

Northern Planning Committee

Agenda

Date: Wednesday, 6th March, 2013
Time: 2.00 pm
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 3 - 6)

To approve the Minutes of the meeting held on 13 February 2013 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **WITHDRAWN-13/0148M-The proposed development comprises of 8 No. family dwellings, to replace a large family house and associated outhouses, The Grange, South Park Drive, Poynton, Stockport for Mike Kennedy, Hillcrest Homes Ltd (Pages 7 - 22)**

To consider the above application.

6. **12/4757M-Conversion of Barn A into childrens day nursery (Use Class D1), Woodside Poultry farm, Grotto Lane, Over Peover, Knutsford for Dean Johnson Farms Limited (Pages 23 - 34)**

To consider the above application.

7. **WITHDRAWN FROM THE AGENDA-12/4652M-Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking, Land off, Earl Road, Handforth for Next Plc (Pages 35 - 46)**

To consider the above application.

NORTHERN PLANNING COMMITTEE – 6 MARCH 2013**UPDATE TO AGENDA**

APPLICATION NO: 12/4757M

LOCATION Woodside Poultry Farm, Grotto Lane, Over Peover

UPDATE PREPARED 5 March 2013

APPLICANTS SUBMISSION

Updated tree information has been submitted in accordance with BS5837: Trees in relation to Design, Demolition, Construction (2012).

Additionally a draft Unilateral Undertaking has been submitted which addresses the ecological impacts of the proposal and is in line with what was accepted by the Inspector when dealing with the appeal in relation to 10/3506M.

OFFICER APPRAISAL

The updated tree information has been considered by the Council's tree officer and is acceptable.

The draft Unilateral Undertaking has been considered by the Council's Nature Conservation Officer who has confirmed that the contents are acceptable. However, should the application be approved, the content of the unilateral undertaking would also need to be considered by the Council's legal department, and any changes made as necessary prior to a decision being issued.

CONCLUSION

The original recommendation of APPROVAL remains. However, the original report states that the recommendation is subject to a Section 106 Agreement. This should read *Approve subject to a unilateral undertaking and the following conditions*. A unilateral undertaking rather than a s106 agreement is considered appropriate in this instance given that the terms of the unilateral undertaking will largely replicate those previously accepted at appeal.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 13th February, 2013 at The Capesthorpe Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, H Gaddum,
A Harewood, O Hunter, J Macrae, D Mahon, D Neilson, D Stockton and
G Boston

OFFICERS IN ATTENDANCE

Miss J Adeniran (Planning Solicitor), Mr P Hooley (Northern Area Manager),
Mr N Jones (Principal Development Officer), Miss L Thompson (Planning
Officer) and Mr H Roscoe (Environmental Health Officer)

104 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs L Jeuda and P
Raynes.

Councillor G Boston acted as a Substitute for Councillor Mrs L Jeuda.

105 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor Mrs O Hunter declared a non pecuniary interest in respect of
application 12/4108M by virtue of the fact that she owned a garage to the
rear of the development site. As Ward Councillor she exercised her right
to speak and then left the meeting prior to any further discussions.

In the interest of openness all Councillors declared that in respect of
application 12/4532M they had received correspondence from Savills.

106 **MINUTES OF THE MEETING**

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman subject to it being noted that any future minutes refer to an
adjournment as a short break rather than specifying the time the meeting
was adjourned and then reconvened.

107 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

108 **12/4108M-REPLACEMENT DWELLING HOUSE, 43A,
MOBBERLEY ROAD, KNUTSFORD, CHESHIRE FOR MR STEVE
KILGOUR**

Consideration was given to the above application.

(Councillor Mrs O Hunter, the Ward Councillor, Elizabeth Rylands, an objector and Mr Kilgour, the applicant attended the meeting and spoke in respect of the application. In addition the Northern Area Manager read out a statement on behalf of the Ward Councillor, Councillor P Raynes. Councillor Mrs O Hunter requested that it be noted she had also called in the application).

(Councillor Mrs O Hunter left the meeting after she had spoken and did not return).

RESOLVED

That the application be refused for the following reason:-

A lack of parking provision leading to on street parking and the detrimental impact on the local highway network. In addition it was considered that there was no lawfully established residential use on the site and therefore no fallback position to justify a lack of parking provision.

(This decision was contrary to the Officers recommendation of approval).

109 **12/4532M-REMOVAL OF CONDITION 5 (SERVICING PLAN), 6
(FILMS/TRANSFERS) AND 7(RENEWABLE ENERGY MEASURES) ON
PLANNING APPLICATION 12/2073C - CHANGE OF USE OF GROUND
AND FIRST FLOORS OF NO. 36 CASTLE STREET FROM OFFICE
(CLASS B1) TO RETAIL (CLASS A1), INTERNAL SUBDIVISION AND
ALTERATIONS TOGETHER WITH THE DEMOLITION OF RETAIL
UNITS NOS 22, 24 AND 26 CASTLE STREET AND NOS 25, 25B, 25C
CASTLE STREET MALL TO FACILITATE THE DEVELOPMENT OF A
TWO STOREY BUILDING TO ADJOIN NO.36 CASTLE STREET FOR
THE PROVI**

Consideration was given to the above application.

(Meryl Lewis attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons in the report and in the update report to Committee the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. The shopfront windows must be used for display purposes and the window glass of the shopfront shall not be painted or otherwise obscured
6. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
7. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
8. Drainage details to be submitted to and approved in writing by the Local Planning Authority

(The meeting adjourned for a short break. Councillor B Livesley left the meeting and did not return).

110 **12/4544M-RETROSPECTIVE CHANGE OF USE OF EXISTING BUILDING FROM B8 TO PROVIDE A COMBINED B2 & B8 USE, UNIT 8, STAR BUSINESS PARK, CONGLETON ROAD, NORTH RODE FOR MRS NIKKI TAYLOR, JOHN TAYLOR ENGINEERING SERVICES LTD**

Consideration was given to the above application.

(Nikki Taylor, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to Development Management and Building Control Officer in consultation with the Chairman and Ward Councillor to approve subject to conditions (including agreed mitigation scheme for noise impact and restriction on hours of operation).

(This decision was contrary to the Officers recommendation of refusal).

(Prior to consideration of the following application, Councillor Mrs A Harewood left the meeting and did not return).

111 **12/4295M-JOINT AUTHORITY APPLICATION WITH CHESHIRE WEST - NEW GLASSHOUSE, LES HALMAN NURSERIES, PARKSIDE FARM, CROWN LANE, LOWER PEOVER, KNUTSFORD FOR MR L HALMAN**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report the application be refused for the following reason:-

1.R04MS - Insufficient information

112 **AMENDMENTS TO S106 LEGAL AGREEMENTS FOR AFFORDABLE HOUSING**

The Committee considered a report regarding the proposed delegation of amendments to legal agreements considered by Area Committees in respect of affordable housing tenure.

Applications subject to legal agreements involving the provision of affordable housing had increasingly been brought back to Committee with requests for changes to the affordable housing tenure, causing a delay in the decision-making process. The proposed delegation would allow negotiations in respect of legal agreements to progress to signing, enabling development works to commence in a timely fashion and assisting in delivering the 5 year housing land supply for the Borough.

RESOLVED

That Authority be delegated to the Development Management and Building Control Manager, in consultation with firstly the Chairman of the Area Planning Committee (depending on which Committee passed the original resolution to approve) and the relevant Ward Councillor and secondly with the Strategic Housing and Development Manager to amend, where necessary any resolution relating to the provision of affordable housing to allow for variations between social rented tenures and between the various types of intermediate tenure such as shared ownership, shared equity and discount for sale instead of the original resolution.

Such a delegation to pertain until such time as a new local plan is adopted. For the avoidance of doubt this delegation does not extend to variation from rented (social or affordable) to intermediate tenure or vice versa.

The meeting commenced at 2.00 pm and concluded at 5.20 pm

Councillor R West (Chairman)

Application No: 13/0148M

Location: THE GRANGE, SOUTH PARK DRIVE, POYNTON, STOCKPORT, CHESHIRE, SK12 1BS

Proposal: The proposed development comprises of 8 No. family dwellings, to replace a large family house and associated outhouses.

Applicant: Mike Kennedy, Hillcrest Homes Ltd.

Expiry Date: 14-Mar-2013

Date Report Prepared: 22 February 2013

SUMMARY RECOMMENDATION

Approve subject to conditions and a S106 legal agreement

MAIN ISSUES

- The impact on the low density housing area
- The impact on the amenity of nearby residential occupiers
- The impact on existing trees and landscaping on and adjacent to the site
- Access and parking arrangements
- The impact on nature conservation interests

REASON FOR REPORT

This application has been called into Committee by the local ward Member Cllr Saunders for the following reasons:

- Breach of low density housing policy H12
- Loss of trees, some of which are covered by Tree Preservation Orders (TPO's)
- Threat to continued well being of trees, some of which are covered by TPO's
- Contrary to interests of nature conservation
- Negative impact on the character of the area
- Potential for noise and other forms of pollution

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the south of South Park Drive in Poynton. Vehicular access is taken from South Park Drive. It presently contains a large, detached dwelling and various ancillary outbuildings set within a site area of 2.79 hectares. A large lake is located to the rear

of the dwelling. Existing residential properties are located to the east, south and west of the site with Poynton Park to the north. Princes Incline, a public right of way and an area of protected woodland is also located to the south of the site. The site contains a large number of mature trees and mature landscaping, some of which are protected by a TPO.

The site is allocated as a predominantly residential area and a low density housing area on the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Planning permission is sought for the demolition of the existing buildings on the site and the erection of 8 detached dwellings. A single, amended access point to be shared by the dwellings would be formed off South Park Drive.

