

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 17th January, 2018  
**Time:** 10.00 am  
**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee 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.

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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **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 - 8)

To approve the Minutes of the meeting held on 6 December 2017 as a correct record.

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

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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
- Objectors
- Supporters
- Applicants

5. **17/3500M-Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials, Bowling Green, Ingersley Vale, Bollington for Chris Bowman, Ingersley Crescent Ltd (Pages 9 - 16)**

To consider the above application.

6. **17/3022M-Erection of Class A1 retail unit, car parking and servicing areas, access, landscaping and associated works including relocation of electricity sub-station and remedial works to Listed Building following demolition of existing buildings, The Towers And Progress Mill, Parsonage street, Macclesfield for Miss F Heeley, Lidl UK GmbH (Pages 17 - 34)**

To consider the above application.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 6th December, 2017 at The Capesthorpe Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor G M Walton (Chairman)  
Councillor C Browne (Vice-Chairman)

Councillors C Andrew, E Brooks, T Dean, L Durham, P Findlow, H Gaddum,  
S Gardiner, A Harewood, N Mannion and M Warren

### **OFFICERS IN ATTENDANCE**

Mr R Croker (Planning Officer), Mrs N Folan (Planning Solicitor), Miss L Hayes  
(Planning Officer), Mr P Hurdus (Highways Development Manager) and Mr P  
Wakefield (Principal Planning Officer)

### **65 APOLOGIES FOR ABSENCE**

None.

### **66 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/3208M, Councillor  
C Browne declared that was a was formerly a member of the Energi  
Fitness Club over two years ago, however it did not affect his thinking in  
respect of the item.

In the interest of openness in respect of application 17/4952M, Councillor  
C Browne declared that although he was the Ward Councillor and had  
called the item in, he was pre disposed rather than pre determined on the  
item.

In the interest of openness in respect of application 17/3208M, Councillor  
S Gardiner declared that he knew Town Councillor Dodson socially who  
was speaking on the application.

In the interest of openness in respect of application 17/3208M, Councillor  
E Brooks declared that she used to be a member of Energie Fitness Club  
and she lives near the facilities where the gym was located and she was  
also a regular user of Lidl. In addition she also knew Town Councillor  
Dodson speaking on the application.

In the interest of openness in respect of application 17/3208M, Councillor  
H Gaddum declared that she had received items of correspondence in

respect of the application. It was noted that other Members may have received the same correspondence as well.

In the interest of openness in respect of application 17/4862M, councillor J P Findlow declared that he would address the Committee as the Ward Councillor under the public speaking procedure.

It was noted that a number of Members on the Committee knew Parish Councillor T Jackson who was a former Member of Cheshire East Council and who was down to speak in respect of application 17/4862M. It was also noted that Members knew the two Ward Councillors speaking in respect of two of the applications on the agenda.

**67 MINUTES OF THE MEETING**

**RESOLVED**

That the minutes of the meeting held on 8 November 2107 be approved as a correct record and signed by the Chairman.

**68 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**69 17/3208M-ERECTION OF REPLACEMENT CLASS A1 RETAIL STORE, ASSOCIATED CAR PARKING AND SERVICING AREAS, RELOCATION OF ELECTRICITY SUB-STATION, LANDSCAPING AND ASSOCIATED WORKS FOLLOWING DEMOLITION OF EXISTING RETAIL STORE AND NEIGHBOURING FITNESS CLUB, LIDL STORE AND ENERGIE FITNESS CLUB, SUMMERFIELD VILLAGE CENTRE, DEAN ROW ROAD, WILMSLOW FOR MISS F HEELEY, LIDL UK GMBH**

Consideration was given to the above application.

(Councillor B Burkhill, the Ward Councillor, Town Councillor Christopher Dodson, representing Wilmslow Town Council, Richard Armstead, an objector, Adrian Lea, a Supporter and Stuart Jardine, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be deferred for the following reasons:-

- Transport and highway implications
- Sequential assessment
- Liaison with public health department. Re: loss of gym
- Air quality
- Swimming pool data

(The meeting adjourned for a short break).

**70 16/2096M-TELECOMMUNICATIONS INSTALLATION AND ASSOCIATED WORKS (NTQ REPLACEMENT), ENDON QUARRY, WINDMILL LANE, KERRIDGE, BOLLINGTON FOR WHP, EE & 3G UK LTD**

Consideration was given to the above application.

(Councillor J Nicholas, the Ward Councillor and Paul Mouat, an objector attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to Head of Planning, in consultation with the Chairman of the Northern Planning Committee and relevant Ward Member, for approval subject to a tree design mast and additional landscaping/barrier planting to the listed building aspect of the mast being secured and subject to the following conditions:-

- (1) Time 3 years
- (2) Approved plans
- (3) Materials as per application
- (4) Breeding bird survey to be submitted
- (5) Removal of existing mast

(During consideration of the application, Councillor E Brooks left the meeting and did not return. The meeting adjourned for lunch from 12.40pm until 1.15pm).

**71 17/2854M-ERECTION OF 32 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED ENGINEERING WORKS, LAND OFF, MOSS LANE, MACCLESFIELD FOR MR JOHN MATTHEWS, ECCLESTON HOMES LTD**

Consideration was given to the above application. It was noted that the description of the proposal should have Erection of 29 residential dwellings and not 32.

**RESOLVED**

That the application be refused for the following reason:-

Despite meeting highways standards, the proposal provides inadequate access to secure the safety of pedestrians and vehicle users particularly when access is required by larger vehicles, fire engines etc.

An informative was requested to state that if alternative access arrangements could be found there would be no objection to the development.

In order to give proper effect to the Committee's intentions and without changing the substances of the decision, authority is delegated to the Planning & Enforcement Manager in consultation with the Chairman (or in their absence Vice Chairman) of the Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, including wording of conditions and reasons, between approval of the minutes and issue of the decision notice.

(This decision was contrary to the Officer's recommendation of approval).

**72 17/4862M-DEMOLITION OF THE EXISTING HOUSE TO BE REPLACED WITH 2 PAIRS OF NEW BUILD SEMI-DETACHED DWELLINGS, 1, ORME CLOSE, PRESTBURY FOR G BRYANT**

Consideration was given to the above application.

(Councillor J P Findlow, the Ward Councillor, Ian Bright, an objector and Gary Earnshaw , the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

- Detrimental to character of area due to over-development and over-intensification of use of the site. The Committee were unhappy with going from detached dwellings to the semi-detached, due to the increased level of activity particularly vehicular activity and loss of landscaping at the front of the properties to accommodate the required parking in a cul-de-sac characterised by detached properties with large landscaped front gardens. It was considered contrary to Local Plan policies and the Prestbury Village Design Statement.

It was also requested that a statement would be provided in the Council's defence if the applicant went to Appeal.

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

(This decision was contrary to the Officer's recommendation of approval. The meeting was adjourned for a short break. Councillors H Gaddum and N Mannion left the meeting and did not return).

