

Application No: 11/2424M

Location: QUEENS AVENUE MACCLESFIELD SK10 2BN

Proposal: Erection of a Building for use as a Builder's Merchant following Demolition of an Existing Building

Applicant: AGHOCO 1045 LTD

Expiry Date: 15-Aug-2011

**SUMMARY RECOMMENDATION**

Approve – subject to conditions and a legal agreement

**MAIN ISSUES**

- Impact on residential amenity
- Design
- Impact on the highway and congestion
- Impact on ecology

**Date Report Prepared:** 20<sup>th</sup> October 2011

**REASON FOR REPORT**

The proposed development is for a commercial development which comprised 1772 sq m floorspace with associated car parking, access and servicing arrangements, therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The site lies on a parcel of land which lies to the western side of Queens Avenue. The site forms part of the Queens Avenue/Hulley Road Industrial Estate. The site (which was formerly occupied by IAS Brand Progression) has been vacant for a few years. There are residential properties to the east of the site which are a mixture of bungalows, terraced and semi detached houses. The units to the north, south and west are commercial in nature. The existing building is sited to the front of the site and there is a large concreted area to the rear with parking provision for approximately 70 cars. The existing buildings were erected between the 1970's and 1990's.

**DETAILS OF PROPOSAL**

This proposal is for the demolition of all the buildings on the site (which measures approximately 0.79 Ha) and the erection of a building for use as a builder's merchant. The buildings to be demolished are approximately 2467m<sup>2</sup> and the proposed new building would measure 1772m<sup>2</sup>. The applicant proposes 16 no. parking spaces (8 no. spaces to the south/side of the building and 8 no. to the west/rear). The proposed hours of use is 07:00 to 17:30 Monday to Friday and 07:00 to 16:00 on Saturdays.

## **RELEVANT HISTORY**

11/2333M - Proposed demolition of building (Determination) - Approval not required - 22.07.11

Numerous planning applications were determined during the 1970's, 1980's and 1990's for industrial and office developments on this site.

## **POLICIES**

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

### **Regional Spatial Strategy**

DP1 Spatial Principles)  
DP2 Promote Sustainable Communities  
DP3 Promote Sustainable Economic Development)  
DP4 Making the best Use of Existing Resources and Infrastructure  
DP5 Manage Travel Demand – Reduce the Need to Travel, and Increase Accessibility  
W5 Retail Development

Of the remaining saved Structure Plan Policies, only policy T7: Parking is of relevance.

### **Local Plan Policy**

NE11 Nature Conservation  
BE1 Design Guidance  
DC1 New Build  
DC2 Alterations and extensions  
DC3 Amenity  
DC6 Circulation and Access  
DC8 Landscape  
DC13 Noise  
E4 Industry  
T1 Integrated Transport Policy

### **Other Material Considerations**

PPS1 Sustainable Development  
PPS4 Planning for Sustainable Economic Growth provide the key guidance for the assessment of this proposal

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

**Highways:** The Strategic Highways Manager raises no objections. The Strategic Highways Manager has considered the different industrial uses which the site has had and considers the proposed use as a sui generis use. The site is allocated for employment use and considers there to be no technical grounds with regard to the infrastructure design to warrant refusal of the application on highway safety grounds. The traffic generation from the former B1/B8 use would have provided a higher number of trips than that likely from a builders merchants, therefore there is a highway benefit from the reduction in traffic. There is no

objections to the access (which would remain the same), or number of car parking spaces to be provided.

**Environmental Health:** Do not object subject to conditions relating to: -

The provision of details relating to storage of outdoor timber racking and aggregates being submitted to and approved prior to commencement of development. Delivery/collection area and forklift truck areas should be sited in areas which would cause least environmental effect on neighbours. Conditions should be attached relating to days/opening hours, days and hours of deliveries with a restriction of 07:30 to 18:00 Monday to Saturdays with no opening on Sundays and Bank Holidays.