RELEVANT HISTORY

11/3085M - The demolition of a detached dwelling and associated buildings and the erection of 10 dwellings. Withdrawn 06.10.11.

05/2011P - SINGLE STOREY SIDE LINK EXTENSION TO FORM HOBBY ROOM, SINGLE STOREY REAR EXTENSION AND CANOPY OVER SIDE ENTRANCE. Approved 04.10.05.

72478P - ERECTION OF BUILDING FOR GARAGING OF VINTAGE/CLASSIC CARS AND STORAGE OF GARDEN MAINTENANCE AND POND MAINTENANCE EQUIPMENT. Approved 21.12.92.

51952P - PORCH CONSERVATORY FACILITIES FOR SWIMMING POOL AND EXTENSION TO WORKSHOP. Approved 25.02.88.

Additionally, 2 formal pre application enquiries have been submitted in respect of the proposals.

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Make the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM5 Integrated Water Management
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
H2 Environmental Quality in Housing Developments
H5 Windfall Housing Sites
H12 Low Density Housing Areas
H13 Protecting Residential Areas
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping Scheme
DC9 Tree Protection
DC38 Space, Light and Privacy
DC40 Children's Play Provision and Amenity Space

Other Material Considerations

The National Planning Policy Framework.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Poynton Supplementary Planning Document.

Macclesfield Borough Council SPG on S106 agreements.

CONSULTATIONS (External to Planning)

Highways: no objections. The proposed access and parking arrangements are considered to be acceptable.

Environmental Health: no objections subject to the imposition of conditions regarding noise, hours of construction, pile driving, dust control and contaminated land.

Housing: the size of the site area at over 0.4 hectares triggers a requirement for affordable housing to be provided. Due to the nature of the dwellings proposed, they are not considered suitable for affordable housing and as such in this case a commuted sum in lieu of on site provision would be acceptable.

Leisure: the size of the site area at over 0.4 hectares triggers a requirement for the provision of Public Open Space and Recreation/Outdoor sports facilities. In the absence of provision on site, a commuted sum is required.

Environment Agency: no objections subject to the imposition of conditions regarding surface water run off and overland flow of surface water.

Manchester Airport: no safeguarding objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Poynton Town Council: recommend refusal on the following grounds:

- Breach of policy H12
- Loss of and threat to protected trees
- Threat to habitat of protected species
- Loss of privacy on the basis of overlooking, the development is several feet higher than surrounding properties
- Cramped development
- Development unneighbourly
- Impact on the character of the area
- Would like archaeology service to be consulted to assess the impact on the lake, a 200 year old feature

OTHER REPRESENTATIONS

To date, 8 representations have been received in relation to the application objecting to the proposal. Copies of the representations can be viewed on the application file. The main points of concern raised are listed below:

- Adverse impact on the residential amenity of nearby residents
- Adverse impact on the low density housing area
- Contrary to policies contained in the Local Plan
- Concern about use of motorised boats and jet skis on the lake
- Overdevelopment of the plot
- Breach of established building line along South Park Drive
- Loss of area of greenspace
- Noise generation from increased number of dwellings and associated traffic
- Impact of access road on existing yew hedge adjacent to Tower Gardens
- No account taken of tree protection zones
- Proposal will unduly impact on the ecology of the site
- Concern about narrowness of access road, lack of passing places, driveway lengths and parking spaces
- No street lighting proposed, if it was concern about impact of this
- Potential to pollute Poynton Pool as lake is a feeder pool
- Concern about opening up of the footpath around the site
- Increased congestion
- Impact on off site trees
- Do not consider that space available for adequate planting to mitigate the impact of the development
- Would set a precedent for infilling other gardens in the area

- No pavement along the access road
- No objection in principle but feel that 8 houses is too many
- Existing high standard of privacy not maintained
- Proposal likely to increase crime as access road gives access to the rear of properties
- Ecological report out of date and does not relate to the proposed development
- Submitted documents difficult to assimilate and do not contain measurements
- Supporting documents give misleading information
- Existing house has some historical value and this should be explored

In light of the fact that amended plans have been received, local residents have been given a further 7 days to comment on the amended plans. Any additional comments received will be reported directly to Members.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Planning Statement
- Design & Access Statement
- Ecology Report
- Bat Report
- Tree Report
- Flood Risk Assessment
- Draft Heads of Terms

Full copies of these documents can be viewed on the application file.

OFFICER APPRAISAL

Principle of Development

The site is located within a low density housing area within predominantly residential area. As such the principle of new housing can be acceptable subject to compliance with relevant policies and in particular, Local Plan policy H12 which relates to low density housing areas.

Low Density Housing Area

Local Plan policy H12 states that within low density housing areas, new housing development will not normally be permitted unless the following criteria are met:

- The proposal should be sympathetic to the character of the established residential area, particularly taking account of the physical scale and form of new houses and vehicular access
- The plot width and space between the sides of housing should be commensurate with the surrounding area
- The existing low density should not be exceeded in any particular area
- Existing high standards of space, light and privacy should be maintained
- Existing tree and ground cover of public amenity value should be retained

In addition, in respect of Poynton Park, along South Park Drive the existing frontage building line should be maintained. Within this particular low density housing area, there is no specific requirement for minimum plot sizes.

It is important to understand the degree of consistency of this policy with the Framework so that the appropriate weight can be attached to it in reaching a decision. One of the core planning principles set out in paragraph 17 of the Framework is that policies and decisions should take account of the different roles and character of different areas. Policy H12 is considered to be in conformity with this objective in terms of protecting the qualities of low density housing areas. Bullet point 3, which requires that the existing low density should not be exceeded in any particular area is not a policy that is directly supported in the Framework. Where it can be demonstrated that a higher density would harm the distinctive character of an area then it is considered that this could be given more weight.

Each of the above criteria will be considered in turn.

Impact on character of the area

Generally speaking, the site is well screened from public vantage points, with an extensive landscape belt located along the front boundary of the site adjacent to South Park Drive. It appears that the majority of this screening would be retained as part of this proposal. Glimpses of the dwellings are likely to be obtained from Waters Reach, South Park Drive and Millers Close.

One vehicular access point is to be maintained off South Park Drive to serve all of the proposed dwellings. This would be located further east along South Park Drive and subject to detail, it is not considered that the re-located access would have a detrimental impact on the character of the area. With regard to the proposed houses, these would all be detached and relatively large with 5 different designs proposed. All of the house types are two storey, contemporary dwellings to be constructed from a mixture of painted render, timber panels, slate and timber/powder coated aluminium windows and doors. The surrounding area is characterised by a mixture of dwelling sizes and types and as such no objections are raised to the design and scale of the dwellings proposed as it is not considered that they would have a detrimental impact on the character of the area.

Plot widths and space between sides of housing

Again, as with house types, there is a variety of plot widths and space between the sides of houses within the low density housing area. The smallest plot width proposed is 24m, with the smallest gap between the sides of the houses proposed being 7.5m. These are considered to be commensurate with the surrounding area.

Existing low density

The site would be developed at less than 4 dwellings per hectare, which is a very low density. However, this includes the lake. Excluding the lake and considering the developable area of the site, the development would be at 7.4 dwellings per hectare. This is comparable to other existing housing densities within the low density housing area.

Figures supplied on behalf of the applicant's state that the existing density for the low density housing area is 6.16 dwellings per hectare and that this would increase to 6.27 dwellings per hectare were permission granted for the 8 dwellings proposed. Whilst it is acknowledged that there would be an increase in density, this is considered to be marginal and would not result in any harm to the character of the low density housing area.

Existing standards of space, light and privacy

The assessment of space, light and privacy between the proposed houses and existing residential properties will be considered under the amenity section of the report.

Existing tree and ground cover

The impact of the proposal on existing tree and ground cover will be considered under the trees and landscaping section of the report.

With regard to the frontage building line, as originally submitted, Plots 1 & 2 were forward of the nearest existing properties at Wenning and Mere House. Whilst it is considered that the dwellings would not necessarily need to be in line with these properties given the position of properties to the north east of the site along South Park Drive, it was considered that the position of Plots 1 & 2 needed to be amended to move them slightly further back within the site. An amended plan has now been received which moves the position of Plot 1 back by 2.8m and Plot 2 by 2m. The revised positions are considered to be acceptable and compliant with H12.

To conclude on the low density housing area, subject to sufficient space, light and privacy being maintained between dwellings and subject to the retention of tree and ground cover of amenity value, it is not considered that the proposal would result in a breach of Local Plan policy H12. This is due to the fact that the impact of the proposal on the character and appearance of the area would be acceptable.

Amenity

As discussed, Local Plan policy H12 requires existing high standards of space, light and privacy to be maintained. Additionally Local Plan policies DC3, DC38 and H13 seek to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

Concerns have been expressed by residents of Mere House, Lake House, 6 Millstone Close, Tower Gardens and Wenning about the direct impact of the development on their properties with other local residents expressing more general concerns regarding the impact of the proposal on amenity. All of these properties would have new houses located to the rear or side. Additionally 11 Millstone Close would have a dwelling to the rear. The impact on each of these properties will be considered in turn.