**73 17/4952M-PROPOSED DEMOLITION OF EXISTING BUILDING TO THE REAR OF NO'S 14-18 LONDON ROAD, ALDERLEY EDGE AND ERECTION OF A TWO AND HALF STOREYS MIXED USE BLOCK COMPRISING OFFICE UNIT ON THE GROUND FLOOR AND TWO APARTMENTS ON THE FIRST AND SECOND FLOOR, LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE FOR MR ANWAR KANJ, ATCO EXPORT**

Consideration was given to the above application.

(Darren Muir, the agent for the applicant attended the meeting and spoke in respect of the application).

### **RESOLVED**

That the application be refused for the following reason:-

The proposal represents an over development and over intensification of use resulting in unacceptable living conditions for future occupiers, and lack of outdoor space. The development is therefore contrary to guidance within the National Planning Policy Framework and policies DC3, DC41 and H6 of the updated Cheshire East Local Plan and would cause harm to the objectives of those policies.

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

(This decision was contrary to the Officer's recommendation of approval).

The meeting commenced at 10.00 am and concluded at 4.15 pm

Councillor G M Walton (Chairman)

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Application No: 17/3500M

Location: BOWLING GREEN, INGERSLEY VALE, BOLLINGTON, CHESHIRE

Proposal: Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. 2 storey detached house. Details of Landscape layout and materials.

Applicant: Chris Bowman, Ingersley Crescent Ltd

Expiry Date: 19-Jan-2018

### **SUMMARY**

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

The landscaping scheme is considered to be acceptable and appropriate for the scale of development proposed.

The design of the dwellings is considered not to have an unacceptable impact on the character and appearance of the local area and of the adjacent Conservation Area. The materials used for the front elevations are Kerridge Stone with other details being resolved through the conditions to be attached to the decision notice.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REPORT**

Councillor Gaddum has requested the application be determined by Planning Committee for the following reason;

*This has been a controversial issue and is the sixth application in a two year period. Therefore in the interests of consistency and fairness to local residents, it should be debated in public.*

*Following the adoption of the new Local Plan on 27th July, this application should be*

*appraised under the provisions of the new Local Plan, rather than the former Macclesfield Local Plan.*

*It is not clear which reserved matters are being applied for. Whilst the applicant states 'refer to the application supporting letter' there is no such letter on the website.*

*The application site forms the boundary with Bollington Conservation area on three sides. There is no assessment in the Design and Access Statement (for the application) describing the significance of the Conservation Area as a Heritage asset affected by its contribution of the application site and indeed showing how it would enhance the Conservation Area.*

*As Rainow is a predominantly rural parish lying mainly in the Green Belt or Peak District National Park, any scheme for more than 10 new homes is a large scheme.*

*Under condition 17, outline permission was granted for the number of 2.5 storey dwellings which shall be up to 11 units. Many of the units now shown are full three storey buildings, which is a change from the outline permission.*

### **PROPOSAL**

The application is for the approval of the reserved matters following outline approval 15/2354M for 11no. 2.5 storey townhouses and 1no. 2 storey detached house. This application is for the approval of the landscaping and appearance of the dwellings.

### **SITE DESCRIPTION**

The application site is located on the eastern side of Ingersley Vale and consists of a bowling green, a clubhouse and a small parking area. The site has some mature vegetation along the western and northern boundaries.

To the south of the site are a row of cottages of a traditional appearance, open land is located to the west and some large three storey properties are located to the north of the site. On the opposite side of Ingersley Vale is a reservoir and a garden serving a residential property. Beyond these land uses is the River Dean.

### **RELEVANT HISTORY**

15/2354M - Outline application for proposed 11 no. 2.5 storey and 1 no. 2 storey residential housing. Approved 2 December 2016.

The site has also been subject to the applications listed below. These applications however have no relevance in the determination of this application;

17/1531M - Variation of condition 3 (approved plans) of 15/2354M - Outline application for proposed 11 2.5 storey and 1 two-storey residential housing. Allowed on appeal.

17/1533M - Reserved matters application following outline approval 15/2354M - Details of Appearance of the proposed 11no. 2.5 storey townhouses and 1no. detached house. Details of Landscape layout and materials. Application made invalid.

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy**

The following are considered relevant material considerations:

SD2 Sustainable Development Principles  
SE1 Design  
SE7 The Historic Environment  
SE15 Peak District National Park Fringe

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

### **Macclesfield Borough Local Plan**

DC3 - Protection of the amenities of nearby residential properties  
DC8 - Landscaping  
DC9 - Tree Protection  
DC38 – Space Light and Privacy

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

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

**Environmental Health** – No objection. Conditions have been requested relating to method statements relating to dust control and piling if required. These matters will be addressed through condition 6 of the outline planning permission.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

**Bollington Town Council** – Object on the following grounds;

- Overbearing and overshadowing caused to neighbouring properties
- Relationship to the Conservation Area
- Insufficient Parking Provision – properties could be altered to provide additional bedrooms
- Safe Traffic Access
- Trees and Screening
- Inappropriate development that harms the character of the conservation area
- Site is potentially contaminated

**Rainow Parish Council** – Object on the following grounds;

- Lack of car parking
- Inappropriate materials proposed

- Impact on residential amenity

### **OTHER REPRESENTATIONS**

A total of 61 objections have been received in respect of the application over the two periods of consultation that have been carried out and the points of objection relate to;

- Overlooking / Impact on privacy
- Overshadowing and overbearing impact of the dwellings
- Inappropriate materials and its impact on the adjacent conservation area
- Tree reports are not up to date and the impact of the development on trees
- Insufficient parking and increase in traffic
- Disruption caused through the construction process
- The properties are too large for 3 bedroom properties
- Impact on local ecology

### **OFFICER APPRAISAL:**

#### **Principle of Development**

The residential use of the site has been established through the approval of the outline application (15/2354M) which also gave approval for the access arrangements into the site, the scale of the proposed dwellings and the layout of the site. Therefore the only matters for consideration at this time are the appearance of the properties and how the site is landscaped.

#### **Appearance of the Dwellings**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy SD2 of the Cheshire East Local Plan requires new development to achieve the following;

*ii. Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*

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

During the course of the application, extensive discussions took place in respect of the detailed design of the properties and the plans were formally amended following these discussions. As a result of these amendments the appearance of the properties has been changed to result in a more simple design that better respects the character of the more

traditional housing in the area. In doing this the front gable features have been removed, all elements of render have been removed to reduce the massing of the properties and the window sizes have been reduced to better reflect the characteristics of the area.

As a result of these changes to the plans, the Councils Conservation and Design Officer has raised no objections to the proposals and considers they will not have a detrimental impact on the amenity of the area.