The site is currently in industrial use and therefore, there is the potential for contamination of the site and the wider environment to have occurred. This site is also within 50m of a known landfill site or area of ground that has the potential to create gas. As such, and in accordance with PPS23, the Contaminated Land Officer recommends that conditions are attached to any permission granted, which would require a contaminated land Phase I report (which would assess the actual/potential contamination risks at the site) to be submitted and approved prior to any works commencing on site. Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall also be carried out, and any remediation carried out as necessary.

The **Green Space Parks Officer** states that the proposal would generate a requirement for a commuted sum payment towards off site open space and recreation / sports facilities in the area, which would need to be secured by via a legal agreement.

**Macclesfield Civic Society** comment as follows:-

1. The site is on an established employment area and as such a range of activities must be considered appropriate in land use terms. The former use was for general industrial purposes with attendant traffic and other activity. The proposed use may result in a lesser level of activity though no doubt this will be assessed. The society would support the conditions and limitations sought by the Environmental Health Officer.
2. The design and materials of the building appear appropriate for an employment site;
3. Traffic conditions along Queens Avenue would be for assessment by the highway authority though it should be noted that no development on the employment site have been refused on access/traffic grounds. Queens Avenue was one of the original accesses to the Hurdsfield Industrial estate in the 1950s;
4. The number of representations are noted and no doubt these will be assessed by the appropriate committee prior to decision;
5. Impact on bats or other protected species would be a matter for assessment under current planning guidance and subject to other statutory controls where appropriate.

A further e-mail was received from Macclesfield Civic Society. The writer maintains the points raised in items 1 and 2 (above) and makes the following additional comment: -

With regard to item 3 on traffic conditions, the residents of houses and bungalows near to the site are concerned about the potential increase in traffic as a result of the development, particularly HGVs delivering goods to the store and distributing items therefrom. These concerns have been made in representations already submitted and presumably will be

considered by the highways' advisers. Macclesfield Civic Society consider that there might (in view of the way that the employment uses have developed along Queens Avenue) be some merit in considering traffic management measures, such as road closures, or, road width limitations to supplement the traffic regulation order already in force - the residents assured the writer that there is evidence of the TRO being ignored, or, flouted and perhaps a degree of separation might be the long term solution. It is requested that this matter be referred to the highways' engineers for investigation and consideration.

With regard to item 4 the residents referred to noise, disturbance and dust, coupled with a lack of landscaping - no doubt Cheshire East will consider whether conditions would be a way of dealing with such matters.

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

Not applicable.

#### **OTHER REPRESENTATIONS**

Various letters of objection have been received from 6 local residents. Comments are made with regards to the following: -

- As long as a building is not visible and trees are retained, then one resident is not opposed to the redevelopment.
- It is questioned if there is need for another builders merchant, when there are two Travis Perkins, a Jewson's and Wicks within half a mile.
- Residents are opposed to 07:00 traffic from deliveries and collection. This would contravene a "delivery and dispatch of goods" restriction placed on the four units that are built close to the proposed site.
- It is stated that the writer's house shakes when the occasional big wagon goes passed.
- The road has a 7.5 ton weight limit. It was not made to handle heavy loads.
- The increase in volume and size of vehicles will have a detrimental affect not only on the writers physical condition, but also on the value of their house.
- There is already an existing traffic problem on Queens Avenue due to parents parking on the road when they visit Fun 4 All.
- There is a problem with drainage at the proposed turn in, where the road floods.
- It is questioned if the "large vehicles" entrance could be moved to the other end of the proposed site, or may be even round the back, off Mottram Way near Jewson's. This would reduce the number of vehicles going into the more residential area of Hurdsfield.
- One resident advises that their house is not situated on an industrial estate, but adjacent to one. The writer would expect the buildings, land and activity to blend in and be in keeping with the housing estate. It is understood that the businesses adjacent are for light manufacturing/engineering only.

