

**Application No: 07/1041P**

**Location: LAND AT TYTHERINGTON BUSINESS PARK MANCHESTER ROAD TYTHERINGTON MACCLESFIELD**

**Proposal: ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE**

**For MR PHILIP WATKINS-SMITH, THE LANCE GROUP**

**Registered 30-May-2007**

**Policy Item Yes**

**Grid Reference 391861 375985**

## **DATE REPORT PREPARED**

25 July 2007 ( Report updated 15 August 2007)

## **POLICIES**

The site lies within an existing employment area and area of proposed open space on the Macclesfield Borough Local Plan. The Tytherington Business Park Development Brief also applies.

## **RELEVANT PREVIOUS APPLICATIONS**

05/0753 – 4 x five storey office buildings and five storey hotel. Refused June 2005.

04/0506 - Outline application for development of B1 office accommodation. Refused May 2004.

02/1441 – Renewal of outline planning permission 99/0664 for B1 office development, B2 General Industrial Units and B8 warehousing – resolution to approve subject to prior completion of legal agreement – not proceeded with.

99/0664 – Outline application for B1 office development, B2 general industrial units and B8 warehousing. Approved July 1997.

97/2379 – New estate road for business park – Approved with conditions following completion of Legal Agreement – March 2000.

## **CONSULTATIONS**

The Environment Agency had no objections and recommend conditions.

Bollington Town Council recommend approval of the application.

The views of the Highway Authority have been received on certain matters of concern to them, but they are still considering other issues.

Cheshire Fire Service raised no objections.

## **PUBLICITY**

Neighbour notification, Site Notice and newspaper advertisement with a closing date for comments of 4 July 2007.

## **REPRESENTATIONS**

Tytherington Residents Association object to the application as being in breach of the Development Brief for the site. The Dumbah Association object to the application due to the three storey element of offices. The Club Company (owners of the Tytherington Club) object on the grounds of the hotel use fails to comply with the Local Plan, there is no need for the hotel development and the density and three storey element are over development.

More than 30 individual letters of objection have been received from local residents. The main points raised are as follows –

- The scheme is an over development of the site which is out of keeping with the Tytherington area.
- A residential hotel is out of keeping and not provided for in any of the approved planning documents.
- The impact of three storey development is contrary to the brief and previous planning applications on the site.
- Objection is raised particularly to the three storey element adjoining residential properties.
- Some detailed concerns are raised about the cycle way and footpath.
- Traffic congestion will develop from the development.
- Cars will need to park outside the area due to the size and scale of development and likely number of staff working there.
- Environmental and ecological concerns over matters such as drainage, trees, landscaping and ecology.

## **APPLICANTS SUBMISSION**

The application is accompanied by a Planning, Design and Access Statement, Transport Statement and Draft Travel Plan, Landscape Master Plan and Strategy and other supporting documents and information. These documents have been and continue to be available for inspection.

## **KEY ISSUES**

The application concerns the Pool End (phase 3), part of the Tytherington Business Park and is submitted on behalf of the owners who acquired the site around three years ago. The application is effectively a response to the reasons for refusal of planning permission 05/0753 in June 2005.

The application seeks full planning permission and comprises the following:

Nine three storey office buildings for B1 business use (25628 sqm), and a two/three storey building for hotel use.(100 bed)

Supporting car parking including underground parking, access road, cycle way/footpath and landscaping and open space.

The relevant issues in considering this application are –

The provisions of the Development Plan, compliance with the Development Brief for the site, the planning history of the site, the proposed uses, the relationship to adjacent sites, issues of layout and site planning including density, height, scale and massing of proposed buildings, impact on existing site features and landscaping, traffic impact, other transport considerations and the proposed cycle way/footpath.

## **RELEVANT PLANNING POLICIES**

The site lies within an existing employment area on the Macclesfield Borough Local Plan and policies E3 and E4 of the Local Plan apply. Policy E3 permits B1 office uses with the reason for the policy indicating that Tytherington Business Park is earmarked for high quality development. A Development Brief was also produced for the site and this permits B1 uses. B1 development on this site is therefore acceptable.