The front elevation of the properties will be constructed out of Kerridge Stone which is a local material that many of the older nearby properties have been built from. The plans indicate the roof will be built from Spanish Slate. This is not considered an appropriate roof material and it has been agreed with the applicant that a roofing material could be agreed through a condition on the decision notice.

Further conditions will be included on the decision notice imposing certain requirements on the design relating to garage doors being in timber, the window detailing and rainwater goods being metal and painted black.

As a result of the amendments the proposals are considered compliant with the requirements of Policies SE1 and SD2 of the Cheshire East Local Plan.

### **Impact on Amenity**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38.

Plots 1-11 do not have any habitable room windows that face other properties so all the distances set out in DC38 are comfortably met.

The proposals initially proposed windows to the rear of Plot 12 that caused issues of overlooking between this property and 3 Rainow Mill Cottages. The plans were subsequently amended moving this window to the side elevation of the property, and whilst the relocated window is only 19 metres away from the nearest window the relationship is considered acceptable.

The reasoning behind this is firstly that the distances set out are only for guidance and Policy DC38 allows these distances to be varied. In this instance the windows in question are at an oblique angle with each other meaning that any views between the windows are severely limited and therefore no overlooking will occur that is significant and therefore no justification exists to refuse the application on this basis.

A small window is retained in the previous position of the bedroom window and this is shown to be obscurely glazed. As this is the case no overlooking will occur and to ensure this remains the case a condition will be included that requires details of the obscure glazing to be agreed and maintained at all times in the future.

The proposal therefore complies with the requirements of Policies DC3 and DC38.

## **Trees / Landscaping**

The application is supported by an updated Arboricultural Implications Assessment (AIA), Arboricultural Method Statement, and Tree Survey by Mulberry dated 24th August 2017. The Arboricultural Impact Assessment and Tree Protection Plan identifies the removal of the north west corner aspect of G3, the loss of these trees which have been categorised as low value category C specimens was accepted as part of the outline approval. None of the trees individually and collectively are considered worthy of formal protection.

There is a hard standing incursion within the RPA of the retained trees associated with G3; special construction measures are proposed for this area which accord with the requirements of current best practice BS5837:2012, but this will dependent on highways accepting non-adoptable implementation. The construction detail provided is indicative only; site specific details can be obtained by condition. A condition will also be included on the decision notice requiring the development being carried out with the recommendations of the AIA.

During the course of the application the Oak Tree located along the eastern boundary of the site has been formally protected through a Tree Preservation Order. This tree is not impacted upon by the development and therefore the information submitted with the application is considered sufficient to determine the application.

The landscaping plan submitted with the application allows for additional planting along the boundary with 52 Ingersley Vale to mitigate for the loss of trees along this boundary. Additional planting is also proposed along the site frontage behind the re-located stone wall.

## **COMMENT ON OBJECTIONS**

A number of the points of objection have been addressed in the main body of the report. The remaining issues raised relating to highway matters, contamination the scale of the dwellings, and the principle of developing the site are not relevant to the consideration of this application and were all addressed as part of the outline application.

## **CONCLUSIONS**

The application is to consider the appearance of the dwellings and the landscaping of the site. The level of accommodation, highway impact, scale of the dwellings, layout and the principle of development have all been previously established and are not for consideration at this point. The landscaping scheme submitted has been deemed to be acceptable. The appearance of the dwellings is considered acceptable and does not have an unacceptable impact on the character and appearance of the area in general or the adjacent Conservation Area.

## **RECOMMENDATION**

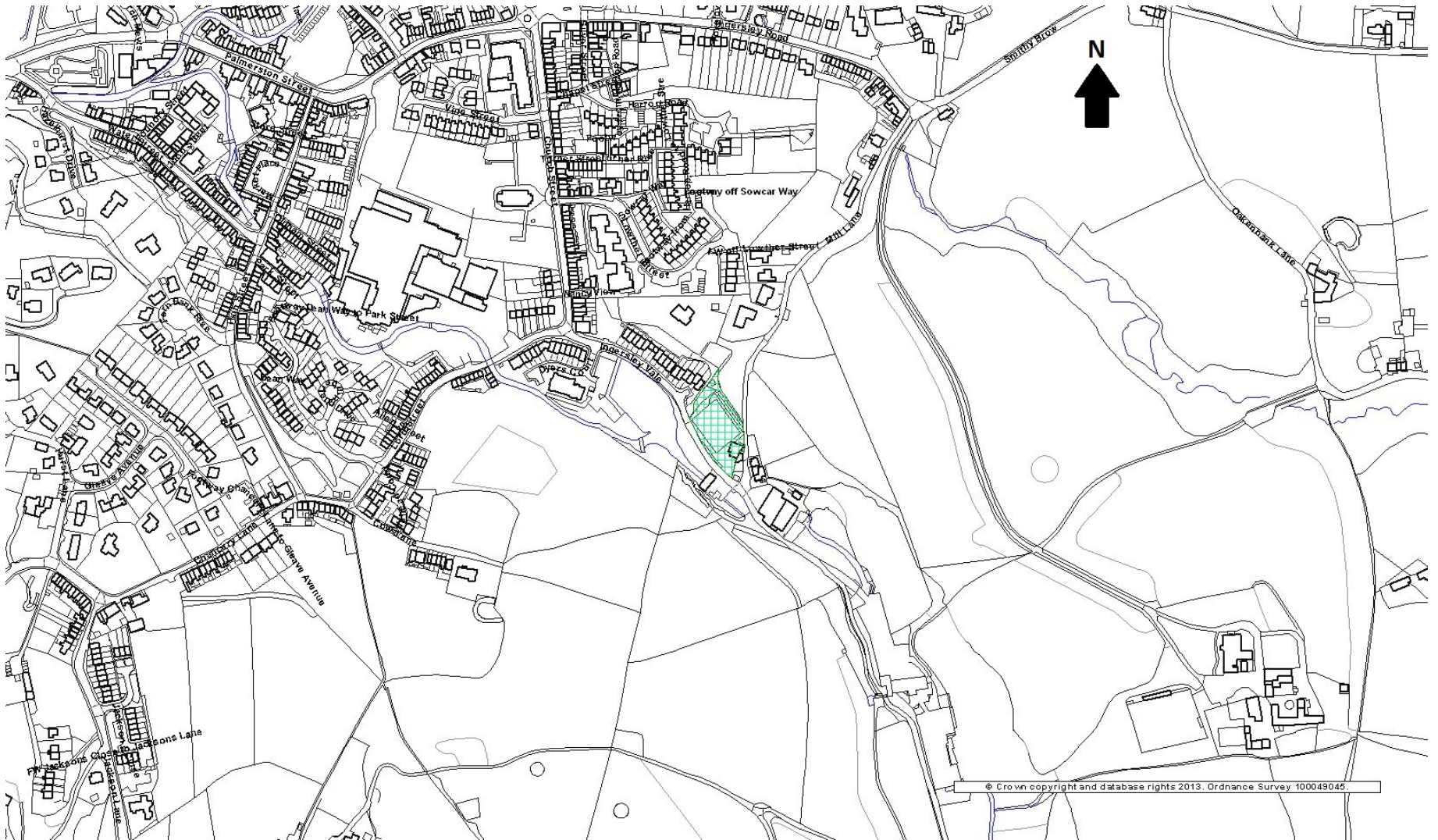
The application is recommended for approval subject to the conditions listed below:

