the south. In addition to this the proposal retains wooded land to the west of the site alongside the Brook, which will also contribute positively to the overall character of the area. The woodland and the area to the south result in the provision of approximately 0.54ha of open space. This is significantly more than that lost and the loss is therefore considered to be replaced by equivalent or better provision in terms of quantity and quality in a suitable location in accordance with paragraph 97 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 and is unaffected by the proposal.

## **DESIGN, CHARACTER AND APPEARANCE**

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Similar requirements are also identified in policy H11 of the HNP.

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 and timber 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. However, there are a wide variety of materials used on buildings across the area including brick, render and cladding, some of which are combined to give these utilitarian buildings a modern appearance. A contemporary design is therefore not entirely alien to the area.

The proposal has developed through the design process in order to align with BMW brand standards. However, following the refusal of the previous application (17/6486M) the design has undergone elevational changes, a reduction in height and reconfiguration of floor areas. Greater acknowledgement to the green infrastructure on the south and west boundaries has also been provided within the design and positioning of the buildings.

Sections have been provided to illustrate the relationship with buildings on adjacent sites and Handforth Brook. The main front elevation faces Coppice Way and includes large areas of glazing, as this will be the primary frontage to the sales areas. During the course of the application the 2.4m high timber security fencing along the front and northern side of the building has been omitted and replaced with a glass balustrade on top of low retaining walls which will significantly improve the proposed streetscene. The height of the building is almost 1m lower than the ridge of Marks & Spencer on the opposite side of Coppice Way, but is higher than the buildings to the west on Lower Meadow Way, reflecting the existing land form, which slopes down from Coppice Way towards Handforth Brook on the western boundary of the site. The building then takes advantage of these land levels to provide an additional storey at lower ground level. Overall the sections show that the height of the proposal is appropriate to the immediate context.

Whilst the building is unequivocally modern and utilises modern materials, timber cladding is incorporated extensively along the rear elevation, and climbing plants are proposed to the elevations of the car park building to provide a more sympathetic interface with the woodland beyond. The use of the different materials also helps to break down the massing of the building, as does the much lower car park structure to the rear.

Policy SE9 of the CELPS states that non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources. An appropriate condition is recommended to secure this.

The amendments made to the scheme since the previous refusal of planning permission result in a building that will contribute positively to the area's character. The proposed used car sales building to the north of the site follows a similar contemporary theme with mono pitched roof, white cladding and glazing, and is equally in keeping with the character of the area. Overall, the proposal is considered to comply with the requirements of policies SE1, SD2 and SE9 of the CELPS, and policy H11 of the HNP.

## **HERITAGE ASSETS**

The application is 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 and the Grade II Brook House Farm, which lies to the north west 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 Handforth Hall is screened by its own bank of trees. Compared to the previous proposal that was refused, a wider landscaped buffer is now provided at the southern end of the site, which will further help to minimise any impact upon Handforth Hall. Brook House Farm is in the unusual position of already being virtually surrounded by the modern buildings of the industrial estate, and the addition of the application building, which would be further away than its existing commercial neighbours will not have a significant impact on its setting.

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.

Environmental Health originally objected to the proposal due to the absence of a noise impact assessment to consider the impact of noise sources from the proposed vehicle workshop, external service valet bays and tyre fitting bays, having regard to noise sensitive receptors to the south / south east of the site.

A noise impact assessment was subsequently provided, which identified a low impact at these receptors. The methodology (BS4142:2014 Methods for rating and assessing industrial and commercial sound), and the conclusions of the report are accepted by Environmental Health. No significant noise impacts are therefore anticipated.

## **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 Handford 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 railway station to the site is Handforth Train Station which is located approximately 650m walking distance to the west of the site.

