

Application No: 21/3860M

Location: Langley Business Park, Langley Road, Macclesfield SK11 0DG

Proposal: Variation of Conditions 23 (approved uses) and 25 (hours of operation) relating to the enterprise hub on approval 11/2340M

Applicant: Seddon Homes Limited

Expiry Date: 31-Mar-2022

## **SUMMARY**

This application seeks consent to vary two conditions attached to the Outline Permission in 2011 for the mixed-use development (77 units) at the former Langley Business Park, in Langley. The Outline consent included nine Class B1 office/light industrial units. The application relates solely to the approved industrial units. No changes to the residential developments are proposed.

The current approval restricts the units to Class B1 '*Business*' use only and the hours of operation are limited to 8am to 6pm Monday to Friday and 9am to 2pm on Saturdays only. The applicants have stated that these conditions are too restrictive, businesses have change since 2011 and the units would be hard to let or sell in the current market.

Originally the application sought an open Class E '*Commercial, Business and Service*' use for the Rural Enterprise Hub and for it to be allowed to be operated 24 hours a day. Following discussions with Officers' scheme has formally been amended and readvertised.

The application now seeks permission for the rural enterprise hub to be used for Class E (g) (i) and (iii) and B8 uses only. The application now also seeks permission for the hours of operation of the rural enterprise hub to be limited to 7am to 11pm Monday to Sunday and including public holidays.

The development is now considered to comply with the relevant Local Plan Policies, the NPPF and is recommended for approval.

## **SUMMARY RECOMMENDATION**

Approve the variation of conditions 23 and 25 on 11/2340M.

## **REASON FOR REPORT**

Application 21/3860M was referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (Sutton Ward) for the following reason: -

1. *“The approval for this site was given over three years ago for mainly housing with a small number of light industrial units. It is not accepted that there are any policy grounds which would permit a change in the hours provided for in the original decision. There has been no material change in the needs of businesses during the past 3 years;*
2. *The restrictions on the hours should stay as they are. The site is in a rural setting, with residential properties nearby. By increasing the hours and days of working, there is bound to be an increase in noise and the traffic that would occur as a result of unsocial hours leading to a loss of amenity for all;*
3. *The business hours were set to ensure a balance between the needs of the businesses and the needs of the residents on the estate but, also in the village generally and its surroundings. It is not accepted that the needs of business may have changed over the last 3 years when planning was granted and in any event the needs of residents should take priority over those who choose to locate their business in a rural area where there is a high density of housing. The interests of those who live in the rural community should take precedence over businesses;*
4. *There are many other local sites which can offer light industrial units in the area where extended hours could be provided without any impact on the local community. There is therefore no business case to support an extension of the hours and it is noted that the Applicant has not provided any data to support a business case to extend the hours; and*
5. *Residents have complained about the potential loss of amenity which are described in Saved MBLP Policy DC3.”*

## **PROPOSAL**

This application seeks consent to vary two conditions attached to the Outline planning permission (11/2340M) for the mixed-use development at the former Langley Business Park.

The Outline Consent included nine Class B1 office/light industrial units. This was known as the ‘Employment Hub’ but now is known as the ‘Rural Enterprise Hub’.

This application relates solely to the approved Rural Enterprise Hub and seeks to widen the approved uses (Condition 23) and extend the hours of operation (Condition 25) attached to the Outline Consent (reference 11/2340M). No changes to the approved drawings are proposed by this application, and as such there are no changes to access, layout, scale, appearance or landscaping. The approved ‘Rural Enterprise Hub’ comprises a total of 9,000 sqft (836 sqm) split across nine units within one single-storey building.

Internally, the units are flexibly designed so that a range of tenants can be accommodated. A standard portal frame building will provide an open internal space that can be designed and fitted out exactly to suit the end user’s business requirements. All units contain a toilet and small kitchen. Externally, the units benefit from either loading doors or glazed double entrance doors and all units have parking and servicing.

The current approval restricts the units to Class B1 'Business' use only (Condition 23) and the hours of operation are limited to 08.00 to 18.00 Monday to Friday and 09.00 to 14.00 on Saturday only (Condition 25).