### Application for Reserved Matters

RECOMMENDATION: Approve subject to the following conditions:

1. Development in accord with approved plans
2. Landscaping (implementation)
3. No windows to be inserted
4. Rainwater goods
5. Fenestration to be set behind reveals
6. Specification of window design / style
7. Garage doors
8. Roof lights set flush
9. NPPF
10. Obscure glazing to rear of plot 12
11. No dig hard surface construction
12. Implement in accordance with the AIA
13. Samples of materials

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





Application No: 17/3022M

Location: The Towers And Progress Mill, PARSONAGE STREET, MACCLESFIELD

Proposal: Erection of Class A1 retail unit, car parking and servicing areas, access, landscaping and associated works including relocation of electricity sub-station and remedial works to Listed Building following demolition of existing buildings

Applicant: Miss F Heeley, Lidl UK GmbH

Expiry Date: 22-Sep-2017

### **SUMMARY:**

This proposal would bring economic benefits through the delivery of new retail jobs, investment in the area and by bringing a prominent vacant brownfield site into viable use on one of the key gateways into Macclesfield Town Centre, which is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development.

The proposal is for a main town centre use within the designated town centre boundary. The principle of the proposed development is found to be in accordance with an up-to-date local plan and would deliver retail development appropriate to its location which would not undermine the vitality or viability of the town centre. The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where the proposed use would support these designations.

The proposal would generate jobs for 25 full-time equivalent employees. Whilst the existing lawful use of the site as offices / light industrial are employment uses, it is important to note that the site has lain vacant for a significant length of time (over 10 years). The use of the site for employment uses is not therefore current and attempts over its extensive period of vacancy have been made (without success) to secure re-use.

The proposed design would be contemporary in terms of its appearance and the use of materials. However, it would provide an attractive form of development in an important area of Macclesfield Town Centre and would respond positively to the Park Green and High Street Conservation Areas as well as other adjoining designated heritage assets.

The scheme is found to be acceptable in terms of its impacts on the local highway network and the parking and pedestrian facilities would be sufficient to accommodate the proposed development.

The impact of the proposal on environmental considerations relating to trees, landscaping, flooding, drainage, land contamination (subject to further investigations), air quality and

ecology would be acceptable subject to conditions. The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval.

### **RECOMMENDATION: APPROVE with Conditions**

### **PROPOSAL:**

This application seeks full planning permission for the erection of a Class A1 retail unit, car parking and servicing areas, access, landscaping and associated works including relocation of electricity sub-station and remedial works to Listed Building following demolition of existing buildings at the site of The Towers And Progress Mill, Parsonage Street, Macclesfield.

### **SITE DESCRIPTION:**

This application relates to the site of the Towers and Progress Mill, situated on Parsonage Street, Macclesfield. The site is bound by Park Street to the east, Park Green to the north and Parsonage Street to the west and through the site. The site occupies a slope, falling approximately 5m from south to north. A derelict concrete block building referred to as 'The Towers' is located towards the southern part of the site. There is an electricity sub-station located along the Parsonage Street boundary. The remainder of the site is formed by a hardstanding area and an area of overgrown grass. There are a number of trees located towards the southern and south eastern part of the site as well as a number of trees along the Park Green boundary, with several trees located along the northern part of the Park Street boundary. The site is located within a Mixed Use Regeneration Area and the Park Green Conservation Area as identified in the Macclesfield Borough Local Plan. The High Street Conservation Area is located on the opposite side of Park Street.

### **RELEVANT HISTORY:**

17/1853M - Erection of temporary 2.4m high hoarding around perimeter of site for a period of 18 months – Pending

14/3650M - Demolition of existing buildings and development of a retail foodstore with subdivisible retail unit and associated car parking – Withdrawn 13-Jan-2015

13/2559M - Proposed demolition of the existing towers block – Withdrawn / Not determined

12/0242M - Conservation Area Consent for Removal of Existing 5 Storey Office Block Which Has Been Vacant for Over 10 Years. Building is Unlisted. Existing Boundary Wall to Park Street To Be Retained – Refused 16-Nov-2012

12/0127M - Mixed Use Development of Assisted Living Residential Apartments (61 no.) and a Cafe, Both With Associated Landscaping and Servicing. Undercroft Parking is Provided for Residents. Existing Office Block to be Demolished – Refused 16-Nov-2012

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are Chapters:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
7. Requiring good design
8. Promoting Healthy Communities
12. Conserving and enhancing the historic environment

#### **Development Plan:**

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

MP 1 Presumption in Favour of Sustainable Development  
PG 2 Settlement Hierarchy  
SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
IN 1 Infrastructure  
IN 2 Developer Contributions  
EG 5 Promoting a Town Centre First Approach to Retail and Commerce  
SC 3 Health and Well-Being  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 7 The Historic Environment  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
CO 1 Sustainable Travel and Transport  
CO 4 Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

##### Macclesfield Borough Local Plan 2004

The Macclesfield Borough Local Plan 2004 allocates the site as being within the Town Centre Boundary and Mixed Use Regeneration Area. The relevant Saved Policies are:

NE11 Nature Conservation

BE2 Preservation of Historic Fabric  
BE15/17 Listed Buildings  
BE23/24 Archaeology  
E2 Retail Development on Employment Land  
MTC12 Mixed Use Areas  
MTC13 Park Green Regeneration Area  
DC3 Amenity  
DC6 Circulation & Access  
DC8 Landscaping  
DC9 Tree Protection  
DC13-DC14 Noise  
DC15-DC16 Provision of facilities  
DC17 Water resources

**Other Material Considerations:**

- National Planning Practice Guidance
- EC Habitats Directive and the Conservation (Natural Habitats etc.) Regulations 2010
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Ministerial Statement of 23 March 2011 on "Planning for Growth"

**CONSULTATIONS:**

**Cheshire Archaeology Planning Advisory Service Cheshire Shared Services:** No objection subject to a condition securing a programme of archaeological work in accordance with a written scheme of investigation.

**Highways:** No objection subject to conditions requiring the submission of a 'construction management statement' and details of surfacing to Parsonage Street.

**Environmental Protection:** No objection, subject to conditions / informatives relating to contaminated land, noise mitigation, schemes for piling, dust control, floor floating operations, odour control, construction hours, the provision of electric vehicle charging points and a travel plan.

**Flood Risk Officer:** No objection subject to submission of a surface water drainage scheme.

**United Utilities:** No objection subject to drainage conditions.

**MACCLESFIELD TOWN COUNCIL:**

No comments received.