With regard to Lake House, this property is set at a slightly lower level than the application site and has principal windows to habitable rooms located on the rear elevation facing

towards the site. An existing outbuilding to the Grange is located to the rear of Lake House, within close proximity of the boundary. The proposed Plot 7 would be located to the rear of Lake House, with the bulk of the new house being offset from the rear elevation and the attached garage being located immediately to the rear of Lake House. The distance between the rear elevation of Lake House and the garage would be between 21.5m and 22.5m, well in excess of the requirements of policy DC38. Whilst the front elevation of the Plot 7 would be visible from the rear elevation of Lake House, it would not contain any habitable room windows. As such it is not considered that there would be any loss of privacy to Lake House as a result of the proposal. Similarly, whilst the proposed house would be higher than the existing outbuilding, it would be further away from Lake House. It is not therefore considered that it would have an overbearing impact on Lake House. Whilst the access road to Plot 7 would be located immediately to the rear of the boundary, it would only serve one dwelling and a turning head and as such it is not considered that the comings and goings associated with the road would cause significant noise and disturbance to the residents of Lake House.

The relationship between proposed Plots 7 & 8 and Wenning to the west is also considered to be acceptable as the distance between the proposed dwellings and the eastern elevation of Wenning is well in excess of what is required by policy DC38. Plot 1 would be located to the north east of Wenning and has a first floor balcony on the rear elevation located within 7.5m of the boundary with Wenning. However it is not considered that the balcony would result in an unacceptable level of overlooking and loss of privacy to Wenning given existing screening along the side boundary between the properties.

With regard to Mere House, the nearest dwellings to this property would be Plots 3 & 4. However, given the distances between and relative positions of these dwellings, it is not considered that there would be any significant loss of amenity to the occupiers of Mere House.

The south western elevation of Tower Gardens faces towards proposed Plots 4 & 5 with Plot 3 located adjacent to the access road to Tower Gardens. However, the only principal windows to habitable rooms located within this elevation are bedroom windows located a distance of 29m from the nearest point of the dwelling at Plot 4. This is well in excess of the requirements of policy DC38. Whilst the front elevations of Plots 4 & 5 will be visible from the rear elevation and garden of Tower Gardens, the front elevations will not contain any habitable room windows and as such it is not considered that any loss of privacy or overlooking would occur. Additionally it is not considered that the new dwellings would be overbearing to Tower Gardens given the separation distances proposed. With regard to the proximity of the access road to the garden boundary of Tower Gardens, it is not considered that the comings and goings associated with access to three properties (Plots 4, 5 & 6) would cause a significant amount of noise and disturbance to the occupier of Tower Gardens. Similarly it is not considered that any lights from vehicles using the access road at night would cause issues of amenity given that they would be low level and given existing and proposed boundary screening between the two sites.

The rear elevation of 6 Millstone Close faces towards the application site and appears to contain a number of habitable room windows at ground and first floor. It is located at an angle to and faces towards proposed Plot 5, with a minimum distance of 31.5m between the two properties. The side elevation of Plot 6 would be located to the south west of 6 Millstone Close. However, this elevation would not contain any habitable room windows. It is not

therefore considered that the proposal would result in a loss of privacy to 6 Millstone Close. As with Tower Gardens, it is not considered that the comings and goings associated with the access road or lights from vehicles would result in an adverse impact on the amenity of this property.

Plot 6 would be located to the rear of 11 Millstone Close. The rear elevation of 11 Millstone Close appears to contain habitable room windows, however these are positioned at an angle to the front elevation of Plot 6. Additionally the front elevation of Plot 6 would not contain any habitable room windows. As such given the distances involved and given existing and proposed boundary treatment, it is not considered that there would be any significant adverse impact on the amenity of the occupiers of 11 Millstone Close.

The relationship between the proposed houses is considered to be acceptable.

Trees and Landscaping

A Tree Report was submitted with the application together with a number of tree constraint plans. Additionally an indicative landscaping scheme has been submitted during the course of the application. The Council's tree officer and landscape officer have been consulted on the application.

The tree officer notes that the development proposals require the removal of 14 individual trees (7 due to condition), 5 tree groups, 7 hedges and 8 shrub areas. However, whilst a significant number of trees, shrubs and hedges require removal to facilitate the proposed development, only 1 tree is considered to be a category A species and none of the trees to be removed form part of the existing TPO.

On balance the tree officer is comfortable that the development can be implemented without having a detrimental or negative impact on the retained individual specimen trees or the wider woodland aspect. The loss of the single category A tree can be mitigated by a suitable specimen landscape scheme and woodland management plan with the retained trees and hedges protected in accordance with current best practice. A number of tree related conditions are proposed.

With regard to landscape impact, the Council's landscape officer raises no objections to the proposal subject to appropriate conditions regarding landscaping, boundary treatments, tree retention and woodland management. It is not considered that the submitted landscape scheme is sufficiently detailed and can only therefore be treated as indicative.

Highways

A new site access is proposed off South Park Drive and more than 200% parking provision is proposed for each of the dwellings, with each dwelling having an attached double garage together with in curtilage parking provision. The site layout plan was amended during the course of the application as some of the driveway lengths as originally submitted were not long enough for a standard car length.

The Strategic Highways and Transportation manager has been consulted on the application and raises no objections to the proposal noting that adequate visibility will be provided at the

site entrance. As the intention is for the site access to be gated, it would not be adopted except for the access point itself. It is not clear whether the proposed turning heads would be large enough to accommodate refuse vehicles and the road width of the internal access roads seems narrow. However as the development will remain private and given that the access is designed to a good standard, no highways objections are raised.

The comments made in representation regarding highways matters have been noted and considered. However, for the reasons outlined above, no highways objections are raised to the proposal.

Ecology

An ecological survey and a bat report have been submitted in support of the application and the Council's Nature Conservation Officer has been consulted.

The ecological survey concludes that there would be no adverse impact on protected species as a result of the development. However the survey appears to relate to the previously withdrawn scheme. As there have been changes to the proposed layout meaning that on the eastern part of the site development is located further towards the woodland, it is considered that the ecological information needs to be updated to reflect the current layout. An updated report has been requested, the contents of which will be reported to Members either in an update report or at Committee.

A number of representations received have expressed concern regarding the impact of the proposal on protected species. The initial view of the Council's Nature Conservation is that there are unlikely to be any significant ecological issues associated with the proposed development. A number of conditions were suggested regarding breeding birds and roosting bats. However, in light of the comments received in representation and of the fact that updated ecological information has been requested, any further comments received from the Nature Conservation Officer will be reported directly to Members either in an update report or at committee.

Housing

As the application site area exceeds 0.4 hectares, in line with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for affordable housing to be provided in association with the development. In this case given the scale and nature of the dwellings proposed, it is considered more appropriate for a commuted sum to be provided in lieu of on site provision. The Housing department has advised that a figure of £280,107 is required. This is based on the number of dwellings being proposed, their estimated market value and the cost of providing a two 2 bedroom dwellings off site.

The applicant has been advised of the requirement for the commuted sum and the amount that is being sought. This matter would be addressed by a unilateral undertaking/S106 legal agreement should permission be granted.

Whilst normally provision of affordable housing would be sought on site, regard should be had low density housing policies that apply to the site. To comply with policy H12 of the Local Plan, the developer is required to meet higher standards in terms of the low density housing

provided. Insisting on affordable housing provision on site would conflict with these objectives and would require a higher density of housing to be provided when considering redevelopment in low density housing areas.

Public Open Space and Recreation/Outdoor Sport Provision

Due to the size of the site area there is also a requirement for public open space and recreation/outdoor sports provision in association with the development. As no provision is proposed on site, a commuted sum of £28,000 is required. The commuted sum would be used for the nearby Poynton Pool/Park and Princes Incline.

The applicant has been advised of the requirement for the commuted sum and the amount that is being sought. This matter would be addressed by a unilateral undertaking/S106 legal agreement should permission be granted.

Design

As stated, the proposed dwellings are contemporary in style and would be constructed from a mixture of painted render, timber panels, glass and timber/powder coated aluminium doors and windows. Given the nature and location of the site and given the mixture of property types and styles in the locality, no objections are raised to the design proposed.

Archaeology

The Town Council raised a query regarding the archaeological potential of the site and the impact of the development on the lake. The Council's Archaeology Service has been consulted on the application. Whilst it is acknowledged that the lake lies approximately 170m to the south west of the site of the former Poynton Hall, given the distance of the lake from the hall, the lack of any structures within the development on the earliest available mapping, and the extent of disturbance from previous development, it is not considered that the proposal would have any archaeological implications.

Flooding/Drainage

A Flood Risk Assessment was submitted with the application and the Environment Agency was consulted.

No objections are raised by the Environment Agency subject to the imposition of conditions regarding surface water run off and flood risk management.

Other Matters

With regard to other issues raised in objection, the applicant's have confirmed that the site would not be opened up to the public but that the land to the rear of the dwellings and the lake would be for the use of occupiers of the development only. It is proposed that a woodland management company be set up with each dwelling signing up to this to ensure the future maintenance of the woodland and communal areas. Additionally it is not proposed to use the lake for motorised boats or jet skis etc and the applicants would be willing to accept a planning condition to restrict the use of the lake. It is not considered that the development

would set a precedent for the infilling of other gardens in the area as each case would be assessed on its merits. Similarly it is not considered that the proposal would result in an increase in crime as the proposal is for a private development which would if anything, provide more surveillance of the area. The existing house is not listed or locally listed and as such, there are no objections in principle to its demolition.

It is understood that there is concern that the applicant's had previously been advised by the Planning department that no more than 4 or 5 houses would be acceptable on the site. It appears that this number of dwellings was suggested to the applicants by the Planning Officer who dealt with the withdrawn application (11/3085M). However, subsequent to that, the applicants have engaged in formal pre application discussions with the Council, with two formal pre application responses being issued. The most recent letter accepted the principle of 8 dwellings on the site subject to site planning issues being resolved. Whilst pre application response letters are not formal determinations on applications, they are material considerations to be given weight in the determination of subsequent applications.

