

Application No: 14/1904M

Location: Brookfield Hydro Motors Limited, 10, LONDON ROAD SOUTH, POYNTON, SK12 1NJ

Proposal: A Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development.

Applicant: Brookfield Hydro Motors Ltd

Expiry Date: 16-Jul-2014

Date Report Prepared: 21 June 2014

SUMMARY RECOMMENDATION

Approval, subject to conditions and subject to a s106 legal agreement requiring a financial contribution of £89,400 towards public realm improvements and a payment to cover maintenance for 15 years

MAIN ISSUES

- Principle of retail
- The impact upon heritage assets
- The impact upon highway safety
- The impact upon trees of amenity value
- The impact upon the amenity of neighbouring property
- The impact upon the character of the area

REASON FOR REPORT

The application is to be determined by the Northern Planning Committee as it relates to the creation of more than 1000 sq. m of commercial floorspace.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 6,785.37 sq. m and is rectilinear in shape. It comprises a derelict cinema building which is locally listed and has been vacant and on the market for some time, an existing Petrol Filling Station which is now quite dated, a vacant car dealership building and a vacant car repair workshop attached to the cinema.

The site is a designated secondary shopping area within the district centre boundary.

There is a band of trees overhanging the northern site boundary which are protected by virtue of a Tree Preservation Order (TPO).

The site is bounded by residential properties to the North and West with a mix of residential and commercial properties to the East and a parade of small shops located to the South.

The site is accessed from London Road South which is a main thoroughfare through Poynton.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of all of the existing buildings i.e. flattening the site and the construction of a Class A1 foodstore of 1,579 sq.m gross internal floorspace, additional retail floorspace (use class A1 to A5 inclusive) of 743 sq.m gross internal floorspace, new public realm, boundary treatments, car parking, access arrangements and ancillary development.

Planning History

07/2931P Development Of Supermarket With Associated Parking And Servicing Arrangements Refused 03-Mar-2008

POLICIES

Macclesfield Borough Local Plan – Saved Policies

BE1 (Design Guidance)
BE2 (Preservation of Historic Fabric)
BE20 (Locally Important Buildings)
DC1 (New Build)
DC2 (Design Quality of Extensions and Alterations)
DC3 (Protection of the Amenities of Neighbouring Properties)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Trees)
DC38 (Spacing Standards)
NE11 (Nature Conservation)
S1 (Town Centre Shopping Development)
S2 (New Shopping Development)
PDC3 (Secondary Shopping Area)

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development
 PG2 – Settlement Hierarchy
 SD1 – Sustainable Development in Cheshire East
 SD2 – Sustainable Development Principles
 SE1 – Design
 SE2 – Efficient Use of Land
 SE4 – The Landscape
 SE5 – Trees, Hedgerow and Woodland
 SE7 – The Historic Environment
 CO1 – Sustainable Travel and Transport
 CO4 – Travel Plans and Transport Assessments

Other Material Considerations

Ministerial Statement – Planning for Growth
 National Planning Policy Framework
 Planning Practice Guidance
 Locally Listed Buildings SPD
 Poynton Town Strategy
 SPD for Poynton
 Planning Obligation SPG

CONSULTATIONS (External to Planning)

United Utilities – no objections subject to conditions relating to the submission of a drainage scheme and recommends adding an informative that the owner of the culverted watercourse be notified

Environmental Health – Recommends conditions in respect of the submission of an Environmental Management Plan, Dust Control, Floor Floating, Construction Hours, Noise Control, Odour Control, Lighting, Waste Provision, Hours of Operation and Contaminated Land.

VIEWS OF THE TOWN COUNCIL

Poynton Town Council have no objections, provided that construction hours were restricted to 9am to 5pm weekdays, and Saturday mornings only (i.e. no Sunday or holiday working), that the method of piling was given sensitive consideration, that the boundary with Abbey Court is secure, that retail deliveries were made during normal working hours, that parking in Abbey Court be restricted to residents only, that refrigeration and air conditioning is suppressed, and that there is full site security during construction.

OTHER REPRESENTATIONS

Letter of representation from 1 Abbey Court indicating that whilst they do not object they suggest the following conditions be considered:

- The building of an 10 ft high brick wall to be erected around the site where it adjoins residential properties.
- No substantial noise caused by deliveries and the like between the hours of 9pm to 6am each day.
- Litter to be controlled and removed daily from Abbey Court emanating from the site.
- Parking on Abbey Court restricted to residents and their invitees only.
- The building line of the unit or units not to be in front of the frontage of the offices on the south of the site on the same side of London Road South.