However, the applicant believes that these restrictions are too prohibitive and not commercially attractive. Hallams Property Consultants have been engaged to assist with the marketing of the units. They have confirmed that (following feedback from over 50 prospective tenants), whilst the small commercial units would fill a void in the current market the restrictions are overly prohibitive and could therefore hinder the sale/rent of the units once on the market.

Originally the application sought an open Class E 'Commercial, Business and Service' use for the Rural Enterprise Hub and for it to be allowed to be operated 24 hours a day. Following discussions with Officers' scheme has formally been amended and readvertised. The application now seeks permission for the rural enterprise hub to be used for Class E (G) (i) and (iii) and B8 uses only. The application now also seeks permission for the hours of operation of the rural enterprise hub to be limited to 7am to 11pm Monday to Sunday and including public holidays.

## **DESCRIPTION OF SITE AND CONTEXT**

This application relates to the former Langley Business Park, known locally as the 'Reiter Scragg' site. It is situated to the south of Langley village, which is a small village of approximately 200 houses located around 3km to the east of Macclesfield. Access to the village from Macclesfield is from Langley Road.

There is a limited range of facilities accessible by foot or bicycle, including two small shops, a public house, Methodist Church, Village Hall / community facilities, and play area. The closest school is Hollinhey Primary School approximately 1.2 miles away.

The site is designated as part of a Major Development Site in the Green Belt and is situated within an Area of Special County Value for landscape as defined by the Macclesfield Local Plan 2004.

## **RELEVANT HISTORY/BACKGROUND**

11/2340M - Outline application for redevelopment of site for a mixed use, comprising residential development (Maximum 77 dwellings), Class B1 office/light industrial units, (Maximum 836sqm gross), Public Open Space and New Footpath links (REVISED SCHEME). All matters reserved - Approved 30.01.2015

17/3614M - Reserved Matters (following outline approval 11/2340M) for Access, Appearance, Landscaping, Layout and Scale in respect of 76 dwellings, 830 sqm of B1 employment floorspace, public open space and new footpath links - Approved 30 January 2018

Both consents have been subject to several applications to discharge conditions and make minor non-material amendments, which are not repeated here.

21/3881M - Non-material Amendment on application 11/2340M – Not yet determined

21/3882M - Non-material Amendment of 17/3614M – Not yet determined

## **POLICIES:**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
SD1 Sustainable development in Cheshire East  
SD2 Sustainable development principles  
SE1 Design  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood risk and water management  
EG1 Economic Prosperity  
EG2 Rural Economy  
EG3 Existing and Allocated Employment Sites  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
Appendix C – Parking Standards

### **Saved policies of Macclesfield Borough Local Plan (MBLP)**

DC3 Protection of the amenities of nearby residential properties  
DC6 Safe and convenient access for vehicles, special needs groups and pedestrians  
DC8 Landscaping  
DC9 Tree protection  
DC35 Materials and Finishes  
DC36 Road layouts and circulation  
DC37 Landscaping in housing developments  
DC38 Space, light and Privacy  
DC41 Infilling housing or redevelopment  
DC63 Contaminated Land  
NE11 Nature conservation interests

### **Other Material Considerations**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

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

### Environmental Health:

No objections, subject to an Informative.

Canal & River Trust:

No comments.

Natural England:

No comments.

Highways:

No objections.

Sutton Parish Council:

Sutton Parish Council has made the following comments: -

1. This would be a huge upheaval for the neighbours and vehicles coming and going at all hours would not be suitable for a village location;
2. The entire site should have been given over to residential use, the Parish Council can see little value in having commercial units tucked away in Langley, and yes, new businesses will want more flexibility in terms of operating hours, but such options should not be available in our rural, residential setting. The mistake was to incorporate the units in the first place;
3. The Parish Council strongly feel that the restrictions should stay as they are. In the position that Langley Business Park is, in our rural setting, with residential properties nearby, and the traffic that could occur as a result in unsocial hours. The only concession I would consider is all day Saturday perhaps till 5 pm; and
4. The business hours were set to ensure a balance between the needs of the businesses and the needs of the residents on the estate but, also in the village generally and its surroundings. Whilst it is accepted that the needs of business may have changed over the last three years when planning was granted, but the needs of residents have not nor those who live in our rural community.