A Travel Plan has been 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

A new access is proposed from Coppice way / 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 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 26 customer parking spaces (including 2 mobility spaces and 1 parent & child space) at the front of the building accessed from Kiln Croft Lane / Coppice Way and associated with the BMW and Mini showrooms. There will be 36 spaces for service vehicles on the lower ground floor accessed from Kiln Croft Lane. There will be 12 customer parking spaces associated with the premium used car sales and accessed from Lower Meadow Road. A further 136 spaces for staff will be provided in the multi storey parking area accessed from Lower Meadow Road. The total car parking provision on site will be 210 spaces, which is sufficient for the proposed use. A further 218 vehicle storage spaces are allocated at the rear of the building, which will also be accessed from Lower Meadow Road.

### 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 whilst 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 within 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.

#### 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 the 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. Discussions are ongoing regarding the proposed mitigation, and further details will be provided as an update.

#### 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. A considerable amount of the section of woodland within the application site boundary will be removed, or be subject to coppicing or thinning. Given its identification as a priority habitat type, as with the grasslands above, mitigation and compensation proposals to address any impacts on habitats of this type will be required. Discussions are ongoing regarding the proposed mitigation, and further details will be provided as an update.

#### Bats

The submitted Preliminary Ecological Appraisal has identified trees with bat roost potential in the woodland on the western edge of the site. It appears likely that these trees would be

retained as part of the proposed development, and therefore roosting bats are unlikely to be affected by the proposed development.

#### 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 on this species of other developments located on Coppice Way.

In the absence of mitigation the proposed development would result in a medium level adverse impact on great crested newts as a result of the loss of suitable intermediate terrestrial habitat and the risk of any animals being killed or injured during the construction phase.

To mitigate the risk of newts being killed or injured during the construction phase the applicant proposes to remove and exclude newts from the footprint of the proposed development using standard best practice methods under the terms of a Natural England license.

The proposed development will result in the loss of 1.23ha of suitable great crested newt terrestrial habitat. The applicant proposes to compensate for the loss of this terrestrial habitat through the provision of two hibernacula, which is considered to be inadequate for the loss of this area of suitable habitat.

As an alternative approach to addressing the impacts of this proposed development upon this species it has been recommended to the applicant that they consider entering the development into Natural England's District Level Licencing Scheme for this species. This scheme involves the delivery of strategic off-site habitat creation as a means for compensating for habitat unavoidably lost to development. The applicant needs to have confirmation from Natural England that they have been accepted onto the Scheme before the impacts on GCN can be fully considered. Further details will be provided as an update.

#### 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.

#### Ecology conclusions

Further details are awaited regarding the proposed mitigation for the loss of grassland and woodland habitats, and the loss of GCN terrestrial habitat. Subject to the satisfactory receipt of detailed mitigation proposals, the application will comply with policy SE3 of the CELPS, policy NE11 of the Macclesfield Borough Local Plan and policy H8 of the Handforth Neighbourhood Plan.

## **TREES AND LANDSCAPE**

This application is supported by an Arboricultural Impact Assessment and Method Statement which assesses the area of woodland to the west and south of the site, and groups of trees along the frontage of Coppice Way and Lower Meadow Road. Tree cover within and immediately adjacent to the site is not statutorily protected by a Tree Preservation Order and does not lie within a designated Conservation Area. As noted above, the woodland to the west adjacent to the Brook is considered to be a Priority Habitat Type.

The woodland tree cover does provide significant public visual amenity within the area and comprises of mixed deciduous species including scattered mature Oak, Beech and Ash. A significant proportion of the woodland contains Crack Willow, Goat Willow and Silver Birch with natural regeneration of Ash, Sycamore and some Hawthorn. There is evidence of historic problems including fallen trees, branch failures and fly tipping. The submitted Arboricultural Statement assesses the area of this woodland (W6) as Category C (low quality).

The statement indicates that in order to accommodate the proposal two category B Norway Maple trees within G1 located on the highway verge will require removal to provide access into the site. In respect of the woodland (W6) to the west, 2522sqm out of a total of 3912sqm will require removal and with regard to W3 to the south east 560sqm out of a total of 1120sqm will need to be removed to accommodate the proposed development. Several low category groups of trees identified in the submitted assessment are also proposed to be removed to accommodate the proposal. Woodland that provides a significant contribution to the amenity of the area and a Priority Habitat is protected through policies SE3 and SE5 of the CELPS.