- The road surface in this area is unbelievably poor.
- Queens Avenue is a very busy road as it is used as a cut through from town to a commercial area.
- There is a timber merchant/double glazing company and a dairy and companies situated on Snape Road, all near the Hulley Road/Queens Avenue junction.
- It is most disconcerting to find late in the evenings on several occasions, large articulated lorries parking up for the night close to buildings, where they wish to off load as early as possible in the mornings.
- Articulated lorries already have difficulties navigating the four junctions on Queens Avenue and have difficulties turning into the premises near by.
- The applicants state that “management of on-street car parking in the surrounding area may also be necessary”.
- There will be an increase in further pollution such as cement, sand and brick dust from the outside yard.
- The proposed pre-fab building with gaudy colours and removal of trees screening the current building will be an eyesore.
- There is already excessive noise day and night from existing companies. The night time noise is from surrounding businesses moving their goods keeps the writer awake at night.
- Bats have been seen heading in the direction of the existing building/tower. If they are roosting there, there needs to be more consideration.
- The opening times of MARKOVITZ Ltd is 06:30 am, with official opening at 07:00 Monday to Friday. There is currently a restriction on loading and unloading at other buildings in Queens Avenue that they cannot commence until 08:00.
- The proposed building will be moved from 20m away from the edge of the pavement to 12m, which will give minimum ground frontage for trees/landscaping. 12 out of 19 trees will be cut down.
- One writer does not mind other companies coming into the estate as it means extra work for people, however, it is the parking of residents own cars that worries the residents of Queens Avenue.
- The harsh look of the metal fencing that are used and the lack of screening is very uninviting.

A petition was submitted (in the beginning of August), which objected to the proposal on the following grounds: -

- Environmental/quality of life
- Traffic
- Type of development and impact on property values

The petition included approximately 90 signatories.

Further to the submission of a revised Planning Statement and Design and Access Statement, the following comments was received: -

- The slight change to the siting of the proposed building will not lessen the impact of the “shed like” storage building. The resident totally agrees with the statement that the design is in keeping with the industrial estate, however, it does nothing to merge with the residential estate across the road or enhance the area in any way whatsoever.
- Concerns regarding traffic are reiterated.
- Concern is also raised about opening times. MKM want 07:00 opening from Monday to Saturday, and it is requested that this is changed to 08:00 in keeping with other businesses in the area. There should be no openings on Sundays or bank holidays in order to give residents some time away from noise and traffic generated.
- The Planning Statement suggests the new business will be good for employment. However, who can say if this business will not cause the closure of one of the nearby existing businesses.

#### **APPLICANT'S SUPPORTING INFORMATION**

The applicant's submission includes a Design and Access and Planning Statement. This document is available online as a background paper. The Design and Access and Planning Statement was amended on 30<sup>th</sup> August and subsequently on 13<sup>th</sup> October 2011, which seeks to address concerns raised by residents. The following additional information is provided: -

The business is to be operated by MKM.

A revised plan has been submitted which shows a revision to the position of the building.

Reference is made to the draft National Planning Policy Framework.

Representations made by residents are reviewed.

Changes to the opening times are proposed. It is proposed that staff would arrive at 07:00 and the business would open at 07:30. The premises would close at 17:30.

Confirmation that a bat survey has been undertaken and no roosting bats have been found on site.

The report includes a section on Planning Obligations.

The applicant concludes that this application seeks to redevelop an existing employment site for another employment use. This use is sui generis. The site is within an employment area and as such a use would not be out of character in the area. The development will improve

the appearance of the area. The development will not be harmful to residential amenity. There is no evidence that the building is likely to contain protected species.

## **OFFICER APPRAISAL**

### **Principle of Development**

The vacant site comprises a former business premises. All the existing buildings would be demolished and a new 19 000 sq. ft. builders merchants building would be erected in its place. The proposals include customer car parking, service arrangements and boundary treatments. All the parking and servicing would be located to the side and rear of the building, which will allow the commercial activity to take place away from neighbouring residential properties.