Cllr Andrew Gregory (Sutton Ward):

Cllr Andrew Gregory retains his objections to the revised working hours for the following reasons.

*“There are plenty of other small commercial units in and around the area which enjoy locations which do not impact on people's living conditions. The noise, increased pollution and long hours suggested by the Applicant for the use of these units will result in loss of amenity for local residents. The hours should be reduced to the working week only 5 days, Monday to Friday, 8 am to 6 pm. If people wish to work beyond these hours, then as some many of us now do, they can work from home outside these hours.”*

**REPRESENTATIONS**

The application has been duly advertised twice by means of direct neighbour notification letters and site notice.

18 letters of representation have been received on the first round of consultations and 25 further letters of representation have been received on the second round. Their comments can be summarised as follows: -

Traffic/Vehicle Numbers:

- Concern regarding the prospect of 24/7 traffic, harming the character of the village;
- Further congestion within the village, leading to worsening air quality;

- Traffic causing safety concerns;
- Level of parking provision; and
- Traffic in addition to residential development will be overwhelming.

#### Impact on High Street:

- Businesses moving here will draw businesses away from an already struggling town centre.

#### Noise Pollution:

- Noise, light pollution and disturbance both from use and traffic;
- Raised noise and traffic levels within village;
- Noise pollution from use of the site would disrupt village;
- Distance from residential dwellings; and
- Bleepers on commercial vehicles will be disturbing.

#### Demand:

- Belief that agent has stated the units are already in high demand so why do they need to be open longer; and
- The agent has claimed there is already substantial interest in the units so why do the opening hours need extending.

#### Community Engagement:

- Lack of community engagement.

#### Impact on village character:

- The arrival of industry could impact the village character; and
- Industry isn't appropriate for local character.

## **OFFICER APPRAISAL**

### **Relevant considerations**

When considering variation or removal of condition applications (known as Section 73 applications), it must be recognised that, by definition, the development will have already been found to be acceptable in principle. Therefore, the focus of this report is on National Policies, Development Plan Policies and other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought.

Where an application under Section 73 is granted, the effect is to create a new grant of planning permission. Consequently, a decision should set out all the Conditions the Council wishes to impose.

### **Condition 23 – Uses**

Condition 23 restricts the use of the Rural Enterprise Hub. As currently worded, it states:

*“The Rural Enterprise Hub shall be used for B1 use only, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).”*

The applicants contend that the current restriction to B1 use is too prohibitive to be sufficiently attractive to prospective new tenants. There is therefore not enough confidence to justify the speculative construction of 9,000 sqft of B1 floorspace in this location while there are concerns that the floorspace cannot successfully then be let to new occupiers.

Instead, feedback from the market has revealed that there is demand for wider, more flexible uses, particularly in this more rural location where there is a need to encourage a mix of independent, entrepreneurial and start-up businesses.

It is accepted that this is in the spirit of the Government's changes to legislation and direction of travel in National Policy, in that: -

1. When the application was approved in January 2015, Class B1 (Business) was narrowly focused and limited to: B1(a) offices, B1(b) research and development and B1(c) light industrial uses only.
2. However, following the grant of permission, the Use Class Order referred to within the condition has been significantly amended by the introduction of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
3. On 1 September 2020, the Government introduced a new Class E (Commercial, Business and Service) to supersede Class B1, which includes a much broader and more diverse range of uses to principally serve the needs of visiting members of the public.
4. The uses now included within Class E were previously separated into individual use classes, including shops (A1), financial and professional services (A2), restaurant and cafés (A3), business (B1), nurseries, health centres and gyms (D1 and D2).
5. The Government streamlined the system to enable the conversion of buildings between, or into a mix of, these commercial, business and service uses without needing planning permission. The change to legislation was made as part of a package of measures to give the best chance of protecting and growing a thriving economy post-Covid, mindful of increasing flexibility and allowing buildings to adapt more quickly to new uses where there might be greater value.