Most of the trees within the affected area of woodland are of low value, being predominantly poor quality Crack/Goat Willow and Silver Birch. Many have been partially uprooted or have failed limbs, however in combination with the backdrop of the remaining offsite woodland cover the woodland collectively contributes to the amenity of the area.

The proposal includes provision for enhancement of the remaining woodland which includes coppicing of between 30 and 50% of the Willow and selectively thinning out 20% of the remaining Willow. The aim of this is to allow more light into the woodland and stimulate growth. Additional planting with 0.39ha of native species trees is also proposed within the woodland area which will comprise mainly of small transplants within the coppiced areas.

The extent of coppicing will remove a large amount of tree cover along the western boundary of the site adjacent to the Brook, potentially opening up views into the site. The retention and future management of the woodland is essential to integrate a development of this scale in this location. Consequently, a condition requiring a Woodland Management Plan to be submitted is recommended, including long term objectives, plan of operations and maintenance schedules. The Management plan should be for a minimum 10 year period and include for a phased coppicing / selective thinning regime to ensure the integrity of the woodland is maintained. Subject to this condition and a condition to protect retained trees, the proposal is considered to comply with policy SE5 of the CELPS, DC9 of the MBLP and H9 of the HNP.

It should also be noted that the existing woodland extends westwards from the application site to the commercial buildings on Lower Meadow Road, and this area of woodland, outside of the application site, will be unaffected by the proposed development. This will also help to

minimise the opening up of views of the proposed development, and retain the green infrastructure setting of the site.

In terms of landscaping the retention of green buffers to the south and west are positive aspects of the proposal compared to the previous refusal. Landscaping conditions are recommended to ensure the most appropriate planting is provided. For example, the proposed planting plan shows evergreen Oak trees along the Coppice Way and Lower Meadow Road frontages, but a more appropriate species with more seasonal interest should be provided. The landscape officer also recommends that the proposed gabion walls should be faced with coursed stone to look like stone walls. However, full hard and soft landscape and boundary treatment details can be secured by condition, and to ensure compliance with policy SE4 of the CELPS. These conditions can also look to address the point raised in representation regarding a potential barrier (i.e. trees/hedgerow) being provided between the proposed car dealership and the Local Green Space immediately to the north of Handforth Hall, as necessary.

## **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 (71.45m AOD), 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.

All design works need to be in line with the submitted Flood Risk Assessment and mitigation measures as noted by the Environment Agency (EA): provision of compensatory flood storage and ensuring minimum finished floor level (FFL) of development should be set no lower than 72.05m (AOD) (in line with EA requirements of FFL being set 600mm above 1 in 100 year + 30% climate change flood level). However, the submission of a drainage strategy / design will be required, which can be secured by condition.

## **CONTAMINATED LAND**

The Phase II contaminated land report 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 local planning authority for approval. The Contaminated Land team has no objection to the proposal subject to conditions relating to these gas protection measures, the submission of a verification report, the testing of any imported soil and requirements in the event of any unidentified contamination being found.



Subject to these conditions the proposal will comply with policy DC63 of the MBLP and SE12 of the CELPS.

## PLANNING BALANCE

The previous application was refused for 6 reasons. In summary these were:

1. Loss of employment land.
2. Loss of open space.
3. Out of character with site context
4. Harm to the setting of listed building
5. Insufficient arboricultural information
6. Ecological impacts

The majority of these reasons have been addressed within this resubmission. Adequate open space is now provided within the site to mitigate for the loss of the rather historic proposed open space allocation within the MBLP along the southern boundary. The proposed building has been amended to better reflect the characteristics of the site and will now positively contribute to the character of the area. Whilst some woodland will be lost as part of the proposal, the development will secure long term management of the woodland to maintain its integrity into the future. Finally, subject to the satisfactory receipt of mitigation proposals for specific ecological impacts, the ecological impact of the development will be acceptable.