The proposal also incorporates a 100 bed hotel. Whilst a hotel on this site would be normally contrary to policy E1 of the Local Plan, which seeks to protect existing employment areas for employment purposes, and contrary to the Development Brief, the applicants are seeking to make this a business hotel with limited provision for leisure or family use. A hotel use has already been accepted at the northern end of the Business Park, allowed on appeal. It is therefore considered to be an acceptable and compatible use on a business park.

## **STRATEGIC IMPACT OF THE DEVELOPMENT**

The current application seeks permission for 25,628 sq m of office floor space. The previous application refused in 2005 sought permission for almost double this amount of office floor space. The scale of that application was considered to be contrary to the North West Regional Spatial Strategy and County Structure Plan due to the size and scale of the development.

This application makes provision for a range of office users offering a variety of different types of accommodation and is considered to be compatible with the objectives of meeting local employment requirements within the overall context of planning policies of restraint. It is concluded there will be no strategic impact from this development.

## **SITE HISTORY**

The Development Brief was approved in 1989 following extensive public consultation. The other parts of the business park have been generally developed in accordance with the principles of the Brief which have been tested at Inquiry by planning inspectors. Development is generally of two and three storeys of office development, although there are some other forms of development which have been considered compatible. The Brief also sets out constraints in terms of visual impact in a design, landscaping and open space section. In particular, the Brief requires that development on the periphery of the site adjoining residential areas should be no more than 2 storeys in height. At the appeal at the adjacent site, the Planning Inspector imposed a height restriction of 11 metres on the higher parts of the site. The Brief also seeks to ensure that buildings are designed in harmony with each other and with the landscape and that the business park is dominated by the landscape within and around it.

The planning history of the site is also a relevant consideration. To date as can be seen from the list of previous applications, outline planning permission was granted in 1999 for a mixed B1, B2 and B8 development. That permission has lapsed as reserved matters were not submitted or approved and a subsequent application to renew the 1999 permission was not proceeded with. An amended outline application of 37300 sqm of office floor space was refused in 2004 and finally the application in 2005 for 48200 sqm was refused. At present there is no planning permission for the site, nor has any detailed scheme ever been approved for the Pool End part of the business park. The Inspector's decision for Phase 2 of the business park, along with the Brief, formed the basis for planning conditions at the Outline stage. In this context, any decision the Council makes in respect of this application will be important in the planning history of the site. Most of the remaining parts of the business park have been granted planning permission to a local developer although not all sites have yet been built on.

## **SITE PLANNING FACTORS**

The relationship to the adjoining parts of the business park and the adjacent residential areas needs to be considered. There are two practical matters which require a link through the adjacent part of the business park. The completion of the spine road through to Phases 1 and 2 of the business park is required in terms of traffic management and highway safety in the area and also to promote public transport alternatives. The road layout submitted does provide for that link to be made but the views of the Highway Authority are awaited. The provision of the landscape buffer at the southern end of the site and the incorporation of the footpath/cycleway within it is also required to comply with the Local Plan proposals map, the Development Brief and to link through to the area already started. These matters are already included in a legal agreement on the site which the applicants are required to provide as subsequent owners of the site. A further relationship with the business park in terms of drainage and the Environment Agency has raised no objections in this regard.

The site also lies close to residential properties, except to the east where it adjoins the business park. It is evident that local residents and groups representing them are very concerned about the relationship between the two.

In principle there is no reason why another developer should comply with the same design principles which have been adopted for the remainder of the business park which has to date been built by Orbit Developments. Any scheme has to comply with prevailing planning policies as set out in the Development Plan, the Development Brief and other planning criteria. That the design and layout is different from the Orbit part of the site is in itself insufficient reason to reject the application.

A number of local concerns have been raised about issues of site layout, site planning and density. In terms of the footprint and development density the proposed footprint is substantially below the maximum set out in the original outline planning permission for the site. The scheme is a substantial reduction in density from the two most recent planning applications. The erection of a larger number of smaller buildings than previous schemes provides the opportunity for a landscape setting to be achieved between the buildings. On this occasion, it is considered that the layout and position of office and hotel building in relation to adjacent properties is an acceptable one by reason of a combination of the distances, opportunities for landscaping and design of the buildings.