The new legislation does not override any existing planning conditions which specifically prohibit a new use (as is the case here), and so the Rural Enterprise Hub will not automatically benefit from the increased flexibility that the Government intended to be afforded by the new Class E.

Therefore, this application is submitted to amend the wording of Condition 23 to reflect the new Use Class Order and its inherent flexibility to encourage a strong and responsive rural economy.

That being said, Class E (Commercial, Business and Service) includes several parts and more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e). Class E covers the following uses: -

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes

Regardless of the changes to the Use Class Order, the NPPF (para 20) still requires Cheshire East to make sufficient provision for employment, retail and leisure development (*i.e. sufficient provision for each of these, rather than sufficient provision for them all as a whole*) when making plans.

The Local Planning Strategy sets out the overall need for employment land which it defines as “*Land identified for business, general industrial, and storage and distribution development as defined by Classes B1, B2 and B8... It does not include land for retail development...*”

The draft SADPD updates this definition of employment land in light of the new Use Class Order: “*Land identified for development for: offices to carry out any operational or administrative functions; the research and development of products or processes; any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; general industrial; and storage and distribution uses as defined by use classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8. It does not include land for retail development*”.

CELPs Policy EG3 seeks to protect employment sites for employment use (B1/B2/B8), subject to various criteria. Given that the plan still needs to make sufficient provision for employment uses (regardless of changes to the Use Class Order), the SADPD updates the definition of employment use as E(g)/B2/B8 and it is considered that Policy EG3 still seeks to protect E(g)/B2/B8 uses.

Therefore, change of an E(g) employment use to the wider E use class would represent the potential loss of an employment site, contrary to the objectives of Policy EG3.

Proposed amendment to Condition 23 wording:

Following discussions, the applicants have therefore requested that Condition 23 be amended to read:

*“The rural enterprise hub shall be used for **B4 Class E (G) (i) and (iii) and B8 use only**, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).”*



It is noted that paragraph 012b of the 'When is Permission Required' section of Planning Practice Guidance (Reference ID: 13-012b-20200918) states that: *"In considering an application for the discharge, modification or removal of conditions limiting changes of use within any of the expanded classes of use, the Local Planning Authority should have regard to the new regulations and the advice in this guidance."*

The applicant strongly believes that the amendment will greatly increase the likelihood of the Rural Enterprise Hub being successfully marketed and occupied by prospective new tenants. In addition, the Class E(G) (i) and (iii) and B8 uses proposed by this application are wholly compatible with residential uses and would not have any additional adverse impacts on the amenity of neighbouring properties than the existing approval for B1 use.

In terms of the use classes, the new proposed wording would effectively just add B8 to the permitted uses (as any E(g) use would already be allowed under 11/2340M as the direct replacement for the old B1 use class). It is therefore considered that this new wording allows a little more flexibility in the types of employment use permitted but restricts use for the wider E use class including retail/food and drink etc.

It is considered that the amendment would accord with CELPS Policies EG1 (Economic Prosperity) and EG3 (Existing and Allocated Employment Sites) In addition, it would further support the rural economy in accordance with Policy EG2 (Rural Economy).

It should also be noted that there are no requested changes to the approved drawings, and there will be no impact upon the access, layout, scale, appearance or landscaping of the existing permission. Therefore, the changes comprise minor material amendments, and will result in a development which is not substantially different in scale or nature from the one which has been approved. It is considered that the amendment would therefore still be in compliance with Saved Policy DC3 (Amenity) of the Macclesfield Local Plan 2004 and Policies SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan.

### **Condition 25 – Hours of Operation**

Condition 25 restricts the hours of operation of the Rural Enterprise Hub. As currently worded, it states:

*"The hours of operation of the Rural Enterprise Hub hereby approved shall be limited to 08.00 hours to 18.00 hours on Monday to Friday and 09.00 hours to 14.00 hours on Saturday but at no time on Sundays or Public Holidays."*

The applicant believes the restriction on opening hours is too prohibitive to be sufficiently attractive to prospective new tenants. As a result, they do not have enough confidence to justify the speculative construction of 9,000 sqft of B1 floorspace in this location while there are concerns that the floorspace cannot successfully be let to new occupiers.