The key issue to consider is whether the proposal complies with national and local plan policies. Other site planning issues relate to the impact on visual amenity (including the design of the building and impact on the street scene), the impact on neighbour amenity, the impact on highway safety/parking and any potential ecological impact – i.e. bats.

### **Policy**

National Planning Policy Statement PPS4: Planning for Sustainable Economic Growth provides the key guidance for the assessment of this proposal. National guidance in PPS1: Delivering Sustainable Development, PPS9: Biodiversity and Geological Conservation, and PPG13: Transport is also of relevance.

The site is located within an Employment Site on the Proposals Map of the Macclesfield Borough Local Plan. Policy E4 (Industry) is the relevant policy. This policy permits General Industry (B2), Warehousing (B8), High Technology (B1) and Light Industry on Hurdsfield Industrial Estate.

Policies NE11, BE1, DC1, DC2, DC3, DC6, DC8, DC13 and T1 are also relevant.

Relevant policies of the RSS include: -DP1 (Spatial Principles); DP2 (Promote Sustainable Communities); DP3 (Promote Sustainable Economic Development); DP4 (Making the best Use of Existing Resources and Infrastructure); and DP5 (Manage Travel Demand – Reduce the Need to Travel, and Increase Accessibility).

### **Other Material Considerations**

Within this assessment due regard should also be afforded to the Ministerial statement on Planning for Growth (March 2011), which notes that, “The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.” The statement confirms that the Secretary of State will “attach significant weight to the need to secure economic growth and employment.” Similarly, regard should also be had to the Draft National Planning Policy Framework, which reiterates the presumption in favour of sustainable development.

### **Sustainable Economic Development**

PPS4: Planning for Sustainable Economic Growth is also of relevance to this proposal. The development is for a commercial development which falls on land allocated for employment

uses within the Macclesfield Borough Local Plan. The site is considered to fall within a sustainable location. As a scheme that provides employment opportunities, the principles of achieving sustainable economic development are still relevant, and given the type of commercial use which will deal with bulky goods, the proposal would not be considered necessarily suitable for a town centre location, and thus, is not thought to compromise town centre policies. The principle of development complies with the government policies of sustainable development, which seek to allow development, subject to it being considered acceptable with regard to local plan policies.

## **Design**

The proposed building would resemble a warehouse, which is considered to be sympathetic to other warehouses in the vicinity of Queens Avenue (i.e. the adjacent buildings including Fun 4 All). The lower section of the external walls would be constructed from engineering brick with a lighter brick above. The upper half of the building would be constructed from profile cladding (coloured Goosewing grey, with the upper part coloured Merlin grey). The roof would also be constructed from profile cladding, with rooflights and solar panels.

The building would be measure approximately 55m by 26m. The eaves height would be 6.7m and ridge height would be 8.5m. It would be split up internally into a large bulk warehouse area (1393m<sup>2</sup>) and a small product storage area (381m<sup>2</sup>), which would consist of a kitchen area, wc's and offices. This would have a mezzanine storage area above (381m<sup>2</sup>).

It is considered that the form of development proposed is appropriate in the context of the industrial estate which the site falls. With the trees and landscaped strip retained to the front of the building, it is considered that the proposal will result in an enhancement over what is currently on site, in terms of delivering a fit for purpose building which will make efficient use of the land, and designwise, be far more sustainable. The concerns of local residents are noted, but there is inevitably a difference in character between the residential and commercial buildings, which is the situation at the moment.

## **Boundary treatment**

The existing 2.4m high palisade fence to the western, southern and northern boundaries (facing neighbouring industrial buildings) would be retained. The existing 1.5m high chain link fence on the southern boundary and would be removed and the chain link fence on the northern boundary would be replaced with a 2.4m high palisade fence. The public face of the building on Queens Avenue would remain as a landscape strip, with the higher quality trees retained, and the area below remaining as lawn.

It is considered overall that the proposals would have an acceptable impact on the surrounding area given the context of the locality.