## **DESIGN**

The design is a modern one and therefore includes use of modern materials including curtain walling, reconstituted stone, buff brickwork, and white render. The office buildings are numbered A-G and are sited to the rear of the site with the hotel building along the frontage to Manchester Road. The office buildings are predominantly 3 storeys in height at between 10.25 and 13.5 metres with taller buildings away from residential properties. The original outline permission required that any buildings should not exceed 14 metres. The buildings are of modern design with flat roofs and in terms of impact on the character and appearance of the area given the distances to the nearest residential properties, it is considered to be similar to a more traditional two storey building with pitched roof.

The hotel proposal is part 2 storey and part 3 storey. The northern end of the hotel is 32.5 meters from 17 Tytherington Lane. This part of the hotel is below the height limit set in the Development Brief for development adjacent to existing dwellings.

The Conservation and Design Officer raises no objections to the design subject to conditions.

## **LANDSCAPING AND TREE IMPLICATIONS**

Trees identified for removal as part of this application have already been accepted as part of a previously approved application. The mature retained

trees around the periphery of the site are located an acceptable distance from the development blocks and are in accordance with the latest British Standard for trees in relation to construction. The forestry officer raises no objections the application subject to a number of conditions.

The application is accompanied by Landscape Master Plan and Landscape Strategy. The landscape design approach is different to earlier phases of the business park as this scheme promotes a more open parkland character to the site. This approach is considered in principle acceptable. The southern recreation area should be an average of 40 metres and a minimum of 20 metres in width. The proposed recreation area complies with this requirement; it is 55 metres at the widest point and has a greater overall area than previous development proposals for the site. Earth mounds and woodland screen belts are proposed adjacent to the residential boundaries and the cycle way is located well away from these properties. There are 2 proposed links into the business park to enable people to cycle to and from work and to access the Middlewood Way and the wider countryside. Leisure services will require an access for maintenance services off Pool End Road. The cycleway should be constructed for use by maintenance vehicles and be lit in accordance with Leisure Services specification.

The peripheral screen belt and stream channel should be a minimum of 10 metres in width. The channel is generally wider than 10 metres although it is slightly too narrow in the north east corner of the site. Several car parking spaces could be omitted from this area to allow a wider channel. A pond is proposed to the rear of the hotel. This would be an attractive feature and be beneficial for wildlife. Further details about the channel and pond would be required through conditions.

Following concerns expressed by residents at a public meeting arranged by ward members about the loss of two internal hedgerows, the applicants commissioned their nature conservation consultants to prepare a report into the hedgerows. That report has been received and indicates that the hedgerows are species-poor in terms of botanical diversity and do not meet the 1997 Hedgerow Regulations for protection. Borough Council Officers have confirmed this conclusion, but have sought confirmation from other sources used for such matters to confirm whether there is any historical support for their protection. An update on further information received will be given at the Committee meeting.

A soft landscaping requirement of 25% of each individual plot was specified in the outline application. The layout is not divided into plots but rather has an open parkland design and around 65% of the gross site area is soft landscaping. This has been achieved by locating about 2/3s of the car parking underground. The spine road corridor should be an attractive tree lined avenue and the building line should be an average of 20 metres from the road. The average building line is only around 11 metres. However, the frontage is well landscaped, there is very little car parking to the front of the buildings compared with other phases of the business park and the proposed design would create an attractive tree lined frontage. Any increase in the

average building line would push the buildings back towards residential properties which would not be acceptable and the scheme would be incapable of being developed for business purposes. The landscape officer has no objections to the application but has requested additional information and recommends planning conditions and matters to be included in a Section 106 Agreement.

## **NATURE CONSERVATION FEATURES AND IMPLICATIONS**

The application is accompanied by a number of reports concerning ecological issues. Much of the site consists of semi improved grassland which is a local biodiversity action plan priority habitat. Whilst a lack of appropriate management has reduced the diversity of this grassland, appropriate mitigation will be required for the loss which could be achieved through the landscaping scheme. Two small ponds would be lost to the development and in line with the Council's recently adopted Conservation Strategy mitigation would be required on a two for one basis. There are a number of trees located around the periphery of the site which are suitable for bats and detailed mitigation proposals will be required. The site is also of interest to a number of other wildlife matters. No objections are raised by the Nature Conservation Officer subject to detailed measures and planning conditions.