**REPRESENTATIONS:**

22 representations have been made in support of this application. This includes submissions made by Macclesfield Civic Society. Whilst Macclesfield Civic Society is supportive of the application, they have expressed some concerns.

The grounds for supporting the proposals are summarised as follows:

- The existing site and its buildings are old and derelict
- Proposals will bring new life and jobs into the area and improve the economy and trade for existing businesses
- Will help revitalise the Park Green end of town and this gateway into the town centre
- Would re-develop a redundant brownfield site which is currently an eye-sore
- Site is one of the first things people approaching the centre of Macclesfield from the south see and its current state can hardly give a positive first impression of the town
- Design is contemporary but in keeping with the area as well
- There aren't any other stores at that end of town so it will be useful for people around Park Lane
- The current Aldi store is always busy and parking there is sometimes impossible
- There is need for another store in Macclesfield
- Would prevent the need to travel out of Macclesfield to other food stores

The grounds for concern are summarised as follows:

- Loss of significant number of mature trees on site which would be detrimental to the townscape and the character / appearance of the conservation area
- Replacement specimen tree planting should include a widespread use of low planting and shrubbery to enhance to lower parts of the building where concrete panels are expressed
- Landscaping of the site needs more work to soften its appearance
- Relationship with adjoining houses which could be improved with further glazing which would also increase passive surveillance
- Much depends on the quality of the design and landscaping as to whether it will preserve and enhance the adjoining heritage assets
- Design is horizontal with little of the vertical expression found in other buildings in the locality
- Noise from the passage of wind over perforated panels
- The quality of the material and finishes will be critical
- Stone setts along Parsonage Street would be removed and replaced
- Air quality – additional measures than those outlined could be incorporated into the scheme (planting and signage)
- Keep as many of the mature trees as possible
- Entry and exist of delivery vehicles on Parsonage Street could be tortuous and would lead to congestion within the car park
- Consideration should be given to the creation of taxi waiting spaces in Park Green

### **OFFICER APPRAISAL:**

### **ECONOMIC SUSTAINABILITY**

#### **Principle of Retail Development**

This is a full application for the demolition of the existing concrete office block and a smaller light industrial brick built building referred to as 'The Towers and Progress Mill', which occupy the southern portion of the site, and the construction of a Class A1 retail food-store, car parking and servicing areas, access, landscaping and associated works including the relocation of an existing electricity sub-station.

Policy EG 5 of the Cheshire East Local Plan Strategy (referred to as CELPS hereinafter) promotes a town centre first approach to retail and commerce, and identifies a hierarchy of retail centres in Cheshire East. It states that the principal towns will be the main focus for high quality comparison retail, supported by a range of retail. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development.

Macclesfield is identified as a principal town in Cheshire East, a main shopping centre and an important employment centre. The proposals subject of this application would provide some 3,756 square metres of A1 retail floor space within the town centre boundary. Within the justification for policy EG5 of the CELPS, it states that 'until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies of the Macclesfield Borough Local Plan (MBLP)'. Accordingly, the allocation of the application site within the town centre boundary of the MBLP is considered to be up to date, and in accordance with policy EG 5.

This proposal would support the retail function of the town centre more generally as it would provide some convenience retail towards the periphery of the town centre boundary on one of the main approaches to the south. It would therefore add to the range of the retail offer within the town centre and would encourage linked trips with the primary shopping area to the north, which in turn would increase footfall towards the comparison retail offer of the town centre. The proposal would not therefore undermine the vitality and viability of the town centre and therefore the principle of the use would align with the land use aims of Local Plan Policy EG 5.

Whilst the applicant has undertaken a sequential approach to site selection, Policy EG 5 does not require a sequential approach to be undertaken in this case given that the proposal is for a main town centre use within the designated Town Centre boundary and is in accordance with an up to date local plan.

The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where saved Policies MTC12 and MTC13 are applicable. Policy MTC12 is permissive of Class A1 retail uses and Policy MTC13 states that the Borough Council will encourage the re-use and selective redevelopment of sites within the Park Green area primarily for offices, cultural and community uses. This proposal will secure the redevelopment and regeneration of an important site within the Park Green area which will bring direct and indirect benefits to both the local economy, town centre and also the community who will benefit from the provision of further convenience goods within a highly sustainable town centre area.

Having regard to the above, the principle of the proposed development is found to be in accordance with an up-to-date local plan and would deliver retail development appropriate to its location which would not undermine the vitality or viability of the town centre.

### **Employment**

The proposal would generate jobs for 25 full-time equivalent employees. Whilst the existing lawful use of the site as offices / light industrial are employment uses, it is important to note that the site has lain vacant for a significant length of time (over 10 years). The use of the site for employment uses is not therefore current and attempts over its extensive period of vacancy have been made (without success) to secure re-use. Balanced with this is the fact that the site is designated within the local plan as regeneration area and mixed use area where the proposed use is deemed to be acceptable.

Para 22 of the NPPF 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. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG 1 of the CELPS. Taking into account the employment, regeneration and investment that this proposal will bring to the area whilst bringing a redundant brownfield site into viable use all contribute towards the economic benefits of the scheme. Such economic benefits should be afforded significant weight.

## ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

### Design

The NPPF and local plan Policy SE 1 emphasises the importance of securing high quality design appropriate to its context. NPPF paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

Policy SD 2 of the CELPS expects all development to *“Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*

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

The proposed design has followed lengthy discussions with the Local Planning Authority. These discussions have resulted in a design which would be contemporary in terms of its appearance and would utilise a mix of materials which would help to deliver a high quality bespoke design for this site whilst allowing the end user to satisfy their own operational requirements.

The proposed building would be roughly linear in terms of its footprint running north to south and closely aligned and running parallel with Park Street, which runs alongside the eastern boundary of the site. The principal front elevation and shopfront where the public would gain access to the building would directly address Park Green and would comprise of a striking predominantly glazed façade at ground and first floor level. Above this there would be some proposed copper perforated sheeting set back above the main glazed element which would then wrap around the side elevations at the lower levels. The western elevation of the proposed building would run alongside Parsonage Street and would serve to provide vehicular access to a surface level car park occupying the rear southern portion of the site as well as some undercroft parking located beneath the first floor level of the store.

The scale of the development would reflect the adjacent built environment. The topography of the land slopes downwards from the southern end to the northern end at Park Green. The proposal would utilise this levels difference by partly burying the building to the south of the site bounding Churchill Way. As a result, the proposals would appear a lot less dominant than the current built form comprising of the large unsightly concrete tower block which presently stands to the south of the site.