## **Highways**

The Strategic Highways Manager raises no objections to the proposals. The existing site has been for different B1 and B8 uses in the past. The proposed use as a builder's merchant is considered to be sui generis. The site is allocated for employment purposes and whilst from a highway point of view it is not good to mix industrial and residential traffic together, this is the existing situation. There are no technical grounds with regards to the design of the road infrastructure, to warrant refusing this proposal. No alterations are proposed to the existing access. There are 17 car parking spaces proposed and cycles parking, which is considered



appropriate for this type of development. It should be noted that the traffic generation from the former use (B1/B8) would have been greater than that proposed under this proposal and therefore, there is a highway benefit in terms of the reduction of traffic. Given the location of the site and its allocation, one would expect to see the site served by HGV's. Enforcing the weight of vehicles, which access the industrial buildings on Queens Avenue is a police matter, and does not fall within the remit of Cheshire East Council.

### **Amenity**

The proposal is replacing one commercial activity (a B2 general industrial and B1 office use) with a builders merchant. The site is allocated for industrial uses and the Environmental Health Officer has raised no objections to the proposal and considers that the siting of the building should provide a natural barrier to noise and dust. With certain safeguarding measures in place (i.e. an hours of use/deliveries condition and condition to allow the storage of materials), the use can take place without any adverse impact on neighbouring properties. The nearest residential properties are those opposite, which are between approximately 26m and 32m away.

The applicants had initially requested an opening time of 07:00, Monday to Saturday. The applicants have changed this to requesting that staff arrive at 07:00, in order that the premises can open to the public at 07:30. The Environmental Health officer has considered this request and on balance feels that a 07:30 opening will be on balance acceptable. However, this will be for visitors with light goods vehicles only. Deliveries/collections from HGV's should be restricted to 08:00, in order to protect the nearby residents from noise and disturbance connected with vehicular movement to and from the site. Subject to these controls, it is not considered that the proposal will raise any significant amenity issues.

Whilst it is acknowledged that if designed today, urban designers would seek to avoid the relationships between industrial uses and residential uses that is evident on Queens Avenue, those relationships do exist and as such, this scheme needs to be assessed on its merits, and the applicants cannot be held accountable for problems associated with other industrial units elsewhere.

### **Trees and Ecology**

The proposed development can be implemented with the loss of a number of low value trees, with the retained moderate value roadside specimens protected in accordance with current best practice. The majority of the trees are located on the Queens Road site frontage with two groups situated on the northern and Southern boundary aspects of the site. The majority of the higher value trees are located directly adjacent to the Queens Road highway boundary, and are noted for retention as part of the proposed development. These provide a reasonable screen to the site.

There is a closely spaced group of trees directly to the rear and west of the linear group which, all are considered to be low value specimens which contribute little to the area both in amenity terms and screening of the adjacent building. This group along present a very poor social proximity to the adjacent building and would require regular maintenance and probable selective removal irrespective of development. The impact of their proposed loss is mitigated by the retention of the linear group which form the eastern most aspect of the site.

The arboricultural survey identified the removal of two trees in the south eastern corner of the site in order to facilitate a proposed drainage run. Since the survey was commissioned the proposed building line associated with the eastern elevation has been pushed back in line with the existing build foot print, this has enabled the two identified trees to be retained. A total of only 3 trees would be lost at the site frontage.

The additional space established by the alterations to the proposed build footprint and the closing of the northern most access should allow a suitable specimen landscape scheme to be implemented which in the long term should be seen as a net gain in terms of tree loss.

The proposal includes the demolition of existing industrial and office buildings. The Nature Conservation Officer notes that the trees in the vicinity of the site would provide sufficient habitat for foraging Pipistrelle bats, and therefore is not surprised that bats have been observed in the area. However, considering the relatively intensive development near to the site, the Nature Conservation Officer would not anticipate any significant activity by any of the other less common bat species. Pipistrelle bats readily take to roosting within residential properties and so there is an abundance of roosting opportunities provided by the houses on Queens Avenue, Chestnut Avenue, Hawthorne Way and beyond. The availability of suitable roosting opportunities for bats is likely to far exceed the needs of the bats that could be supported by the available foraging habitat. The industrial buildings on the western side of Queens Avenue are likely to offer less suitable roosting conditions than the residential properties due to the nature of the materials used in their construction.