SUBJECT TO

- The submission of a unilateral undertaking//S106 legal agreement to provide commuted sums for the off site provision of affordable housing (£280,107) and for off site public open space and outdoor sport/recreation facilities (£28,000)
- The submission of an updated ecological survey which demonstrates that the impact of the proposal on protected species is acceptable
- No further representations being received in relation to the amended plans raising issues that have not already been considered or which could not be adequately dealt with by condition

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the demolition of the existing dwelling and associated outbuildings and the erection of 8 detached dwellings is acceptable and would not be harmful to either the character of the low density housing area or the amenity of nearby residential occupiers. The access and parking arrangements are acceptable. Whilst the proposal would result in the loss of a number of trees and existing landscaping on the site, on balance it is considered that the proposed development can be implemented without having a detrimental effect on retained individual specimen trees or the wider woodland aspect. Subject to the receipt of an updated ecological report that demonstrates no adverse impact on protected species, there are no ecological objections to the proposal. Whilst the comments of Poynton Town Council and of local residents have been carefully considered, for the reasons outlined within the report, the proposal is considered to be acceptable.

The application is therefore recommended for approval.

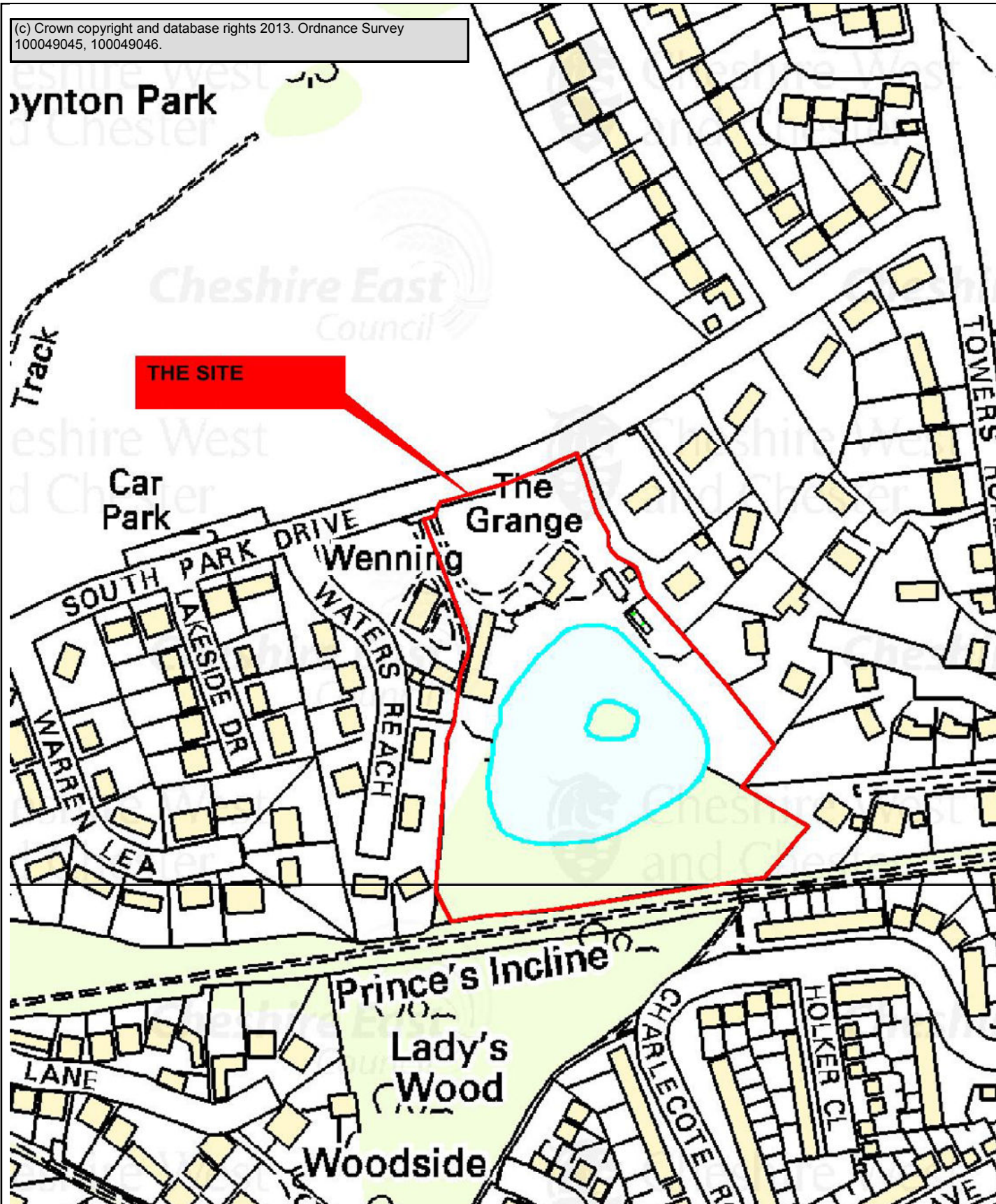
Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01GR - Removal of permitted development rights
5. A22GR - Protection from noise during construction (hours of construction)
6. A23GR - Pile Driving
7. A02HA - Construction of access
8. A32HA - Submission of construction method statement
9. A06HP - Use of garage / carport
10. A01LS - Landscaping - submission of details
11. A04LS - Landscaping (implementation)
12. A12LS - Landscaping to include details of boundary treatment
13. A16LS - Submission of landscape/woodland management plan
14. A17MC - Decontamination of land
15. A23MC - Details of ground levels to be submitted
16. A01TR - Tree retention
17. A02TR - Tree protection
18. A03TR - Construction specification/method statement
19. A04TR - Tree pruning / felling specification
20. A07TR - Service / drainage layout
21. A14TR - Protection of existing hedges
22. A06NC - Protection for breeding birds
23. Scheme to limit surface water run off to be submitted and agreed
24. Scheme to manage risk of flooding to be submitted and agreed
25. Scheme to minimise dust emissions to be submitted and agreed
26. No use of motorised equipment on the lake
27. Details of entrance gates and associated walls and fencing to be submitted and agreed
28. Details of proposals for incorporation of features suitable for breeding birds to be submitted and agreed



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Application No: 12/4757M

Location: WOODSIDE POULTRY FARM, GROTTA LANE, OVER PEOVER, KNUTSFORD, WA16 8TN

Proposal: Conversion of Barn A into childrens day nursery (Use Class D1)

Applicant: Dean Johnson Farms Limited

Expiry Date: 18-Mar-2013

Date Report Prepared: 22 February 2013

SUMMARY RECOMMENDATION

Approve subject to conditions and a unilateral undertaking

MAIN ISSUES

- Impact on the Green Belt
- Impact on the amenity of existing and future residents
- Access and parking arrangements and whether the site is in a sustainable location
- Impact on protected species
- Impact on trees and landscaping

REASON FOR REPORT

This is an application for a major development and as such under the Council's terms of delegation is required to be determined by Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing former poultry shed constructed from a mixture of block walls and cladding. The existing building has a floor area of 849m² and has external dimensions of 36.2m long x 11.5m wide. It has an eaves height of 4.6m and a ridge height of 6.4m (with a smaller section where the eaves height is 5.8m). The building is set back from Grotto Lane by approximately 13m. There is an existing area of tarmac to the front of the building with grassed areas to the side and rear. The site forms part of a larger site which contains other buildings that were associated with the poultry farm. The site contains a number of existing trees along the south western and south eastern boundary, with open fields located to the south and open fields and a residential garden area located to the north east.

DETAILS OF PROPOSAL

Planning permission is sought for the conversion of the building into a children's day nursery (Use Class D1) for up to 50 children. The aim of the proposed nursery is to launch a private day nursery providing flexible childcare for 0 to 5 year olds. The objective is to target families working at the nearby Radbroke Hall.

The core opening hours of the nursery would be from 7:30 to 6pm Monday to Friday. It is not however, the intention that all children will be at the nursery from 7:30 to 6pm. The nursery will offer a number of different sessions meaning that drop offs and pick-ups will be staggered throughout the day.

The design of the conversion is not materially different to the approved office scheme (10/3506M). The location of all openings would remain as approved. Externally, the car park is located in the same position as the approved car park. The only change to the car park layout is to improve vehicle circulation. It would provide 30 spaces for use solely by the proposed nursery. A secure play area would be provided immediately to the south of the nursery. This would be defined by 1m high park railings.

RELEVANT HISTORY

The site has an extensive planning history, the most relevant of which is outlined below.

12/2665M - Application for a Certificate of Existing Lawful Use for The Partial Demolition and Change of Use of the Existing Buildings to B1 Offices would be Lawful in Accordance with Planning Permission 04/2630P as the Access was Constructed before the Permission Expired on 28 July 2011. Not yet determined.

10/3506M – CONVERSION OF BARN A INTO OFFICES (USE CLASS B1) TOGETHER WITH ASSOCIATED PARKING. Allowed on appeal 07.09.11.

10/0346M - ERECTION OF 15 NO. AFFORDABLE HOUSES. Approved 24.06.11.

04/2630P - PART DEMOLITION AND CHANGE OF USE OF EXISTING BUILDINGS TO OFFICES (B1). CREATION OF 56 CAR PARK SPACES (RESUBMISSION 03/2630P). Allowed on appeal 28.07.06.