Letter of representation from 3 Abbey Court indicating that whilst they do not wish to object they would like the following points considered:

- Whilst we welcome the development of the largely defunct wasteland site we specifically ask for a number of reasonable conditions to be attached to approval of the planning application. These are as follows:
 - Road safety for both entry to and exit from Abbey Court must not be impaired in any way. Following the re-development of the traffic system in the village congestion, particularly at rush hour has become a massive problem and there has been a spate of adverse traffic incidents. Where safety was not an issue, it has become so to an alarming degree now. There must be specific measures contained in conditional approval of the planning application that addresses this issue
 - The sub-structure of the new road scheme is collapsing caused by fundamental flaws in the design of the construction. The proposal needs to demonstrate and prove that this will not worsen with the increased traffic that the development will bring

- There must be no substantial increase in noise caused by deliveries and the like between the hours of 9pm to 6am each day or before 10am on Sundays
- Litter must be systematically and rigorously controlled and removed daily from the Abbey Court side of the site. Supermarket trolleys must be kept under secure, controlled conditions
- The trees screening Abbey Court from the old Forum building must be preserved and a suitable brick walk constructed in keeping with the style of construction of the residential properties in order to maintain the privacy of our households
- Parking on Abbey Court restricted to residents and their invitees only
- A few years ago Tesco proposed a supermarket development of the site. When viewed from the Macclesfield direction the current building line with the adjacent office block was broken. This seriously damaged the ambience & look/appeal of the entrance to the village. A similar situation must not be permitted otherwise the planning application as submitted should be rejected

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Planning Statement

Includes pre-application advice letter from the LPA and confirmation that an EIA is not required. Marketing information also included. Report indicates that proposals accord with Plan policies would improve shopping in Poynton and that the loss of the cinema is welcomed by residents because it has become an eyesore.

Contaminated Land Report

Recommends a Phase II survey is undertaken due to contaminants associated with the petrol filling station in order to determine an appropriate remediation strategy.

Ecological Report

Recommends the retention of the hedge as a BAP Priority Habitat and the existing Trees for Bat foraging purposes. Mitigation recommended for bats and breeding birds. No evidence of protected species on the site.

Design & Access Statement

Provides details on the proposal, background, process and design principles. From a design and access perspective, the proposals represent an improvement over the existing condition of the site.

Tree Survey Report

Sets out the arboricultural site constraints.

Heritage Statement

Confirms that locally listed cinema has limited significance and that retention of the façade of the building is unviable.

Statement of Community Involvement

Provides details of the public exhibition undertaken and summarises comments received and provides a response to these issues.

Transport Assessment

Indicates that the site is highly accessible and that traffic generation is unlikely to be significant. Given the capacity of the existing highways network and the suitability of the access, no mitigation is proposed.

OFFICER APPRAISAL

Principle of Retail

The site lies within the designated secondary shopping area within Poynton District Centre. The proposals relate to the construction of a foodstore and a parade of shops – it is therefore an application for town centre uses in the town centre.

The NPPF is the starting point as policies within the MBLP only carry weight according to their degree of compliance with the NPPF. Whilst shopping policies within the MBLP were written in the context of PPG6, this does not automatically suggest that they are out of date as it is their degree of compliance with the NPPF which is the key issue.

Para 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Para 26 states that applications for retail (over 2500 sq. m) outside of town centres should require an impact assessment. Therefore one of the key issues is whether or not the site can be deemed as in centre.

When turning to the definition of a ‘town centre’ in Annex 2 of the NPPF the town centre is defined as:

“Area defined by the local authority’s proposal map, including the primary shopping area (PSA) and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.”

Therefore, the NPPF definition confirms that the definition of a town centre includes the PSA and areas adjacent to that PSA which they are predominantly occupied by main town centre uses.

The site lies within the district boundary, adjacent to the designated Primary Shopping Area and is designated for retail purposes as a secondary shopping area. There is also a clear functional link between the site and the primary shopping areas. All of these considerations lead to the conclusion that the site should be considered in-centre.

Whilst this is somewhat at odds with the assessment made under application 07/2931P, that application was determined in accordance with PPS6 which is no longer extant.

The NPPF indicates that retail use of the site is acceptable in principle and policies S1, S2 and PDC3 within the MBLP (which are consistent with the NPPF) support this approach.

Heritage Assets

The main issue is the impact of the proposals on the significance of heritage assets – in this regard, the issues relate to the impact upon the locally listed building (Brookfield Cinema) which is an *undesigned* heritage asset, and the impact upon designated heritage assets including the nearby listed building – the Milestone.