## **HIGHWAY AND TRANSPORT IMPLICATIONS**

The application is accompanied by a Transport Assessment and Draft Travel Plan. The initial appraisal by County Council Highway officers has sought to clarify the methodology used and assumptions made in assessing traffic flows and information. One critical issue is whether and at what stage the spine road is linked through to phases 1 and 2 of the business park the road for which is mostly constructed albeit in the ownership of the developer of those earlier phases. County officers have requested additional information to assist their assessment of points of concern particularly in respect of junction arrangements. It is the Highways' Authority view that the applicant will be able to demonstrate that subject to certain works (notably improvements to the Silk Road / Tytherington Lane roundabout) and the construction of a suitable site access junction, the development will be acceptable in terms of traffic impact.

With regard to the site layout, initial examination of the scheme by County Highways concludes that some amendments are required and the applicant's Transport Consultants have been advised of the changes required. Further consideration of detailed amended plans will be required to ensure that the layout is a safe one in terms of highway safety.

The Travel Plan submitted with the application was not considered to be in line with current best practice guidance and revisions have been requested to address issues of concern. In terms of accessibility and sustainability a series of improvements have been agreed with the developer to improve pedestrian, cycle and public transport access to the site; these will need to be included in a section 106 agreement. With respect to car parking, the applicants propose

895 spaces (30 disabled, 794 for offices and 104 for the hotel, of which 568 would be in an undercroft parking area.) This provision exceeds the adopted maximum parking standards by 63 spaces. The County Council suggest a small reduction in car parking and an increase in disabled parking to comply with national advice. However, having regard to concerns from residents and in order to reduce the likelihood of the need for cars to park on either the spine road or in the adjoining residential areas, it is recommended that the proposed parking provision (which amounts to one space per 32 square metres compared to a standard of one per 30 square metres) be accepted on this occasion.

## **ENVIRONMENTAL FACTORS**

The Environment Agency has no objections in principle to the proposed development but comments that there are flooding problems at the downstream end of the site where the water source enters a culvert. These problems are believed to be caused by a failure of the culvert. The Agency recommend a number of planning conditions. The Highway Authority also recommend a condition requiring further details of surface water storage to be agreed.

## **OTHER MATERIAL PLANNING CONSIDERATIONS**

A number of residents and consultees have expressed concern about the design and layout of the cycle way to the south of the area in terms of security, maintenance and residential amenity. Some of these issues are matters which could be dealt with by a combination of planning conditions and a legal agreement to ensure that the land is vested in the Borough Council's Leisure Services as has been the intention of previous agreements.

## **HEAD OF TERMS**

Travel Plan

Pedestrian/ cycle and public transport infrastructure improvements

Commuted sum and maintenance arrangements for recreational area incorporating footpath/cycleway timescales to be agreed for implementation of recreational area and handover to MBC following an appropriate establishment period

Completion of Spine Road and Middlewood Way footpath/cycleway at an early stage to improve accessibility and car park management within the site