POLICIES

Regional Spatial Strategy

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP3 Promote Sustainable Economic Growth
- DP4 Make Best Use of Existing Resources and Infrastructure
- DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- DP7 Promote Environmental Quality#
- RDF4 Green Belts
- W1 Strengthening the Regional Economy

L1 Health, Sport, Recreation and Education Services Provision
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM18 Decentralised Energy Supply

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
GC8 Reuse of Buildings
T2 Integrated Transport Policy
T3 Integrated Transport Policy
T4 Integrated Transport Policy
T5 Integrated Transport Policy
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC13 Noise
DC38 Space, Light & Privacy
DC45 Playgroups and Nurseries

Other Material Considerations

National Planning policy Framework.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the weight to be given). It is considered that all of the local plan policies listed above are consistent with the NPPF and should be given full weight.

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development.

Over Peover SPD.

CONSULTATIONS (External to Planning)

Highways: no objections.

Environmental Health: initially raised concerns regarding the proposal having regard to the potential noise impact of the development. Further information was subsequently provided by the applicants in respect of noise and the operation of the nursery and subject to the imposition of appropriate conditions, no objections are raised by Environmental Health.

Building Control: no objections as whilst it is considered that the proposals involve major or complete reconstruction of many areas of the building, the proposed alterations of the present scheme have a similarity to those shown on the proposal that was allowed on appeal (04/2630P). Building Control made similar comments about the amount of reconstruction at the time of the appeal but the Planning Inspector considered that the appeal proposal did not involve major or complete reconstruction.

Jodrell Bank: no objection subject to the incorporation of appropriate materials to limit electromagnetic interference.

Leisure Services: no comments received to date.

VIEWS OF THE PARISH / TOWN COUNCIL

Over Peover Parish Council: The council are concerned over the amount of traffic this proposed development would generate on top of the proposed residential traffic movement. Multi session care will lead to multi child use and increase the number of pickups and drop offs to the site.

OTHER REPRESENTATIONS

To date, one letter of objection has been received on behalf of 8 local residents. A full copy of the letter is available to view on the application file with the main points of objection raised listed below:

- Inappropriate development in the Green Belt
- Adverse impact on the openness of the Green Belt
- No very special circumstances to outweigh the harm to the Green Belt
- Adverse impact on the amenity of existing and future neighbouring dwellings

APPLICANT'S SUPPORTING INFORMATION

A number of documents have been submitted in support of the application and be viewed on the application file.

- Planning, Design & Access Statement
- Highways Statement
- Structural Inspection Report
- Phase 1 Habitat and Bat Survey Report
- Habitat Management Plan
- Arboricultural Report
- Contaminated Land Report
- Survey of Radbroke Hall staff

OFFICER APPRAISAL

Principle of Development

The principle of the re-use of existing buildings in the Green Belt can be acceptable provided that the requirements of paragraph 90 of the NPPF are met together with the requirements of Local Plan policy GC8. In this case the principle of the reuse of this building for offices has recently been accepted on appeal in relation to application 10/3506M.

Green Belt

Paragraph 90 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in the Green Belt and includes “the re-use of buildings provided that the buildings are of permanent and substantial construction”.

Local Plan policy GC8 also allows for the reuse of buildings for commercial purposes provided that:

- There is no materially greater impact than the present use on the openness of the countryside
- The building is of permanent and substantial construction capable of being converted without major or complete reconstruction
- The form, bulk and general design of the building is in keeping with its surroundings
- The proposal respects local building styles and materials. The extension of reused buildings and the associated uses of surrounding land must not reduce the openness of the countryside. Within the Green Belt such proposals must not conflict with the purposes of including land in it.

The starting point is therefore to consider whether the proposed re-use of the building preserves the openness of the of the Green Belt and whether or not it conflicts with the purposes of including land in the Green Belt when compared to the present use of the site.

The 5 purposes of including land in the Green Belt are set out in paragraph 80 of the NPPF. One of the purposes is to assist in protecting the countryside from encroachment and that is the relevant consideration for this case. The development does not involve any expansion into open countryside and the small well contained outdoor play area set against the rear of the building in the context of the existing site complex does not amount to encroachment into the countryside.

Some concern has been raised on behalf of local residents with regard to the impact of the proposal on the Green Belt, with particular reference to the impact of the outdoor play area and the comings and goings associated with the proposed use. Whilst these concerns are noted, having regard to the existing lawful use of the building, the extant permission for office use and the details of the proposed scheme, it is not considered that the proposed use would have a materially greater impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Inspectors have already determined that a change of use to offices would preserve openness. That provides a useful benchmark in considering this proposal. The use as a day nursery is considered comparable in impact to that of the approved office use. The activity to and from the site would be comparable and there would be some limited additional activity in the form of the outdoor play area and a very limited increase in traffic as noted below.

The proposed secure play area would be located to the rear of the building, would be relatively modest in size when compared with the existing building and site area and would be demarcated by relatively low railings. It is well enclosed and would not be prominent in the landscape. Whilst there would be some noise emitting from this area when in use, it is not considered that this would be such so as to adversely impact on the character of the area. It is not anticipated that the comings and goings associated with the proposed nursery would be significantly greater than those associated with either the existing lawful use or the use of the site as offices as permitted by 10/3506M

In summary, the impacts on the Green Belt are considered to be similar to the office use approved. As the office use has been deemed to preserve openness it is considered to be a rational conclusion that the day nursery use also adequately preserves openness.

It has already been accepted by previous Inspectors that the building is of permanent and substantial construction and is capable of being converted without major or complete reconstruction. The current proposal is broadly similar to that allowed on appeal in terms of the amount of alteration proposed to the building. Externally the elevations are the same as those allowed on appeal with the only change being the formation of a secure outdoor play area to the rear of the building to be formed by the erection of 1m high park railings. With regard to layout, again this is broadly similar to that previously approved.

As such the proposal is considered to comply with policy GC8 and the Framework and the development is not inappropriate development in the Green Belt.

Amenity

The application site forms part of an existing former poultry farm. In 2011 permission was granted for the remainder of the former poultry farm to be redeveloped for affordable housing. This development has yet to be commenced though it is anticipated that work will commence this year. There are a number of existing residential properties located to the north of the site, to the other side of existing buildings on the poultry farm. Some concerns have been raised on behalf of these residents with regard to the impact of the proposal on the residential amenity of existing and future residents. There is particular concern in relation to the noise that would emit from the proposed outdoor play area located to the south of the nursery building.

As stated, concerns were originally raised by the Council's Environmental Health department with regard to the noise that would be generated by the use of the proposed play area. However, these concerns have since been overcome as the applicant has agreed to the imposition of a number of conditions should permission be granted including one which would restrict outdoor play to within the secure play area and nowhere else on site.

Whilst the original concerns of Environmental Health are noted, in any event it is not considered that the noise that would be generated from the use of the secure play area is such that it would be likely to result in a significant adverse impact on the amenity of either the future residents of the affordable housing scheme or on existing residents to the north. This is due to the location of the play area to the south of the building, its limited size and the

distances to and layout of nearby dwellings. It is however considered reasonable to restrict outdoor play to within the secure play area.

With regard to the building itself and associated comings and goings, as previously stated, as the conversion scheme and associated comings and goings would be broadly similar to the scheme approved on appeal (10/3506M), it is not considered that objections could be raised on amenity grounds to these aspects of the proposal.

The proposal is therefore considered to comply with relevant guidance in the NPPF and with Local Plan policies DC3, DC13 and DC38.

Highways

Vehicular access to the site would be taken from Grotto Lane and would be shared with the affordable housing development. A car park is to be provided to the east of the building providing space for 30 cars. A cycle store is proposed to the rear of the building.

A Highways Statement has been submitted in support of the application. This states that there would be a slight increase in the number of vehicle movements associated with the proposed nursery use when compared with the extant office permission (+10 two way movements in the morning peak hour and +6 two way movements in the afternoon peak hour). It is stated that it is considered unlikely that these trips would be all 'new' traffic to the network as it is considered that many of the journeys will be existing trips to and from nearby areas of employment.

The Strategic Highways and Transportation Manager has been consulted on the application and raises no objections to the proposal.

With regard to the sustainability of the site, whilst there are limited facilities within the village of Over Peover, given that consent has previously been granted for office use on the site and given that there appears to be a demand locally for a nursery facility in association with an existing employment site, it is not considered that objections to the proposal could be raised on the grounds of sustainability.

Whilst the concerns of the Parish Council regarding traffic are noted and have been considered, for the reasons outlined above, it is not considered that any objections could be raised to the proposal on highways grounds.

Design

As stated, the external appearance of the building is identical to that allowed on appeal and as such no objections are raised to the proposed design.

Ecology

The extant planning permissions are subject to legal agreements requiring an off-site newt habitat to be created. This application is accompanied by a Phase 1 Habitat and Bat Survey Report which provides updated bat survey information. It is also accompanied by a Habitat Management Plan which addresses matters relating to newts. Licenses have been obtained

by Dane Housing for both newts and bats in respect of the approved affordable housing scheme. It is stated that the applicant will be working with Dane Housing in respect of the development of the site and associated ecological works.

When allowing the office use on appeal, the Inspector had regard to a Unilateral Undertaking that had been prepared by the appellant. The undertaking committed the appellant to carry out the necessary works in accordance with an Ecological Works and Habitat Management Plan to be submitted to and approved in writing by the Council before development begins. No conditions were imposed by the Inspector in respect of protected species.

The submitted Phase I Habitat and Bat Survey Report concludes that the building is likely to be used occasionally as feeding roosts and summer night roosts by individual brown long eared bats. A known Great Crested Newts breeding pond is also present within 50m of the site boundary.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would adversely affect nature conservation interests will not normally be permitted.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the

LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Nature Conservation Officer has been consulted on the application. However, no formal comments have been received to date. Any comments received will be reported in an update report to Members.