However, the principle of a car showroom (a *sui generis* use) on a site allocated for employment uses (B1, B2 and B8 uses) remains in conflict with policy EG3 of the CELPS. In addition, there is still “less than substantial” harm to the setting of the listed building.

Accordingly there is clear conflict with 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 in the local area;
- Securing 127 existing jobs worth around £3.7million per annum through wage generation;
- Creation of approximately 45 new permanent jobs worth around £1.3million per annum through wage generation;
- Creation of around 226 full-time equivalent temporary construction jobs worth around £6.9m;
- Generation of new business rates;
- Freeing up of 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;
- Employment opportunities created as a result of the local authority reinvesting the business rates generated by the proposed development in the local area.

The reasoning behind the proposal is to allow the existing, and clearly successful, local business to expand and adapt to the requirements of the car manufacturing brands that they represent. The proposed development will replace the existing BMW and Mini garages in Wilmslow and the existing Halliwell Jones Bodyshop at Brooke Park in Handforth, combining these facilities into a single site. It is understood that Halliwell Jones have been looking to relocate these facilities for over 3 years as the current sites are constrained by their locations and the adjacent uses, which impacts upon their operation and potential for expansion.

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.

The proposed use is a *sui generis* use, and land is not allocated for such uses within the local plan, given the range of uses this particular use class could include. The applicant therefore suggests that it is appropriate to consider the nature of the proposals, which in this case comprise workshop, bodyshop, office facilities and car storage, which are all included within B1, B2 and B8 uses classes. Only the car showroom element is the non-conforming use on this employment site. Within this range of uses there is a wide variety of job roles, the majority of which would fall into the B use classes. This is considered to be a reasonable approach given the requirement at paragraph 81 of the Framework (February 2019) which states that planning policies should... *"be flexible enough to accommodate needs not anticipated in the plan"*. In these terms, the constituent uses of the proposed car dealership are considered to attract significant weight in the planning balance.

The retention of an existing employer and the associated jobs is undoubtedly a clear benefit of the proposal. Whilst no information has been submitted to demonstrate how this site was arrived at, or consideration of other sites for the proposed development, there are no other known sites that could be suitable for the development, outside of other employment sites. Therefore significant weight can also be attached to this.

Overall, given the absence of any other harm, the proposed benefits and considerations in favour of the development are considered to outweigh the policy presumption against the development on employment land grounds and the less than substantial harm to the setting of the listed building. Accordingly a recommendation of approval is made.

## **RESPONSE TO REPRESENTATIONS**

The comments received in representation have largely been considered in the preceding text. Other matters raised include suggestions for the provision of a pelican crossing on Coppice Way and pond works and tree planting within the Local Green Space behind Handforth Hall. Off site improvement works can only be secured to mitigate for the impact of the development, and the impact is not sufficient to justify works or contributions along these lines. A condition was also suggested to limit the use of the site to a car dealership. Given its *sui generis* use, any alternative uses would require planning permission, and as such a condition is not considered to be necessary.

## **RECOMMENDATION**

It is recommended that the application is approved subject to conditions, and subject to the receipt of satisfactory ecological mitigation proposals.

*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 Development Management 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.*

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Tree protection
5. Submission of landscaping scheme
6. Landscaping (implementation)
7. 10 year woodland management plan to be submitted
8. Nesting bird survey to be submitted
9. Gas Protection Measures Design and Verification Plan to be submitted
10. Verification Report prepared in accordance with the approved Gas Protection Measures Design and Verification Plan to be submitted
11. Unidentified contamination
12. Imported soil to be tested for contamination
13. Development to be carried out in accordance with mitigation measures detailed in FRA
14. Parking and access to be provided prior to occupation
15. Foul and surface water shall be drained on separate systems
16. Surface water drainage scheme to be submitted
17. Scheme to provide 10% of predicted energy requirements from decentralised and renewable or low carbon sources to be submitted