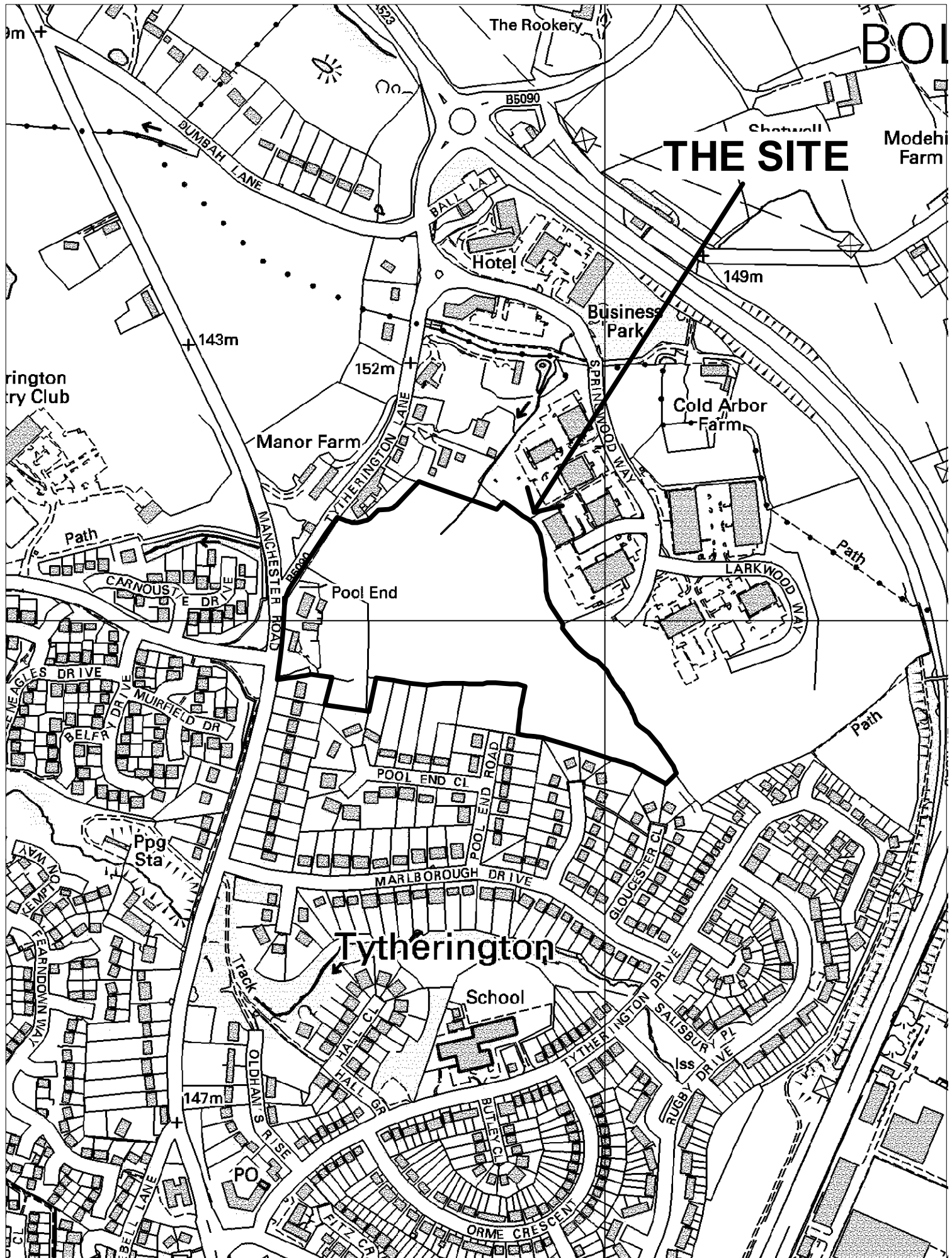
## **CONCLUSION**

This application is for a major development for business use of phase 3 of the Tytherington Business Park. An appraisal of the application by officers concludes that it complies with the requirements of the Local Plan, the Development Brief and previous Outline planning permissions for the site. A recommendation of approval is made.



**SUBJECT TO**

The receipt of further views of the County Highway Authority and the completion of a section 106 agreement.



07/1041P LAND AT TYTHERINGTON BUSINESS PARK MANCHESTER ROAD TYTHERINGTON MACCLESFIELD  
N.G.R. 391,820:376,030

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Scale 1:5000

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A02MC - Air conditioning equipment
4. A03MC - Cooking odour extraction equipment
5. A12MC - No lighting
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A04TR - Tree pruning / felling specification
9. A14TR - Protection of existing hedges
- 10.A01LS - Landscaping - submission of details
- 11.A02LS - Submission of landscaping scheme
- 12.A04LS - Landscaping (implementation)
- 13.A16LS - Submission of landscape management plan
- 14.Biodiversity enhancements including
- 15.Additional ponds
- 16.Breeding birds to be protected
- 17.Site levels to be submitted and approved
- 18.Phasing and timescales for all earthworks and landscape works to be agreed
- 19.Conditions recommended by the Environment Agency
- 20.Conditions recommended by the Highways Authority
- 21.Section 106 Agreement to include Highways' requirements, commuted sum and maintenance for recreation area in accordance with previous planning agreement