However, given the fact that the amended scheme that is the subject of this application is not materially different to the extant office scheme it is unlikely that its impact on protected species would materially differ. Additionally, when considering application 10/3506M, both the Council and the Inspector considered that the tests of the Habitats Directive were met. As such, subject to no objections from the Council's Nature Conservation Officer, it is considered that an updated Unilateral Undertaking reflecting the details of this application would be sufficient to address the protected species issues associated with the application. A revised undertaking is currently being prepared on behalf of the applicant and should be available before the date of Committee.

Trees and Landscaping

The application site contains a number of existing trees and the application is supported by an arboricultural report.

The Council's forestry officer has been consulted on the application and raises no objections to the proposal, subject to the receipt of updated tree information to reflect current guidance. It is not considered that the provision of the play area or the re-configuration of the car park would have a material impact on trees on the site.

With regard to landscaping, when allowing the office use on appeal, the Inspector attached conditions regarding landscaping. The Council's landscape officer has been consulted on the application and raises no objections subject to the imposition of landscape conditions.

Other Matters

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

SUBJECT TO

- The submission of an acceptable Unilateral Undertaking requiring the applicant to carry out the necessary works required in order to ensure no adverse impact on protected species
- Submission of updated tree information to reflect current guidance
- No objections being received by the Nature Conservation Officer that cannot adequately be overcome by either the use of conditions or the proposed unilateral undertaking

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed conversion of the building to a children's day nursery is not inappropriate development in the Green Belt. Similarly the proposal would not adversely impact on openness. The design of the proposal is acceptable as are the access and parking arrangements. Subject to the imposition of appropriate conditions it is not considered that the proposal would result in a significant adverse impact on either existing or future nearby residential properties. Subject to the comments of the Council's tree officer and nature conservation officer and subject to appropriate conditions and a unilateral undertaking it is not considered that any objections will be raised regarding trees and protected species.

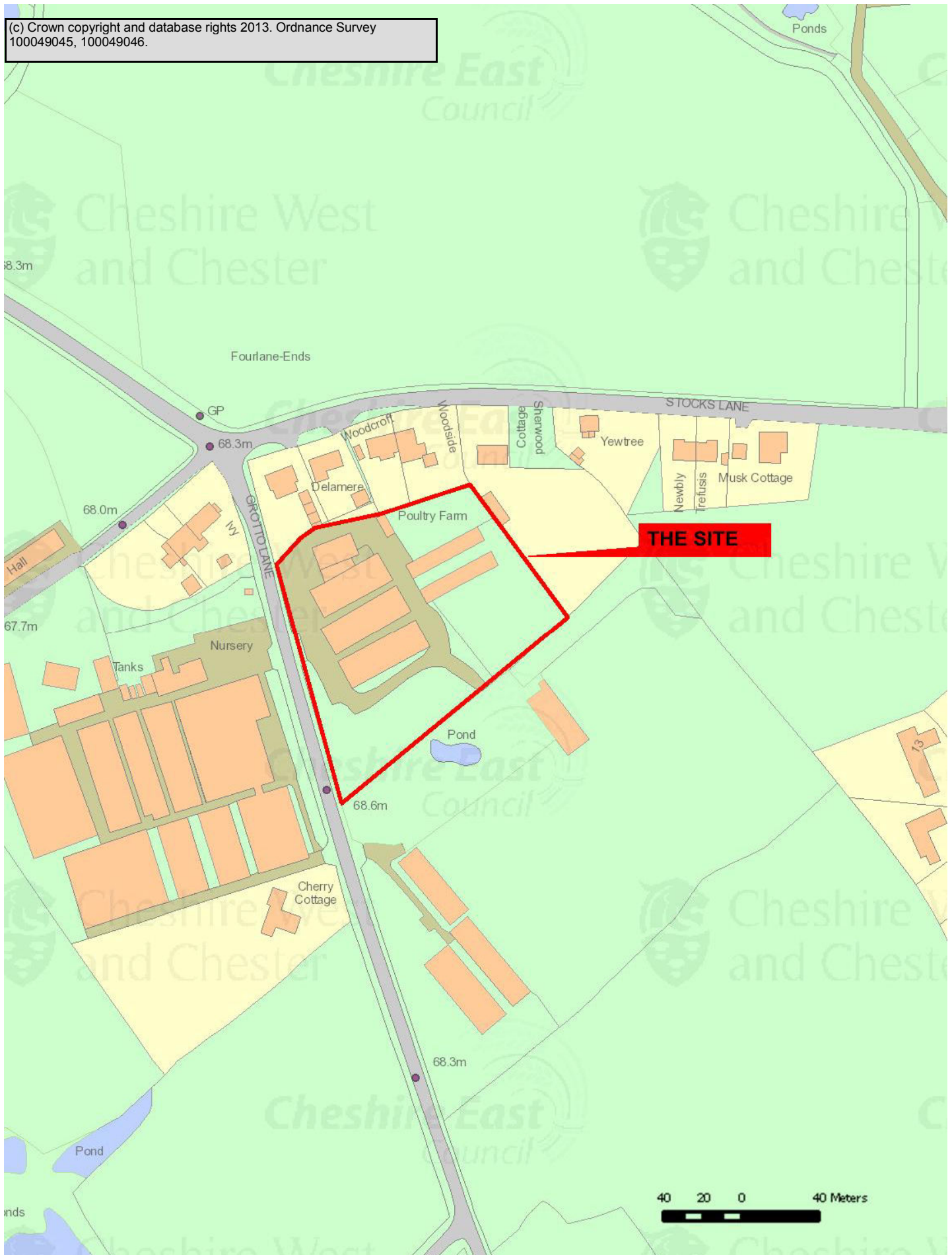
The proposal is therefore recommended for approval.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. Details of materials to be submitted
4. Submission of method statement
5. Obscure glazing requirement
6. Provision of car parking prior to first occupation
7. Cycle Parking
8. No gates
9. Closure of existing access
10. Facilities to prevent deposition of extraneous matter
11. Submission of landscaping scheme
12. Implementation of landscaping scheme
13. Details of external lighting
14. Hours of Use
15. Delivery Hours
16. Construction Hours
17. Contaminated land
18. Development to be carried out in accordance with submitted arboricultural report
19. Maximum number of 50 children attending the nursery at any one time
20. Use to be as a day nursery only and no other use within use class D1
21. Outdoor play to take place only in the secure play area

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Application No: 12/4652M

Location: LAND OFF, EARL ROAD, HANDFORTH, CHESHIRE

Proposal: Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

Applicant: Next Plc

Expiry Date: 06-Mar-2013

Date Report Prepared: 25 February 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Loss of employment land
- Impact upon existing centres
- Highway safety
- Sustainability
- Design

REASON FOR REPORT

The proposal is of a scale that requires the application to be considered by the Northern Planning Committee under the terms of the constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a 1.26 hectare of open employment land as identified in the Macclesfield Borough Local Plan. The site lies to the east of the A34 Handforth bypass adjacent to the Handforth Dean Retail Park.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

RELEVANT HISTORY

There have been a number of applications for mixed use developments on the site. All of which were refused.

The most recent planning permission on the site was:

04/1091P - Renewal of planning permission 01/2683P for use of land for car parking from 01/04/05 to 31/03/10 – Approved 17.06.2004

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP3 Promote Sustainable Economic Development
DP4 Make the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
DP6 Marry Opportunity and Need
DP7 Promote Environmental Quality
RDF1 Spatial Priorities
W3 Supply of Employment Land
W4 Release of Allocated Employment Land
W5 Retail Development
MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation
BE1 Design Guidance
E1, E2 and E3 Employment Land
S1, S2 Shopping Developments
DC1 Design New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC63 Contaminated Land

Other Material Considerations

National Planning Policy Framework (the Framework)
Employment Land Review (November 2012)
PPS4 Planning for Town Centres Practice Guide

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water.

United Utilities – No objections subject to the site being drained on a separate system, with only foul drainage connected to the foul sewer.

Public Rights of Way – Consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Stockport MBC – No comments received at time of report preparation

Trafford MBC – No comments received at time of report preparation

Greenspace (Leisure) - The proposed development triggers the need for public open space and provision for recreation and outdoor, in line with the Councils SPG on planning obligations. In the absence of on site provision, commuted sums for offsite provision will be required in the event of an approval. Based on the total proposed floor space of 7626sqm the com sums are as follows;

Public open space £114,390

Recreation and outdoor sport £114,390

The public open space commuted sum would be used to make additions, improvements and enhancements to the existing facilities at Meriton Road Park, Henbury Road and Spath Lane, and the recreation / outdoor sport commuted sum would be used to make additions, improvements and enhancements to the existing R/OS facilities at Meriton Road Park and Spath Lane.

Strategic Highways Manager – No comments received at time of report preparation

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

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council welcomes the proposed store, and are pleased to see that the frontage faces east and is therefore similar to the frontage provided by the existing retail outlets of Handforth Dean.

They take issue with the suggestion of the Emerson Group that the Next store should face west. This would generate more traffic on Coppice Way and Earl Road. It would lead to longer queues of traffic trying to exit Earl Road into Stanley Road. Indeed, poor egress from Earl Road into Stanley Road is probably one of the reasons why Next wish to move away from their current position in the Stanley Green retail park.

They are pleased to observe that the plans include a service road spur on the eastern side of the site that will allow future access to the remainder of the former Airparks site. They hope that Next will establish regular patrols in order to prevent the accumulation of litter on the various footpaths, and hope that Next recruit new staff including apprentices from the local community.

If planning permission is granted, HPC hope that ward councillors for Handforth be included in discussions concerning the disbursement of section 106 or CIL monies. Section 106 or CIL monies be designated for use within Handforth. Suggested uses include upgrading of footpath 80, installation of a zebra crossing on Coppice Way at the northern end of footpath 91 and the creation of cycleways.