Locally Listed Building – Undesignated Heritage Asset

Brookfield Cinema is identified in the adopted Local List of Historical Buildings SPD (2010) as:

‘1930s Cinema, three-storey white rendered building, with brick side wings in a restrained Art Deco style front.

Positive contribution to the character of London Road South.’

The building is an undesignated heritage asset. The application is supported by the submission of a Heritage Assessment which describes the significance of the asset and identifies how the proposals would affect the significance of the asset.

The Heritage Statement indicates that the asset has very limited significance (derived from its communal value) and that according to the author, it should not be on the local list. It indicates that the building is in poor condition – a Structural Survey was undertaken in 2010 and works to secure the building were undertaken however despite this, the condition has continued to deteriorate.

Para 135 of the NPPF suggests that harm/ loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

Policy BE20 of the Macclesfield Borough Local Plan relates to locally listed buildings and states that “*development which would adversely affect their architectural or historic character will only be allowed if the borough council is satisfied that the building or structure is beyond reasonable repair.*”

Whilst the loss of the locally listed building should not be taken lightly, the building is beyond repair despite that reasonable steps have been taken to secure its retention. Its loss is therefore justified in the context of policy BE20.

Historically, there has been public support for the retention of this building due to its community use which is one of the reasons it was added to the local list. However, extensive consultation by the applicant and representations received in relation to this application suggest that at this time, public support for the retention of the building is limited. This may be because the building is dilapidated and at a prominent gateway site into Poynton and redevelopment would offer an opportunity to provide a high quality landmark building.

On that basis, the loss of the locally listed building can be justified.

Ideally, the façade of the building should have been incorporated into the redevelopment – the applicant's inference that this would not be honest to the use of the building or difficult to incorporate is disappointing. Whilst such an approach would require a bespoke rather than off the shelf solution, it would have enabled the façade to be retained as a continued reminder that the building was once a thriving bustling cinema and valued community facility to the residents of Poynton. In addition, the LPA has examples of where such buildings have been incorporated into retail schemes successfully.

Nevertheless, the flat roof and window to wall ratios of the proposed buildings reflect the proportions within the art deco cinema which is at least an acknowledgement of what was there although this may be too subtle to make this building truly locally distinctive.

Notwithstanding the obvious concerns noted above regarding the retention of the façade of the building, the loss of the building is justified and the benefits to the local economy by bringing this site back into active use for retail purposes and the contribution that high quality modern buildings would make to improving the appearance of the area are substantial public benefits which clearly outweigh the concerns noted above.

On that basis the proposals would accord with the provisions of the NPPF and policy BE20 within the MBLP 2004.

Listed Building - Designated Heritage Asset

There is a listed Milestone to the front of the site which would remain in situ and would not be affected by the proposals.

Highway Safety

The key issues regarding this application are accessibility, car parking, access and traffic generation.

Accessibility

This is a district centre location which is a short walking distance from the primary shopping area and easily accessible by train, bus, cycle and by car.

It is highly accessible which would encourage linked trips and alternative modes of transport.

Car Parking

The proposals provide for 97 spaces including 6 disabled 10 parent and child and 4 motorcycle parking spaces.

This would be below the Council's maximum standards. This is however considered acceptable for the following reasons:

- these are maximum and not minimum standards;
- the developer should not provide for more than their operational requirements;
- this is an accessible location and therefore less reliant on car borne travel;

-a small foodstore would be used for top-up shopping rather than weekly shops which is associated with linked trips and trips on foot/ cycle which reduces the propensity for car based trips.

On that basis it is not considered that diminished provision would result in on street car parking or lead to vehicles backing up on the highway.

Access

London Road South is a long straight road with wide footpaths. The site is relatively flat with minimal vegetation meaning visibility at the existing point of access is good.

At present, there is an 'in' and an 'out' arrangement associated with the petrol filling station which would be removed in favour of a larger but single point of access. This would be constructed to adoptable standards.

As noted above, visibility at this section of London Road South is good and there is scope to provide a point of access which would meet adoptable standards. On that basis, the point of access would be fit for purpose and would not have an adverse impact upon highway safety.

Traffic Generation

The applicant has submitted a Transport Statement indicating that the vehicle movements associated with the proposed uses at the site would not be significant when compared to the existing use and the fall back position i.e. if the vacant buildings were brought back into active use.

The site has been used for a combination of car sales, vehicle repairs and the petrol filling station. These are commercial uses and whilst it could not be argued that the associated vehicle movements are comparable, the key test here is whether the increase is significant. The vehicle movements would undoubtedly be higher but this would not be significantly higher given the existing uses on the site.

The proposals accord with the NPPF as the applicant has submitted a Transport Statement and the proposals would not have a significant adverse impact upon highway safety.