The applicant has stated that the feedback they have received from the market has revealed that there is demand for commercial premises which have wider, more flexible hours of operation, particularly in this more rural location where there is a need to encourage a mix of independent, entrepreneurial and start-up businesses.

It is accepted that many businesses (particularly online businesses) now operate up to 24 hours a day, across seven days a week. The existing restriction to limit operation of the units to 50 hours during the week (and strictly between 08.00 to 18.00), five hours on a Saturday (and strictly between 09.00 to 14.00) and to enforce closures on Sundays and Bank Holidays is outdated and not conducive to the operation of modern businesses. This also contradicts the Government's latest direction in National Policy Guidance.

For example, in light of the Covid pandemic, the Government has facilitated longer opening hours for retail to give shoppers more flexibility and ease to transport pressures, whilst enabling flexible working hours for construction to help industry continue to operate safely. A greater shift to online sales and e-commerce has meant that many businesses have to respond in real time to the demands of their customers. In addition, there has been a seismic change in working patterns and work/life balances in light of the pandemic, which has further eroded the traditional standard working week.

There are also practical limitations caused by these existing restrictive hours, which are particularly more acute in Langley given its rural location. For example, the types of rural businesses that would operate here would technically not be able to begin/finish trading, accept deliveries or gather/store materials or equipment etc outside the permitted hours during the week and on Saturdays, and certainly not at all on Sundays or Public Holidays. Given each individual unit totals no more than 1,000sqft (93sqm), which falls beneath the 3,000sqft (280sqm) threshold for restrictive Sunday trading laws, this illustrates how restrictive this condition is and why it is dissuading interest from new tenants to take up occupation.

Proposed amendment to Condition 25 wording:

The applicant has therefore request that Condition 25 be amended to the following: -

*"The hours of operation of the rural enterprise hub hereby approved shall be limited to ~~08.00~~ **07.00** hours to ~~18.00~~ **23.00** hours on Monday to ~~Friday~~ **Sunday** including public holidays. and ~~09.00 hours to 14.00 hours on Saturday but at no time on Sundays or Public Holidays.~~"*

As stated above, the applicant believes that this amendment will greatly increase the likelihood of the Rural Enterprise Hub being successfully marketed and occupied by prospective new tenants, which would better support the rural economy, as encouraged by Policy EG2 (Rural Economy) of the Cheshire East Local Plan.

As stated above, there are no requested changes to the approved drawings, and there will be no impact upon the access, layout, scale, appearance or landscaping of the existing permission. The existing approved plans (which will remain unchanged) already incorporate landscaping around the Rural Enterprise Hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings, and from the public open space/formal green to the front of the site.

Notwithstanding this, condition 27 (Noise) of the Outline Permission (11/2340M), which is not proposed to be amended by this application, will still ensure that the noise levels emitting from the Rural Enterprise Hub will be controlled. It states:

*“The rating level of the noise emitted from the Rural Enterprise Hub shall not exceed the existing background noise level at any time. The noise levels shall be determined at the position of the nearest residential properties. The measurements and assessment shall be made in accordance with BS4142:1997.”*

The applicant originally wished to remove all working hours restrictions. Whilst it is accepted that any noise within the units would be minimal, there was a concern that allowing unrestricted deliveries and outside activities could cause a harmful impact on residential amenity through noise and disturbance.

As a result, the amendment of Condition 25 would still ensure that the development is in compliance with Saved Policy DC3 (Amenity) of the Macclesfield Local Plan 2004 and Policy EG2 (Rural Economy) of the Cheshire East Local Plan, by being consistent in scale with its location and not adversely affecting nearby buildings and the surrounding area or detract from residential amenity.