OTHER REPRESENTATIONS

To date, 13 letters of representation have been received.

2 of the letters support or raise no objection to the proposal noting that:

- Will Improve / increase choice for the retail development at Handforth Dean
- Will reduce the traffic load on Stanley Green industrial estate.
- Commuted sums should be used to improve the public realm in Handforth and to ensure the continued success of the youth club, and ensure there is a local employment obligation within the legal agreement.

6 of the letters, including from a number of local cycle groups, seek improvements for cyclists to Handforth Dean and better access from Handforth railway station

- The application, as it stands, makes little in the way of detailed improvements for walking/cycling to this, already congested site
- Improvements to the local walking and cycling network to help local customers and staff access Handforth Dean should be included
- Improvements to the Earl Road/Stanley Road junction should be made to make it safer for cyclists and pedestrians (using commuted sum money)
- More cycle parking for staff and customers

5 of the letters raise objections to the proposal on the following grounds:

- Developing further out of town retail developments seems to go against current policy on protecting the "high street". Claimed employment generation should be offset against the impact of employment on the high street and at the nearby Stanley Green Next which would close.
- Given the dire shortage of employment land in this area, it would be inappropriate to allow retail use on the land, especially in light of local companies demonstrating clear demand for the land for employment purposes
- The Framework requires the consideration of alternative out of centre sites as part of the sequential test. The applicant's approach is incorrect.
- Submitted impact assessment fails to assess the impact of the reoccupation of the unit to be vacated at Stanley Green by an alternative A1 operator.
- Potential for proposed store to be located at Stanley Green
- The operation of the junction at Stanley Road and the B5094 has not been considered in the Transport Assessment.
- Transport Assessment is inconclusive on the future operation of the junction at A34/A555, which is a key strategic junction
- Orientation does not integrate visually with Handforth Dean
- Proposal turns its back onto Earl Road
- No landscaping proposed to Earl Road
- Road linking A34 to Earl Road should be included in proposal
- There should be no overspill parking on Earl Road

APPLICANT'S SUPPORTING INFORMATION

The applicants have submitted a flood risk assessment, a sustainability assessment, an energy assessment, a transport assessment, a statement of community involvement, an ecological assessment, an employee travel plan, a design and access statement, a planning

& retail statement, an employment land statement and a contaminated land assessment. The planning statement concludes:

- Application complies with NPPF, local planning policy and extant practice guidance published with PPS4.
- None of the sites identified through sequential test are suitable, available and viable.
- Scheme will operate as a dual format store and cannot be disaggregated.
- Seeks to improve offer in the north east of Cheshire, and a store close to existing stores in Stockport or Macclesfield would not be viable.
- No significant adverse impacts will arise from the proposal.
- Application will not undermine investment prospects of nearby centres.
- Level of trade impact on local centres will not undermine performance or viability of any centre.
- Trade to existing Stanley Green store is expected to be diverted to proposed scheme.
- Main impact will be upon existing out of centre stores along the A34 corridor
- No significant impact upon carbon dioxide emissions or climate change.
- Highly accessible and will not have any significant impacts on local traffic levels or congestion.
- Will deliver positive economic benefits and create new employment.
- Development could act as a catalyst for the development of the remainder of wider site available at Earl Road.
- Whilst the application site is allocated for employment uses, this allocation should be considered out of date and afforded limited weight.

OFFICER APPRAISAL

Loss of Employment Land

The application site is located within an area of Employment Land As identified in the Macclesfield Borough Local Plan. The site is owned by Cheshire East Council and has remained undeveloped for a number of years. However it was, until relatively recently (2010), put to economic use as airport car parking.

Policy E1 of the Local Plan states that *“Both existing and proposed employment areas will normally be retained for employment purposes”* and Policy E2 states that *“On existing and proposed employment land, proposals for retail development will not be permitted”*. It is clear that the proposals are contrary to policies in the adopted development plan.

Policy W3 of the Regional Spatial Strategy requires local planning authorities to undertake a comprehensive review of employment commitments to secure a portfolio of sites that comply with the spatial development principles of policies DP1 – 9 and RDF1. Policy W4 sets the criteria for establishing whether the release of employment land (for other uses) would be acceptable. This includes local planning authorities being satisfied that an appropriate supply of sites is available for employment uses; and if required there are replacement sites of equal or better quality.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration and includes a presumption in favour of sustainable development. This means that where the development plan is absent, silent or relevant policies are out of date, permission should be

granted unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicate development should be restricted. Paragraph 22 of the Framework states that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”*.

With regard to the employment land issue, the applicant maintains that:

- The saved policies within the local plan are inconsistent with the Framework (including the lack of a sequential approach to the designation of office sites).
- The proposal delivers objectives of the Framework – creates 220 jobs and meets the needs of the community for a choice of retail goods and services
- Proposal makes effective use of brownfield land
- Refusal would impede economic growth in contravention of the Framework’s policies
- The supply of B use class land in Cheshire East generally, and in Handforth particularly, exceeds the forecasted requirement.
- Handforth will not suffer any material loss in the range of sites needed to meet the needs of business.
- With the release of the application site, Handforth will still have 9.44ha of available B1 land, including the remaining 4.8ha on the Earl Road site itself.

Since the airport parking operation has ceased, the Council has conducted a marketing exercise for the site and invited expressions of interest which has revealed a number of parties interested in developing the site for various forms of employment use (within the ‘B’ use classes category). It is also noted that a representation to the application has been made by an interested party confirming interest in part of the site for employment use. Furthermore, recent announcements regarding the development of Airport City, completion of the Manchester Airport – A6 relief road, development of a High Speed Rail station nearby between junctions 5 and 6 of the M56 and the Council’s ambitious plans for a new sustainable community at Handforth East mean that the attractiveness of this area for employment development will increase further.

The Cheshire East Employment Land Review, completed in 2012 with Arup and Colliers International forecasts that there is a need to provide between 277.8 ha and 323.7 ha of land for employment purposes between 2009 and 2030 across the whole Borough. This equates to between 13.2 ha and 15.4 ha per year. The draft development strategy notes that *“a review of the sites currently considered to be part of the supply of land for employment development indicates that 272.4 ha of land from the existing employment land supply could be suitable for allocation for employment in the future”*. The Employment Land Review recommends that this site is retained for employment purposes. The view of Colliers International was that this is an *“excellent prominent site for quality office development. Likely to get interest from several parties when it is brought to the market”*. On the basis of all this evidence, it is considered that there is a very real prospect of the land being used for employment purposes and therefore policies E1 and E2 of the Local Plan are not in conflict with the NPPF.

As recognised by Handforth Parish Council, the proposed store itself will create employment in the local area. This is a consideration which weighs in favour of the proposal. However, this local employment should be viewed in the context of impact on retail investment in town centres.

Retail Impact

Policy S2 of the Macclesfield Borough Local Plan deals with proposals for new retail development outside of existing centres. This policy includes that there should be a proven need for the proposal, however, the Framework supersedes this and does not require applicants to demonstrate the need for the development. The Framework does require that proposals demonstrate that they satisfy both the sequential test and the impact assessment. Paragraph 27 of the Framework is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts, it should be refused.

On this basis, the Council will need to be satisfied that there are no more sequentially preferable sites available and that there would not be a significant adverse impact on investment in centres within the catchment of the proposal or on town centre vitality and viability.

Paragraph 24 of the Framework requires *“applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered... Applicants and planning authorities should demonstrate flexibility on issues such as format and scale.”*

The applicants have identified a catchment area for the proposed store of between 10 and 15 minutes drive time radius from the application site. This is considered to be limited in extent and even excludes Macclesfield. By way of comparison, an application for a bulky goods extension to the Marks & Spencer store at Handforth Dean identified a catchment area that included Stockport, Sale, Altrincham, Knutsford and Congleton. It is explicit within the application that the model of the Next Home & Garden stores does differ from mainline Next and Next Home stores, and as such a larger catchment area would be expected.

Given the concerns identified regarding the catchment area, it is therefore questioned whether the correct sequential assessments and the full impact of the proposal has been considered within the application. To take Macclesfield as an example, the sequential search excludes the Tesco application in Macclesfield that is currently with the Council. This application includes provision for retail warehouse units in an edge of centre location. The submitted Retail Statement explains that Stockport and Macclesfield are not suitable or viable locations as they would simply serve to duplicate the existing offer available at the stores in Stockport and Macclesfield. This is however applicable to the current location if the existing Stanley Green store did not close. If the proposal was located in Stockport or Macclesfield, their existing stores edge / out of centre stores could be relocated.

Concern has also correctly been raised in one of the letters of representation that in applying their sequential test analysis, the applicants have stated *“we do not consider it necessary to consider any out of centre site, because such sites will not be sequentially preferable to the application site”*. It is suggested that this approach is incorrect in the light of the content of paragraph 24 of the Framework (above). This states that *“when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre”*. It is clear therefore that the Framework does require the consideration of alternative out of centre sites as part of the sequential test, which has not been done in this case. The application site is not considered to be well connected to the town centre.

One example of this is the unit adjacent to the existing Next store (which would be closed if this proposal is built) on Stanley Green Retail Park is vacant and it appears that the two units combined would be capable of accommodating a store of the scale envisaged by these proposals. Given the required flexibility on format and scale it is unfortunate that there does not appear to have been any attempt by the applicant to demonstrate why this would not be a suitable location.