The glazed elevation forming the shopfront and addressing Park Green would wrap around the side elevations and would create a striking architectural feature that would add to appearance of the area. This has been taken a stage further with an overlap of perforated cladding around the sides emphasizing the active frontage. The proposed copper cladding would add a high quality material and it is proposed that this would be perforated with patterns expressing the local history of the site and surrounding area. Whilst the proposal and expression of Silk Jacquard Looms depicted in the cladding is a welcome change to plain cladding, alternative design that references the historic use of the site as a brewery could be achieved. It is considered that this would provide a local landmark

Following concerns regarding the extent of the proposed copper / perforated cladding, particularly along the Park Road frontage, amended details were secured to help break up the massing of the material and therefore the building. These amended details included a reduction in the use of perforated Jacquard panels to achieve contrast in the copper cladding coupled with the inclusion of a number of proposed opaque glass and contrasting clad panels with etched or applied imagery relating to the former brewery use of the site. This could take the form of slightly abstract historical imagery; historical street maps of the area. The precise detail regarding the imagery could be secured by condition.

Additionally, the proposed Jacquard panels would now project away slightly from the façade to add shadow, texture and break the uniformity of the building mass. Interspersed panels relating to the former brewery and silk heritage create a layered façade representative of varied history of the site. These details in combination would assist in breaking up the overall mass of the building (particularly the side elevations) and would secure a high quality design with a complimentary use of materials. The proposed glazed entrance and front elevation (the



shopfront) would provide good height which would respond well to the Park Green frontage and would result in an improvement and transformation of the site and this part of Park Green.

In terms of legibility, the proposed building would perform well by providing an attractive active frontage at the entrance to the building and high quality public realm could be delivered along the site frontages. In terms of pedestrian movement, the proposal, by opening up Park Street would encourage greater movement from the existing access to the south through the core of the site to Park Green to the north.

The proposed design would be contemporary in terms of its appearance and the use of materials. However, it would provide an attractive form of development in an important area of Macclesfield Town Centre and would respond positively to the Park Green and High Street Conservation Areas. The design is therefore found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS.

### **Landscaping and Trees**

The application is supported by a Tree Survey. This confirms that the proposal would result in the loss of the trees (G1 – G3 & T7 – T12) associated with the Park Street road frontage. This has been accepted as part of previous schemes connected with this site. The existing trees located on the southern aspect of the site adjacent to Churchill Way are located within retained raised bed areas, which form a natural protection in terms of development incursion. The pedestrian layout forming the northern Park Green road frontage has been amended from its existing configuration utilising the two adjacent pedestrian crossings. The levels within the site edged red are slightly higher than those off site. Implementation requires the loss of trees, with others indirectly impacted, in terms of root plate incursion.

Following a site meeting with the Council's Senior Arboricultural Officer, it was established that the existing specimens were of no great amenity value. However, from a landscape perspective, some form of tree cover would serve to soften the visual appearance of some of the elevations of the proposed building. Owing to the physical proximity of the proposed shop front to the northern site boundary, the scope for large tree specimens would be reduced. However, there would be some scope for some soft planting and coupled with public realm works; it is not considered that this would unacceptably harm the visual amenity of the area. The loss of the trees would not sustain a refusal and some appropriate replacement specimens could be secured by condition.

### **Heritage Assets**

The proposed development has the potential to affect a number of designated heritage assets, including the Park Green and High Street Conservation Area, an area of archaeological potential and 3 Grade II listed buildings adjoining the western boundary of the site. To that end, the applicant has undertaken a Heritage Impact Assessment. Archaeology will be considered separately below.

With respect to the impact on the adjoining conservation areas, the existing Towers building is an unsightly concrete tower block which currently detracts from the adjoining conservation areas as well as the setting of the adjacent listed buildings. Its height, massing, architectural

style and positioning out of the historic building line all serve to undermine and dominate key views in and out of the conservation areas. The removal of this existing structure will therefore have a positive impact on the character of the area and the individual heritage assets within it and as considered above, the proposed design will enhance the appearance of the area. Whilst the loss of the existing planting / green edge is regretful in terms of its current contribution to Park Green, reinforcement of the intention to replace this loss would be welcomed and secured by a landscaping condition.

In terms of the impact on the setting of the adjoin listed buildings, the 3 grade II listed buildings which border the western boundary of the site would benefit from the removal of not only The Towers building, but also the existing brick built buildings along the eastern boundary. Their removal would open up views of these designated heritage assets as the main food-store building would be shifted away from this boundary. Subject to the use of high quality facing materials and hard and soft landscaping details, the proposal would protect and enhance the setting of the adjoining designated heritage assets in accordance with Cheshire East Local Plan Policy SE 7 and Macclesfield Borough Local Plan saved policies BE23, BE15 and BE17.

### **Archaeology**

This part of the town was identified as being one of two areas thought to have been settled in the early medieval period, forming part of the medieval Manorial complex. The manorial estate would have attracted trade and Park Green to the east of the development area may have acted as a market place which could explain why this part of the town had been built up by the end of the post medieval period. This area of Macclesfield continued to be the subject of development throughout the late 18th, 19th and 20<sup>th</sup> centuries and the first edition Ordnance Survey map of 1873 depicts the proposed development area as being occupied by a number of terraced houses, courts, a coal yard, a public house named the Gardeners Arms and at the northern extent of the site was the Macclesfield Brewery built in 1790 by William Paxton. The proposed development area remained relatively unaltered up until the mid to late 20<sup>th</sup> century during which period it was cleared and the Towers building was erected within the southern extent of the site.

It is considered likely that the 19<sup>th</sup> and 20<sup>th</sup> century development which occurred within the proposed development area may have resulted in some damage to, and/or destruction of, any earlier medieval and post medieval archaeological deposits. However recent archaeological work (2014) elsewhere in the town have shown that buried archaeological remains dating to the 17th and 18th centuries can still be found, albeit in a poorly preserved state. There is therefore a potential for late 18th century, and/or earlier, deposits to survive on the site. Any such surviving remains would merit preservation by record, i.e. archaeological excavation and recording. In this instance, the car parking and grassed area occupying the northern half of the site, would offer the best opportunity to carry out some limited archaeological evaluation in the form of trial trenching, in order to determine the nature and extent of any surviving remains related to the Macclesfield Brewery, to determine if earlier deposits survive beneath them, and establish the level of any further archaeological investigation that may be required.

The Cheshire Archaeology Planning Advisory Service (APAS) has therefore recommended that an appropriate programme of archaeological mitigation be undertaken and secured by condition. Subject to this, the proposal is found to be acceptable in this regard and

compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

### **Parking, Highway Safety and Traffic Generation**

Parsonage Street will provide the main access to the store and also the CEC pay and display car park, the servicing for the site is at the western end of the site where HGV's will reverse into the loading area. The width of Parsonage Street will vary between 6.2 metres and 6.0 metres and this is sufficiently wide to accommodate two way traffic flow.

There have been a number of previous planning applications on this site including a previous one for a Lidl store. This current application proposes undercroft parking and surface level parking to serve the building. There are 88 car parking spaces in total to serve the store with the car parking being roughly split evenly between surface level and undercroft.