It is initially not considered that the building to be demolished would provide a suitable habitat for bats, however, the Nature Conservation Officer requested a bat survey as a precautionary measure, following representations about the presence of bats. The survey recorded that bats were active on site during the survey, however, there was no evidence that roosting has taken place. The ecologist was made aware of the comments about bats emerging from the tower building. Another visit was undertaken; however this did not reveal any evidence of roosting bats. It is recommended that a condition is attached which ensures that the site maintains suitable foraging material for bats. Therefore, the landscape scheme should include the provision of appropriate native tree and shrub species. In addition, details should be provided of proposals for the incorporation of features into the scheme suitable for use by roosting bats.

## **OTHER RELEVANT INFORMATION**

If approved, the proposal would generate a requirement for a commuted sum payment towards off site open space and recreation / sports facilities in the area, which would need to be secured by via a legal agreement.

The Green Space Parks Officer comments that the SPG states that significant commercial developments create demand for open space facilities and accordingly the council will seek the provision of open space and other facilities from commercial developments. It is not the loss of, or damage to existing open space that triggers this requirement, although where that occurs it would trigger additional mitigation. It is clear from the SPG that a development of this scale would trigger the requirement for open space and other facilities. The SPG additionally states that the mitigation will be negotiated as appropriate to the location, size and scale of

the development and with other strategies or audits. The nature of the development and the likely impact it will have on existing facilities and the future requirements of the staff, and or, visitors to the proposed site in improving their health and wellbeing etc. will also be considered. It is preferable that the open space facilities required by this development are provided off site, and given the proximity of Banbury close open space and the opportunities already provided there, an benefit can be provided by way of a commuted sum payment.

If the formula in the SPG were followed, then (based on a gross new internal floor space of 1772sqm of B2), a commuted sum of £11,813.33 for Public Open Space and £11,813.33 for Recreation / Outdoor Sports would be required. A total of £23,626.66.

Given the location and nature of the development, it is evident there will not be an impact on, or the need for children's play and therefore the Open Space commuted sum can be reduced by 50% to £5,906.67, for amenity improvements. Amenity improvements which are relevant to the development will be required and these will be made to Banbury close open space. This area is 187m away from the site and would be a likely off road route for pedestrians visiting the site. Although it is appreciated that most visitors will arrive by vehicle, some may not, and an attractive off road route will encourage less vehicular use by employees based on site who may live on the Hurdsfield estate. This area also provides a very accessible break and lunch area option for employees and contains a MUGA which could certainly provide opportunities for informal sport and recreation for employees. Therefore, improvements will focus on improving the facilities for these activities. For example, new seating and path surfaces, signage etc.

As the site already contains satisfactory sporting facilities and there is no demand for or capacity to accommodate additional or enhanced sporting pitches courts or greens, it would not be appropriate to seek a commuted sum for such a purpose and so the requirement for a commuted sum for Recreation / Outdoor sport will be waived.

This means that the total commuted sum required from this development is £5,906.67.

The response from the Green Space Parks Officer is based on the Supplementary Planning Guidance on Section 106 Agreements. However, it takes into account the Community Infrastructure Levy and Circular 05 / 2005 which require the requirements to be tested, to ensure it is relevant to planning, necessary to make the proposed development acceptable, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other aspects.

The SPG clearly identifies the triggers and requirements for open space arising from new developments and this is a material consideration, supplementary to the local plan. Therefore, the Green Space Parks Officer has applied the SPG and arrived at a commuted sum based on the formulas contained within the SPG. This amount has then been tested against the likely impact of the development in terms of the needs of those using the development site and the existing facilities locally. Area where improvements can be made have been identified in order to accommodate for those needs and the likely impact considered, ensuring that they are directly related and reasonable in scale and kind.