### **Other Material Considerations**

#### Highways Safety, Access and Parking:

The outline consent restricted the Rural Enterprise Hub to Class B1 use only, and it is now proposed to vary the condition to allow new uses E(g)(i) and (iii) and B8 which would allow different uses on the site to those previously approved. The site has 35 car-parking spaces provided to serve the units, and this level of car parking would be sufficient to serve alternative use classes. Therefore, in regard to highways, the Council's Strategic Infrastructure Manager has raised not objection to the variation in Condition.

### **Comments on representations**

With regard to the planning matters raised in the letters of representation not addressed above:

#### Traffic/Vehicle Numbers:

The number of vehicle movements has already been assessed and deemed acceptable in terms of highways impact, highways safety and air quality as part of the original planning application.

The S73 application will not result in a material difference in vehicle movements over and above the approved scheme as the number and size of the employment units remain the same. The proposed S73 does not intensify the employment use, it simply allows a more flexible approach for the type of end users. The employment part of the site benefits from a dedicated access point which ensures that any vehicles associated with the employment hub will not conflict with the residential element of the scheme.

Sufficient parking, in accordance with the Council's standards, has been provided to accommodate employees and deliveries. No amendments to parking provision are proposed as part of the S73. The Council's highways officer has confirmed that the S73 is acceptable

from a highway perspective. A car park barrier will be installed ensuring that the units and car parking area are only accessible to employees and deliveries. The barrier will be closed outside of normal working hours and will require a security code to gain entry outside of normal hours, deterring any trespassing or antisocial behaviour. The size of each unit restricts the frequency and size of delivery vehicles.

No HGV's or other articulated vehicles will be able to access the site. Deliveries will be completed by smaller vehicles such as light goods/commercial vehicles. The units themselves are unlikely to be used or serviced during the night. The application simply allows greater flexibility for smaller/start-up businesses which are more suited to rural employment locations.

#### Impact on High Street:

The employment hub comprises 9 units spanning 1,000 sqft each. The units are intended to provide space for start-ups, rural businesses and other independent businesses. The amended uses will not compete nor detract from high streets or town centres.

The application simply seeks to provide more flexibility for proposed occupiers whilst updating the consent to reflect recent legislation updates. This is in the spirit of the Government's changes to legislation and direction of travel in national policy which includes a much broader and more diverse range of uses to principally serve the needs of visiting members of the public.

The application allows the units to adapt more quickly to new uses where there might be greater value.

#### Noise Pollution:

It should be recognised that the existing consent is for Class B1 (business), which is much less intensive, noisy, disruptive and intrusive than the previous Class B2 (general industrial) type use that was present on the site.

The flexibility sought by the current application, widening the approved use to Class E (Commercial, Business and Service) to better support the rural economy, would be compatible with residential uses.

The existing approved plans (which will remain unchanged) already incorporate landscaping around the rural enterprise hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings and from the public open space/formal green to the front of the site. The separation distance between the units and nearest dwellings have been considered acceptable.

Furthermore, Condition 27 (noise) of the outline permission (ref: 11/2340M), which is not proposed to be amended by this application, will still ensure that the noise levels emitting from the rural enterprise hub will be controlled. It states:

*“The rating level of the noise emitted from the rural enterprise hub shall not exceed the existing background noise level at any time. The noise levels shall be determined at the position of the nearest residential properties. The measurements and assessment shall be made in accordance with BS4142:1997.”*

As a result, there is some comfort that the employment units will not adversely affect nearby buildings and the surrounding area or detract from residential amenity.

The units themselves are unlikely to be used or serviced during the night due their small size. The application simply allows greater flexibility for smaller/start-up businesses which are more suited to rural employment locations. The Council's EHO has commented on the proposal and has raised no concerns in respect of noise. Seddon (the applicant) will continue to manage the site post occupation so controls can be in place to ensure residential amenity is not affected.

Impact on village character:

The application will have no greater impact on the character/appearance of the village compared to the existing permission. The existing approved plans (which will remain unchanged) incorporate landscaping around the rural enterprise hub to help integrate the proposals with the surrounding environment and to screen the development from existing nearby residents and future occupiers of the proposed dwellings and from the public open space/formal green to the front of the site.