The western end of the site is currently public highway and will be required to be stopped up as part of this application. There is a pedestrian access to the car park from Park Street and this is to be retained in the application.

In regard to traffic impact the Transport Assessment submitted with the application has assumed that 50% of trips are new and 50% are pass by trips. The Council's Head of Strategic Infrastructure (HSI) has confirmed that this is a reasonable assumption as many food shopping trips take place to other stores and some will be reassigned to this site. The nearby traffic junction at Park Street would see the main traffic impact of the development and the applicant has assessed this junction using the Linsig model and the results indicate that it would operate within capacity in 2022 with some spare capacity.

Historically, Parsonage Street has been used to serve a former office use on the site and as part of the Lidl proposal the road will be improved to allow two way flows and provide access to the car parks. The traffic impact of the proposal has been tested at the nearby traffic signal junction and sufficient capacity is available to accommodate the development trips.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network and the parking and pedestrian facilities would be sufficient to accommodate the proposed development. The proposal therefore accords with Policy DC6 of the Macclesfield Borough Local Plan.

### **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard must be had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

This proposal is for the erection of a Class A1 retail unit with car parking and servicing areas. Air Quality Impacts have been considered within the Environmental Impact Assessment submitted in support of the application by Wardell Armstrong dated June 2017. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads (a pollution model) to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

Air Quality Monitoring undertaken at Broken Cross and Park Lane, Macclesfield indicates that the annual mean nitrogen dioxide limit value was exceeded for the years 2014 and 2015, with further exceedances in 2014 for Chester Road and Hibel Road. The Council is currently undertaking a verification process in accordance with the Local Air Quality Management regime to declare an Air Quality Management Area and the due process involved in that decision.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1: 2016 Verification and Base Year
- Scenario 2: 2022 Opening/Future Year, Without Development
- Scenario 3: 2022 Opening/Future Year, With Development

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. An air quality damage cost calculation has also been undertaken. The damage costs associated with emissions arising from vehicle movements from the development for 5 years have been calculated as £20,569 per year. The cost of mitigation to be implemented to offset the impact of emissions should reflect this value and the report makes reference to the provision of electric vehicle charging points and the implementation of a staff travel plan as potential mitigation measures.

In the conclusion presented by the report, one of the receptors (ESR 3) is predicted to experience a moderate adverse impact effect as a result of the completed proposed development in regards to the NO<sub>2</sub> concentrations. This receptor is also located within one of the town's recently declared AQMAs. It is important to note that the current lawful use of the site as offices needs to be weighed in the balance as this use would have the propensity to generate a significant number of vehicle movements also. Given that the cost of the proposed mitigation (i.e. the cost of providing 2 rapid charge electric vehicle points and the implementation of a travel plan) would amount to a similar amount to the damage costs identified above, it is considered that the proposed mitigation coupled with the lawful use of the site is sufficient to outweigh the associate impacts on air quality.

The Staff Travel Plan will identify alternative forms of transport and reduce the reliance on the private car and the provision of 2 rapid electric vehicle charge points can be secured by condition. Subject to this, the scheme is found to be in compliance with CELPS Policy SE 12.

### **Ecology**

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such

interests, permission should be refused. The application is supported by an extended Phase 1 Habitat Survey which concludes that the site is generally low in terms of its nature conservation value. The proposal would be unlikely to affect statutory or local wildlife sites in the local area. The Council's Nature Conservation Officer has reviewed the submitted survey and agrees with its findings. Subject to conditions to safeguard breeding birds, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

### **Flooding and Drainage**

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. A very small section of the site in the far north-western corner falls within an Indicative Flood Zone according to the Local Plan Proposals Map. However, this is not a flood zone recognised by the Environment Agency and given that this area of land is already hard surfaced, it is not considered that the proposals would give rise to issues relating to increased flood risk.

Nonetheless, as the development is brownfield the Council's Flood Risk Team have suggested that the site should achieve a minimum 30% betterment on existing surface water run-off rates. Furthermore, the developer must ensure surface water drainage is designed up to a 1 in 100 year + 30% climate change storm. This must be modelled and demonstrated not to cause any flooding to proposed and existing developments. This details can be secured by condition. The Council's Flood Risk Team have assessed the proposals and are satisfied that subject to drainage conditions, the proposal would not give rise to flooding or drainage issues.

### **Land Contamination**

The application area has a history of commercial use and therefore there is the potential for contamination of the site. The reports submitted in support of the application recommend that a further post demolition investigation is carried out to determine the presence and extent of any contamination on site. There is evidence that there are some asbestos materials on site which will need to be dealt with appropriately. As such, and in accordance with the NPPF, the Council's Environmental Protection Unit recommends that such updated reports and investigations can be secured by condition, should planning permission be granted. Subject to this, the considerations in respect of land contamination are acceptable.

### **Residential Amenity**

The nearest residential properties are located on the opposite side of Park Street to the east and there are some that back onto the western boundary of the site where Progress Mill stands. It is considered that the development will be compatible with appropriate conditions attached to protect the resident's amenity. The Council's Environmental Protection Unit (EPU) has assessed the application together with the submitted noise assessment and is satisfied that subject to conditions, the scheme would not prejudice the amenity of the occupiers of adjacent properties by reason of noise or odours.

The nearest of the neighbouring residential properties will at its closest point be approximately 20 metres from the proposed building, which is closer than the existing. However, it is considered that due to the reduction in height from the existing building tower block, the impact upon the nearest properties is acceptable. Properties further to the north on Park

Street are approximately 23 metres from the proposed development, which is considered to provide a commensurate degree of space, light and privacy for adjoining neighbours.

Relationships with all other surrounding properties are considered to be acceptable and no significant amenity issues are therefore raised. The proposal is therefore considered to comply with policies DC3 and DC38 of the Macclesfield Borough Local Plan.

### **Noise**

An acoustic report has been submitted which considers the impact of the noise from plant and equipment, noise from deliveries to the store and also customer vehicles on the store car parks. The report recommends mitigation designed to ensure that occupants of nearby dwellings are not adversely affected by operational noise from the development. The mitigation includes restricting deliveries to daytime hours (07:00 - 21:00 hours Monday to Saturday and 09:00 – 18.00 hours Sundays and Public Holidays). The Council's Environmental Protection Unit has advised that the proposed mitigation is acceptable to ensure that the occupants of nearby residencies are not adversely affected by operational noise from the development.

The proposal raises no significant amenity issues and is considered to comply with policies DC3 and DC13 of the MBLP, and the noise aspect of policy SE12 of the CELPS.

In the round, subject to conditions, the scheme is found to be environmentally and socially sustainable.

### **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new retail jobs, investment in the area and by bringing a prominent vacant brownfield site into viable use on one of the key gateways to Macclesfield Town Centre, which is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development.