The comments expressed by consultees and residents are noted. The Highways Engineer will comment on the concerns of neighbours with regards to any potential increase in traffic. The

observations of Macclesfield Civic Society in relation to traffic management measures have been forwarded to the Strategic Highways Manager, however, any additional requirements for traffic calming, and/or the assessment (i.e. weight, size, volume) of vehicles which use Queens Avenue would have to be assessed separately to this application. Some of the residents have questioned the need for another builders merchant in the area, however, competition is not a material planning consideration when assessing applications of this nature. Comments are made with regard to the road flooding and its surface being poor – the road is outside the proposed site and these issues are outside the applicant's control. The applicant cannot be penalised for the actions of other truck drivers who may decide to park up on Queens Avenue for the night. It is not envisaged that the proposal will exacerbate this situation.

The main concern in addition to the potential impact of cars and lorries is the design of the building and its relationship with the houses opposite. One of the residents has commented that their house is not situated on an industrial estate, but is adjacent to one. The writer goes on to say that the land and activity should blend in with the housing estate. Officers agree that the houses clearly fall within a residential area; however, the site the subject of this application falls within an employment area, where the proposed use would be considered to be completely acceptable. The scale of the development and distance between the proposed building and residential properties is acceptable. Although it is accepted that the site has been vacant for the last few years and therefore, the associated impact of the site will have been very limited, Officers consider that the impact of the builders merchant on residential amenity is likely to be very similar to that of the lawful use of the site, which comprises of B1 (office) and B2 (industrial) uses. It should be noted that there are no restrictions on the current hours of use of the premises. Any pollution from cement, sand or brick dust will happen on the opposite side of the building and therefore, should not result in an impact on the residential properties. The issues of design, hours and opening hours have been considered in the report above.

It is considered that conditions can be attached to address any noise disturbance to neighbouring properties.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed redevelopment of this site should bring a previously vacant site back into a suitable use. The use of the site as a builder's merchant is considered to be acceptable in land use terms and complies with the objectives of the Macclesfield Borough Local Plan. The proposal is not considered to have an adverse impact on neighbour amenity and the design is acceptable. The proposal complies with the Development Plan and in addition, it is considered that the proposal complies with "Planning for Growth" (March 2011), as it would not compromise the key sustainable development principles set out in national planning policy and is considered to be acceptable in all other forms, whilst providing secure economic growth and employment. The proposal is also considered to represent sustainable development and accord with the Draft National Planning Policy Framework. Therefore, planning permission should be granted.

## **HEADS OF TERMS**

The Heads of Terms for this application would require the following: -

- Commuted sum of £5,906.67 as a commuted sum towards public open space/amenity improvements.

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the s106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this instance it is considered that a commuted sum is required in lieu of Public Open Space provision, as the proposed development will provide 1772 sq. m of floor space and employees will use local facilities and there is no open space on site, as such, there is a need to enhance existing facilities by providing for example, by providing new seating, improve path surfaces and signage. These improvements are considered to be necessary, fair and reasonable and comply with National and Local Planning Policy. In respect of these matters it is considered that the proposed commuted sum is necessary, it directly relates to the development and is fair and reasonable in relation to the scale and kind of development.

### **Application for Full Planning**

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

1. Commencement of development (3 years)
2. Development in accord with revised plans
3. No external storage - unless previously approved with the LPA
4. Provision of car parking
5. Details of materials to be submitted
6. Tree protection
7. Tree pruning / felling specification
8. Service / drainage layout
9. Landscaping - submission of details
10. Landscaping (implementation)
11. Decontamination of land
12. Cycle parking
13. Opening hours 07:30 to 17:00. No Sunday opening or bank holidays. No HGV's until after 08:00
14. Delivery/collection hours for HGV's 08.00 to 17.00 No Sunday opening or bank holidays

15. Materials which may produce dust and / or require mechanical handling to be sited in positions as far away as possible from the nearest residential properties