The Highways Engineer has no objections to the proposals subject to a condition requiring the provision of a ghost island right turn lane on London Road South adjacent to the site access.

Trees

The majority of the development site is completely devoid of any meaningful tree cover with only a limited number of self set recently established trees which have very limited amenity value.

There is, however, a linear group of trees covered by a TPO between the site and Abbey Court to the North.

There are a number of the trees which form the eastern aspect of the group immediately adjacent to London Road South which are highlighted for removal, however these are not protected by the existing TPO, and none are considered worthy of protection, hence their omission from the recent Order.

The proposed build footprint of the retail unit (food) extends no closer than exists at present to the protected trees, but the northern elevation extends further west than the present structure. This would not have an adverse impact upon the existing trees due to the presence of existing hardstanding.

Whilst there are windows proposed in the north eastern corner of the proposed foodstore, these would be closest to those trees which are not protected and scheduled for removal. On that basis, there is therefore no issues in respect of social proximity of the trees to buildings.

The Council's Forestry Officer has no objection to the proposals but has recommended a series of conditions in respect of tree protection which are necessary to ensure the proposals accord with policy DC9 within the MBLP 2004.

Amenity

The main concerns in respect of amenity would be the noise associated with activities taking place at the site, odour associated with cooking smells, disturbance associated with vehicle movements, overshadowing and overlooking.

Noise

Environmental Health has requested the submission of a Noise Assessment due to concerns regarding the activities taking place and the proximity of residential properties.

It is considered appropriate to condition the submission of a Noise Assessment rather than require this information upfront for the following reasons:-

- Commercial activities at the site are already taking place and can be noisy such as car repairs. The existing relationship is therefore a material consideration.
- This is a new build scheme and therefore attenuation can be built in rather than attempting to retro-fit mitigation.
- There is not a requirement for noisy activities to take place outside of the buildings and hours of operation conditions would restrict this.
- The current site operates during the day and night.
- Background noise levels are high due to the road and commercial activities at the site and adjacent to it.

A suitable Noise Assessment would ensure that the proposals would avoid noise giving rise to a significant adverse impact on health and quality of life in accordance with para 109 of the NPPF and policy DC3 within the MBLP 2004.

Odour

Environmental Health has requested the submission of information in respect of odour due to concerns regarding cooking smells generated and the proximity of residential properties.

In respect of the foodstore, there is scope to ensure that any odours are discharged away from residential properties and appropriately mitigated for and therefore this could be conditioned.

The end users and hence uses for the parade of shops is unknown and therefore details of odour extraction would need to be provided before such uses generating cooking smells are undertaken. This could also be conditioned.

On that basis, officers are satisfied that any impacts can be appropriately mitigated.

Disturbance

The fallback position i.e. the comings and goings associated with the existing activities at the site is duly noted. There is already a degree of disturbance associated with these uses.

However, it should also be noted that if left unrestricted, deliveries and noise from customers could have an adverse impact upon the amenities of nearby residential properties.

Given the above considerations, restrictions on the hours of operations and deliveries by condition should mitigate the impact.

Overlooking/ Overshadowing

The proximity to and relationship between the proposed new buildings and existing residential properties negates any adverse impacts.

Design Considerations

The key considerations are whether or not the scale and layout is consistent with the prevailing character of the area and whether the buildings and redevelopment of the site would seek to reinforce local distinctiveness. These issues are considered below.

Scale

At present, the existing car sales building is single storey, the car repairs building is two storeys high with the cinema having an equivalent height of 2.5/3 storeys.

The proposals would include a parade of shops two storeys high at the front of the site and a foodstore 2.5 storeys high at the entrance point and dropping to 2 storeys at the northern site boundary.

The footprint and scale of the replacement building on the cinema site is accepted and not too dissimilar to what it replaces.

The scale of buildings is consistent with the existing character of the site and the adjacent office building. It would be taller than the adjacent residential properties along Abbey Court and to the rear however the separation distances involved ensure that these would not be read within the same context.

The Design Officer has commented that the height of the parade of shops would be greater than the height of the parade of shops on the opposite side of London Road facing the site which could be quite dominant.

Whilst this is the case, the buildings are proportional to what is currently on the site and the adjacent office building and the taller floor to ceiling heights would meet modern retailers requirements and this is a type of accommodation notably lacking in Poynton at present. Moreover, a dominant frontage in this gateway location would lend legibility to the wider area.

On that basis, it is not considered that this would have a significant adverse impact upon the character of the area.

Layout

The cinema building whilst dilapidated is a focal point of the site due to its height and presence abutting the pavement. The remainder of the buildings are set into the site.