The proposal is for a main town centre use within one of the borough's designated town centres. The principle of the proposed development is found to be in accordance with an up-to-date local plan and would deliver retail development appropriate to its location which would not undermine the vitality or viability of the town centre. The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where the proposed use would support these designations.

The proposal would generate jobs for 25 full-time equivalent employees. Whilst the existing lawful use of the site as offices / light industrial are employment uses, it is important to note that the site has lain vacant for a significant length of time (over 10 years). The use of the site for employment uses is not therefore current and attempts over its extensive period of vacancy have been made (without success) to secure re-use.

The proposed design would be contemporary in terms of its appearance and the use of materials. However, it would provide an attractive form of development in an important area of

Macclesfield Town Centre and would respond positively to the Park Green and High Street Conservation Areas as well as other adjoining designated heritage assets.

The scheme is found to be acceptable in terms of its impacts on the local highway network and the parking and pedestrian facilities would be sufficient to accommodate the proposed development.

The impact of the proposal on environmental considerations relating to trees, landscaping, flooding, drainage, land contamination (subject to further investigations), air quality and ecology would be acceptable subject to conditions.

The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval.

### **RECOMMENDATION:**

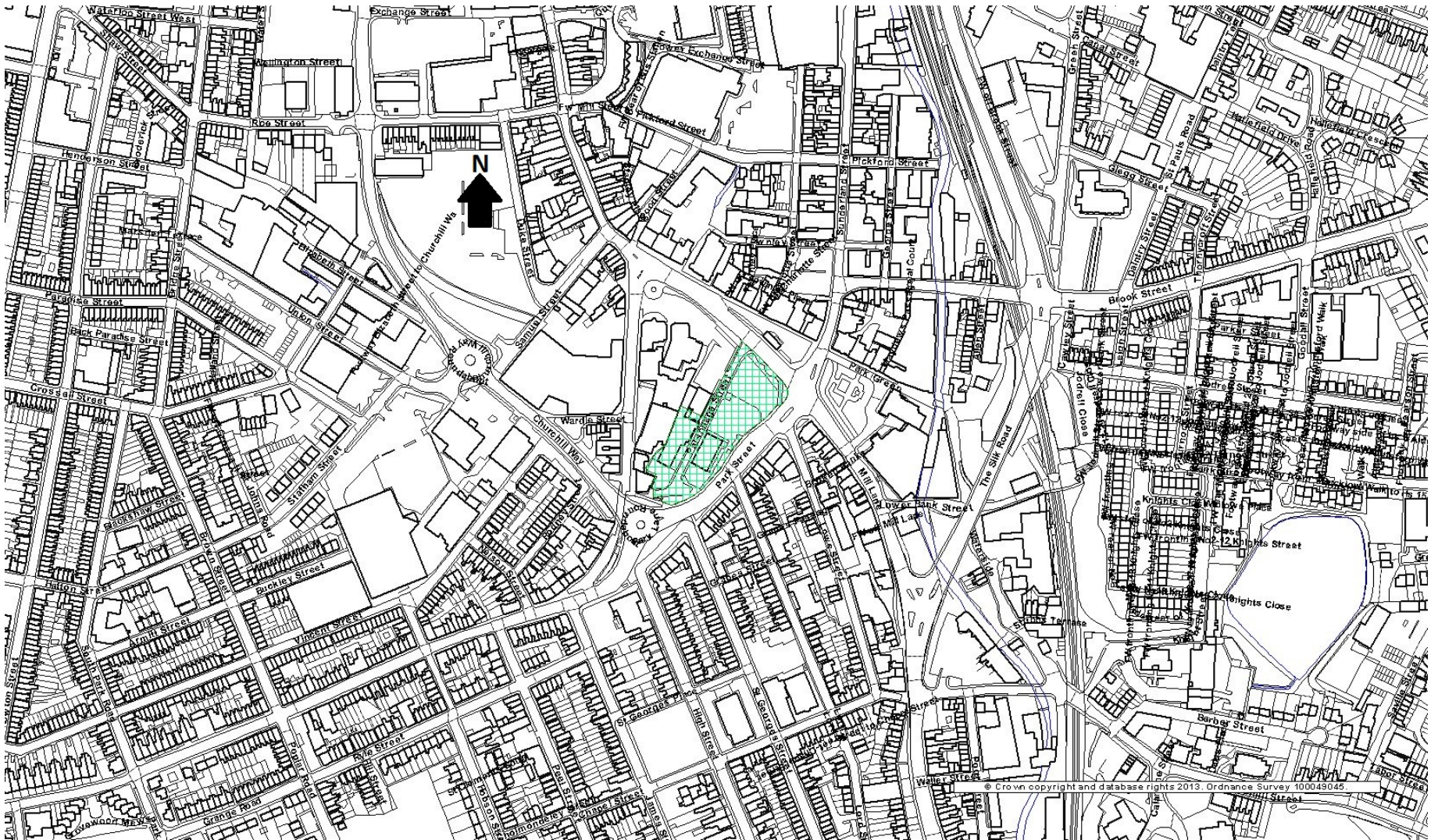
#### **Approve subject to the following conditions:**

1. Commencement of development (3 years)
2. Development in accord with approved and amended plans
3. Materials to be submitted including details of surfacing
4. Details of imagery to be applied to opaque glazed features and perforation of the external cladding to be submitted and shall reference local history of the site
5. Scheme of public real works to Park Green frontage to be submitted
6. Tree retention (where applicable)
7. Tree protection (where applicable)
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Accordance with submitted Extended Phase 1 Habitat Survey
11. Nesting birds survey to be submitted
12. Features for incorporation of nesting birds into the scheme to be submitted
13. Accordance with details of external lighting
14. Construction Management Statement to be submitted
15. Details of the materials used to reconstruct Parsonage Street to be submitted
16. Drainage strategy with detailed calculations to be submitted
17. Foul and surface water shall be drained on separate systems
18. Accordance with submitted noise mitigation measures
19. Method statement for piling and floor floating to be submitted
20. Method statement for minimising dust emissions during demolition / construction
21. Electric Vehicle Infrastructure to be provided (2x rapid charge points)

22. Travel plan to be submitted
23. Phase II post demolition ground investigation and risk assessment to be submitted
24. Verification report in accordance with remediation to be submitted
25. Imported soil to be tested for contamination
26. Unforeseen contamination to be reported to LPA
27. 10% of energy from decentralised and renewable or low carbon sources
28. No deliveries outside of the hours of 07.00 hours to 21.00 hours from Monday to Saturday and from 09.00 hours to 18.00 hours on Sundays and Bank Holidays
29. Hours of opening restricted to 07.00 hours to 22.00 hours from Monday to Saturday and from 10.00 hours to 17.00 hours on Sundays and Bank Holidays
30. Programme of archaeological work in accordance with a written scheme of investigation to be submitted
31. Scheme for the control of odours to be submitted

*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of the Northern Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*





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