It is also noted in the applicant's impact assessment that it is assumed that all of the turnover from the existing Next store at Stanley Green would be diverted to the new store and does not consider the re-use of the unit by another operator. There will be no loss of floorspace at Stanley Green and the assessment does not consider any future legitimate use of this unit. When considering the accuracy of the findings in the impact assessment, the findings from the 2011 Cheshire Retail Study Update should also be considered. The Wilmslow town centre healthcheck notes that *"the town centre has experienced a strong decline in comparison goods retailing in the town centre since 2000... the level of vacancies within the town have also increased significantly, which may be a result of the decline in comparison goods retailing due to increased competition from Handforth Dean and other destinations. The town centre is illustrating poor economic signs and is considered to be vulnerable and should be subject to intervention in the short to long term."*

It is considered that the impact on planned investment for Town Centres, including Macclesfield Town Centre has been underestimated. Approval of this scheme is likely to significantly harm investment in the Town Centre and as such paragraph 27 of the Framework states such applications should be refused.

The trade draw on existing centres has also been underestimated. With a greater draw than the applicant is suggesting, the proposal will have a direct and detrimental impact on the vitality and viability of the town centres. Again this is contrary to paragraphs 26 and 27 of the Framework.

Highways

Comments from the Strategic Highways Manager are awaited, and will be reported to Members in an update. However, Highways have raised a number of issues with the applicants regarding their transport assessment. Comments are also awaited from Stockport Metropolitan Borough Council as the proposal will have some impact upon the A34/A555 junction which falls in their administrative boundary.

Other considerations

The proposed building has been designed to achieve a BREEAM 'very good' rating which will apparently place it amongst the top 25% of new build non domestic buildings in the country in terms of sustainability. Accessibility to the site is most likely to be by car. There are limited bus services that serve the Handforth Dean development, and the train station is approximately 1km from the site. It is also noted that several of the letters of representation raise concern about existing walking and cycling routes.

The building is a substantial structure and being set on higher ground to the existing Handforth Dean retail units, will be a relatively prominent feature. However, set in the context of the employment area to the north and west, the building will not be unduly out of keeping.

Comments from the adjoining landowners are acknowledged regarding the layout of the proposal “turning its back” onto Earl Road with the service area to the rear of the store fronting onto Earl Road. The majority of this elevation will comprise brick and metal panelling. In addition, as submitted the proposed store sits adjacent to the existing Handforth Dean Retail Park, but will be separate from it. It has its own access spur from the roundabout, and the southern boundary of the site shared with the Handforth Dean car park is currently occupied by vegetation and will remain as such. A footpath will run between the store and the boundary to provide pedestrian access to the wider Handforth Dean site. The elevation facing the Handforth Dean car park will again be predominantly brick panelling. The active frontage for the building is very much focussed on the east facing elevation which looks towards the A34 by pass. It is unfortunate that more has not been done to accommodate a stronger route through to Earl Road and stronger frontages to the south and west boundaries to better integrate surrounding land uses. If the service yard and staff car parking were located to the north of the proposed building, there would be more scope to add some interest to these areas.

There are no residential properties within close proximity of the application site, and as such no significant amenity concerns are raised.

The nature conservation officer has commented on the application and notes that the proposal is supported by an acceptable ecological assessment, and no significant ecological issues associated with the proposed development are anticipated.

Environmental Health advises that the application area has a history of use as an RAF Depot and therefore the land may be contaminated. The Peter Brett Associates report (ref M9475/226B) submitted in support of the application recommends that a Phase 2 survey is required to adequately investigate. This matter could be dealt with by condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The applicants have clearly made attempts to make the proposal a sustainable form of development, particularly within the construction of the building. However, access to the site by a choice of modes of transport is limited, and customers are likely to be reliant on the private car. In addition to this the virtually blank elevations presented to the existing Handforth Dean Retail Park and the commercial properties on Earl Road do not help to integrate the proposal with surrounding land uses.

The development is therefore not a sustainable form of development that should be approved without delay under paragraph 14 of the Framework.

Given the interest attracted during the recent marketing exercise for the site carried out by the Council, and the findings of the Employment Land Review, there is considered to be a reasonable prospect of the land being used for employment purposes. Policies E1 and E2 are therefore considered to be consistent with the Framework in this regard, and the proposal is considered to be contrary to these national and local policies.

In terms of the retail impact, the catchment area identified for the proposal is limited in its extent, and as a result the full impact of the proposal has not been considered by the applicants. Other, out of centre locations have also not been considered to determine

whether other sites are more preferential (in terms of accessibility to town centres) than the application site. The impact of the reoccupation of Next's existing unit at Stanley Green by another operator also does not appear to have been fully considered. The increased competition from "*Handforth Dean and other destinations*" is cited as a possible reason for the significant increase in vacancies within Wilmslow Town Centre within the 2011 Cheshire Retail Study Update. Further out of centre proposals that are not well connected to the town centre would be even more damaging to this and other town centres. Given these concerns, it is not considered that the sequential test has been satisfied and the proposal is therefore contrary to the requirements of the Framework.

Accordingly the application is recommended for refusal on the grounds that:

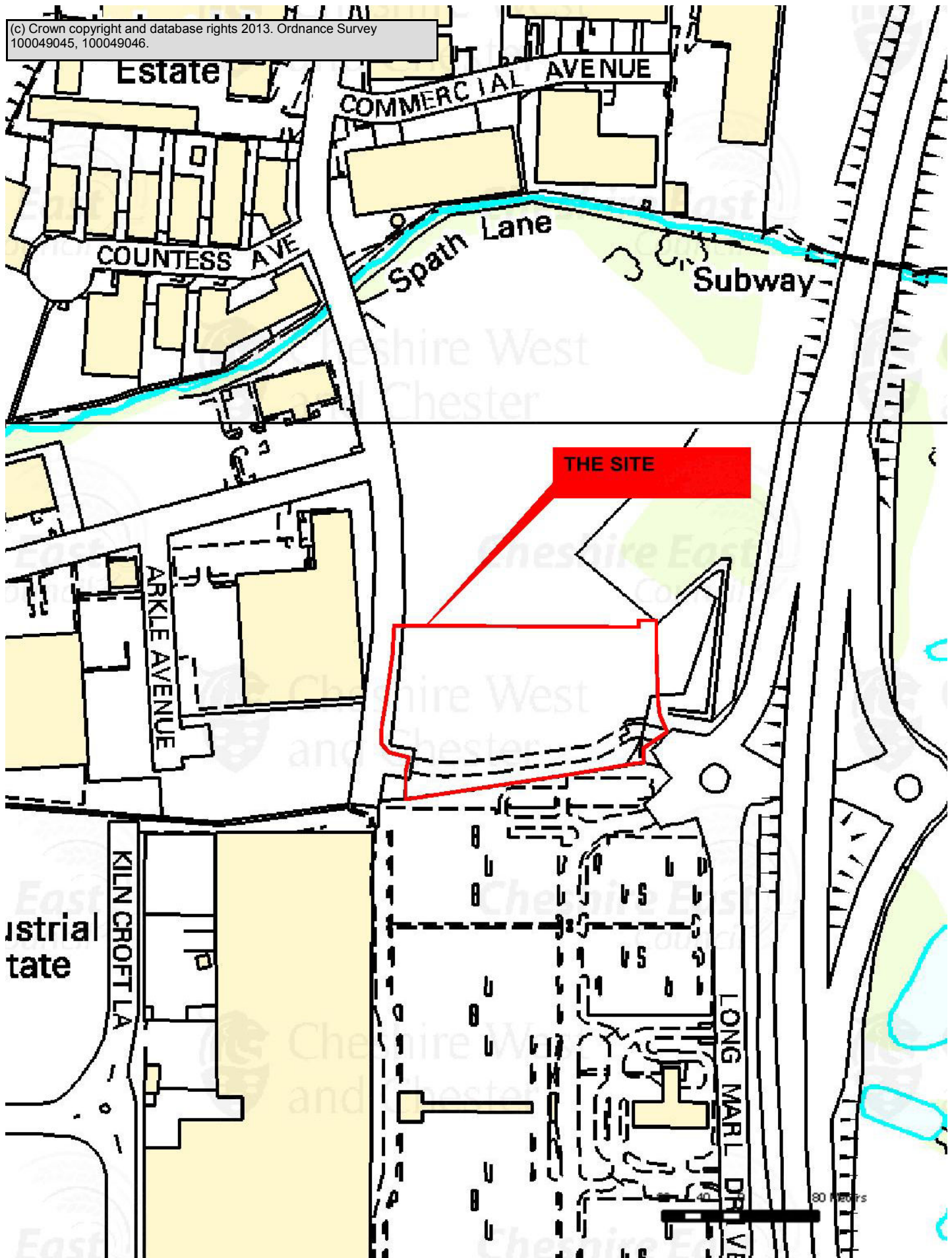
1. The proposed retail development seeks to occupy a site allocated for employment use in the Local Plan. There is evidence to suggest that there is a real prospect of the site being used for employment purposes. The proposal is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, W3 and W4 of the North West of England Plan Regional Spatial Strategy to 2021 and the requirements of the National Planning Policy Framework
1. The site is not well connected to a town centre, the full impact of the proposed out of centre store has not been considered and the application fails to satisfy the sequential test for main town centre uses not in an existing centre. The proposal is therefore contrary to the requirements of paragraphs 24 and 26 of the Framework.
2. The development will have a significantly adverse impact on existing, committed and planned public and private investment in centres within the catchment area of the proposal, including Macclesfield Town Centre. In accordance with paragraph 27 of the Framework the application should be refused.
3. The development will also lead to a significant adverse impact on town centre vitality and viability. In accordance with paragraph 27 of the Framework, the application should be refused.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Loss of employment land
2. Sequential test not satisfied
3. Adverse impact on town centre investment
4. Adverse impact on town centre vitality and viability

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