The foodstore retains the prominence of the cinema building due to it being a comparable height with a similar presence to the streetscene.

The proposals represent an improvement as the parade of shops would reintroduce built fabric and create an active frontage across the site which would increase pedestrian activity in this area. In addition, the presence of the buildings would obscure the car parking and delivery vehicles from view ensuring the site would not have a car dominated appearance.

External Appearance

As noted previously, the flat roof and window to wall ratios within the foodstore reflect the proportions within the art deco cinema. In addition the fluctuating height across the width of the building was also a feature of the cinema.

Whilst this in itself would not be enough to ensure this building is truly locally distinctive, the choice of materials and particularly surfacing materials would go some way to reinforcing local distinctiveness.

One of the notable features of Poynton is the shared surface recently installed which has completely redesigned the highways network and completely changed the nature of activity within the centre. There have also been a number of new buildings which are of modern appearance (similar to these proposals) but have reflected the proportions of historic buildings and utilised traditional/natural materials. This would be conditioned accordingly.

The Design Offices notes that the service yard elevations are oppressive but considers landscaping would soften this.

The glazing is interesting and will add interest at this point. The clean lines and simple palette of materials certainly takes architectural references back to the art deco building it replaces. The design cues have been taken appropriately. The materials are key and it would be necessary to condition material samples and profile of the windows to ensure the highest quality overall finish in this gateway location.

Ecology

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

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

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

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was no evidence of protected species on the site.

It however recommends the retention of the hedge as it is a BAP Priority Habitat and the existing trees for Bat foraging purposes. Mitigation is also recommended for bats and breeding birds. The Council's ecologist has no objections and recommends conditions.

Public Realm

Because this is a major commercial development, the SPG – Planning Obligations (2004) and the emerging SPD – Planning Obligations, both indicate that there is a requirement for contributions towards recreation and open space facilities. As provision cannot be met on site, the developer would be required to make a commuted sum payment towards the provision of new open space or to the improvement of an existing area of open space or facility elsewhere in the locality. Guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

- (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

Local Plan policy IMP4 and Cheshire East's Draft Town Centre Strategy indicate that improvements to open space and public realm are necessary in Poynton. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the commercial development, it is considered that a financial contribution towards open space and public realm works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the pedestrian environment.

The contribution required based on the floor area of the scheme would be £33,600 for the food store and £11,100 for the non food retail units for open space, and the same again for recreation and outdoor sports facilities i.e. a total amount for £89,400. Together with a payment for maintenance to cover maintenance for a period of 15 years.

Such a financial contribution would meet the tests set out in para 204 of the NPPF and would need to be secured via a s106 legal agreement.

Other Matters

Drainage details and inclusion of renewable energy would be conditioned.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. Given that the adverse impacts identified to the locally listed building are clearly outweighed by the benefits to the appearance of the site, the economic vitality and viability of Poynton, the proposals would not conflict with those policies within the MBLP which are consistent with The Framework, it is considered that planning permission should be granted as the proposals accord with policies listed within the Macclesfield Local Plan 2004 and guidance within The Framework.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A02LS - Submission of landscaping scheme
7. A04LS - Landscaping (implementation)
8. A22GR - Protection from noise during construction (hours of construction)

- 9. A23GR - Pile Driving
- 10. A16EX - Specification of window design / style
- 11. A02HA - Construction of access
- 12. A30HA - Protection of highway from mud and debris
- 13. A12LS - Landscaping to include details of boundary treatment
- 14. A08MC - Lighting details to be approved
- 15. A10LS - Additional landscaping details required - public realm/ public art
- 16. A13GR - Business hours (including Sundays)
- 17. A04HP - Provision of cycle parking
- 18. A01HP - Provision of car parking
- 19. A20GR - Hours of deliveries
- 20. A17MC - Decontamination of land
- 21. A19MC - Refuse storage facilities to be approved
- 22. A24HA - Provision / retention of service facility
- 23. A04NC - Details of drainage
- 24. A02NC - Implementation of ecological report
- 25. A23MC - Details of ground levels to be submitted
- 26. A06NC - Protection for breeding birds
- 27. A01MC - Noise insulation
- 28. A03MC - Cooking odour extraction equipment
- 29. A06TR - Levels survey
- 30. A12HA - Closure of access
- 31. dust control measures
- 32. bird boxes
- 33. hours of operation of food store and A3, A4 and A5 units
- 34. details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
- 35. provision of ghost island
- 36. floor floating details
- 37. environmental management plan
- 38. hedge to be retained
- 39. full photographic record of the building prior to demolition

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