**BALANCE OF ISSUES AND CONCLUSION:**

In summary, the changes proposed to conditions 23 and 25, when viewed in context of the overall consent, comprise minor material amendments, and will result in a development which is not substantially different in scale or nature from the one which has been approved.

Therefore, as the proposals fully accord with an up-to-date Development Plan, they should be approved without delay in accordance with Paragraph 11 of the National Planning Policy Framework.

**RECOMMENDATION:**

It is recommended that the wording of Condition 23 (approved uses) is amended to the following: -

23. The rural enterprise hub shall be used for Class E (g) (i) and (iii) and B8 use only, and for no other purpose (including any other purpose listed in the Schedule to the Town and County Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification).

Reason: Having regard to the nature of the site and the particular circumstances of the application.

It is recommended that the wording of condition 25 (hours of operation) is amended to the following: -

25. The hours of operation of the rural enterprise hub hereby approved shall be limited to 07.00 hours to 23.00 hours on Monday to Sunday including public holidays.

Reason: To avoid noise from giving rise to significant adverse impacts on living conditions of neighbouring occupiers."

Where a variation of condition application, the effect is to create a new grant of planning permission. Consequently, the relevant conditions from the previous permission are recommended.

These would be as follows: -

- ~~01. Commencement of development (not relevant);~~
- ~~01. Submission of Reserved Matters (not relevant);~~
- ~~02. Reserved Matters (not relevant);~~
- ~~03. The plans and particulars shall in accordance with Reserved Matters approval;~~
04. The Reserved Matters shall comply with the approved parameters plan;
05. The Reserved Matters application(s) shall comprise no more than 77 dwellings and 836m<sup>2</sup> gross of Class E (G) (i) and (iii) and B8 use;
06. Not less than 50% of the Rural Enterprise Hub floorspace shall be substantially completed and available for use within 3 years from the commencement of development;
07. The Landscape Design shall be in accordance with the approved details;
08. The Landscape Implementation Programme shall be in accordance with the approved details;
09. The Landscape Phasing shall be in accordance with the approved details;
10. The completion of the landscaping shall be in accordance with the approved details;
11. The Arboricultural Impact Assessment and Method Statement shall be in accordance with the approved details;
12. Vehicular access to the site shall be taken from Langley Road, in accordance with the updated Transport Assessment;
13. The Visibility Splay Details shall be in accordance with the approved details;
14. Parking facilities for at least 6 cycles shall be provided for the Rural Enterprise Hub and made available prior to its first occupation;
15. The Nesting Birds details shall be in accordance with the approved details;
16. The Highways, Footways and Cycleways shall be in accordance with the approved details;
17. The development shall be carried out in accordance with the recommendations and mitigation proposals within the Ecological Supporting Information;
18. The Programme of Archaeological Work shall be in accordance with the approved details;
19. The Construction Environmental Management Plan shall be in accordance with the approved details;
20. The Foundation Zoning shall be in accordance with the approved details;
21. Hours of construction;
- 22. SEE ABOVE;**
23. Information on sustainable travel options shall be submitted and approved;
- 24. SEE ABOVE;**
25. The Remediation & Enabling Works Strategy shall be in accordance with the approved details;
26. The rating level of the noise emitted from the Rural Enterprise Hub shall not exceed the existing background noise level at any time;
27. The External Lighting Scheme shall be in accordance with the approved details;
28. The Levels shall be in accordance with the approved details;
29. General Permitted Development Rights – Class A1;
30. The Energy Statement shall be in accordance with the approved details;

31. The Energy Reduction Statement shall be in accordance with the approved details;
32. The Riparian Enhancement Report shall be in accordance with the approved details;
33. The Flood Risk Assessment shall be in accordance with the approved details;
34. The Surface Water Drainage shall be in accordance with the approved details;
35. The Overland Flood Flow shall be in accordance with the approved details; and
36. The Soil Survey shall be in accordance with the approved details.

*In the event of any changes being needed to the wording of the Committee'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 has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*





