

Application No: 14/5368M

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: C/o Agent, Aldi Stores Ltd

Expiry Date: 16-Feb-2015

Date report prepared: 22 January 2015

SUMMARY

The proposed amendments to the plans are considered to be minor material amendments. The development is considered not to be substantially different to the approved scheme. The proposed changes are considered to be acceptable and in line with relevant local and national planning policies.

REASON FOR REPORT

The site area is approximately 6758 sq m. The types of application to be determined by the Northern Planning Committee, in accordance with the scheme of delegation, includes small scale major development such as

“retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres or between 1ha – 2 ha”

PROPOSAL

The application seeks to vary condition 2 (approved plans) on approved application 14/1904M, which gave approval for *“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”*.

Information submitted with the application sets out the detailed amendments. In summary the proposed alterations to the approved details include:

- a) changes to the site layout including the motor vehicle/motor cycle parking layout, siting of bicycle parking hoops, relocation of bin store, a reduction in the Gross Internal Area of the foodstore by 29sqm (which alter the footprint and servicing area a little, thereby making it a little larger);
- b) the removal/repositioning of fenestration within the proposed development; and
- c) amendments to external materials.

SITE DESCRIPTION

The site to which the application relates is known as Brookfield Hydro Motors, London Rd South, Poynton. The Site is currently consists of a vacant car showroom, a petrol filling station with associated kiosks and canopy, a vehicle repair centre and a former cinema building (which is locally listed) and an area of hard-standing to the front of the car showroom. The site is located within a Secondary Shopping Area, as defined in the Local Plan.

As noted above, the application seeks to vary condition 2 on approved application 14/1904M, and condition 2 refers to the plans to which permission 14/1904M relates.

PRINCIPLE OF DEVELOPMENT

It is permissible, under section 73 of the Town and Country Planning Act 1990, for an application to be made to the LPA to vary the plans condition of a planning permission, where the aim is to make a 'minor material amendment' to the approved plans.

A 'minor material amendment' is one whose scale and nature results in a development which is not substantially different from the one which has been approved.

The principle of the development has already been accepted. Any changes in national policy/guidance or other material considerations since approval of the original application need to be taken into account.

It is noted that there have not been any significant policy/guidance changes or other significant material considerations since determination of application 14/1904M.

RELEVANT HISTORY

The application of most relevance is the one approved most recently, i.e. 14/1904M – 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. Approved, August 2014.

POLICY

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)

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
National Planning Practice Guidance
Locally Listed Buildings SPD
Poynton Town Strategy
SPD for Poynton
Planning Obligation SPG
CE Local Plan Strategy – Submission Version (May 2014)

CONSULTATIONS

Bearing in mind the permission on application 14/1904M was only recently granted (August 2014) and the extent and nature of the proposed changes are considered to be minor, the only department re-consulted is Highways (the changes in layout include alterations to the parking layout). The Strategic Highways Manager has confirmed that the amendments relevant to Highways do not result in any concerns re highways safety.

VIEWS OF THE PARISH/TOWN COUNCIL

Poynton Town Council:

No objections, subject to the conditions attached to the previous approval being attached to any new approval.

REPRESENTATIONS

Representations have been received from the occupants of 3 No. neighbouring properties, details of which can be read on file. A summary of the issues raised is provided below:

- Object to the re-siting of the bin store and object to position of the staff car parking considering both to impact on residential amenity

- Lack of clarity regarding landscaping to the rear of the site
- The new scheme reduces the public realm improvements. Consequently an alternative public realm improvement should be requested in lieu of the public realm floor area being reduced (eg a public art feature or street furniture in the public realm which is created).
- The quality of the foodstore signage is not appropriate for the area. It is suggested that the design of the signage of the store in Hazel Grove would be more appropriate (i.e. individual silver letters).
- The occupants of number 1 Abby Court note that the trees screening Abbey Court, which are to be retained, are a) subject to a tree preservation order and b) are not on the applicant's land. Also, the existing dead or dying trees on the North East corner of the site, adjacent to the entrance to Abbey Court, which are indicated on plan to be removed, are also not on the applicant's land. The authors suggest that the developers need to consult them and the Landlords before trespassing onto land (and felling trees) that is not theirs.

APPRAISAL

The key questions are essentially 1) whether or not the proposed changes are considered to be minor material changes, such that the scale and nature of the proposed development is not substantially different to the approved application 14/1904M; and 2) whether the proposed changes have any material impact that would result in a different decision being reached to that previously reached.

The issues raised in representations are noted. However, the following comments/responses are made in respect of these:

- The main bin store area is re-sited on the southern elevation of the proposed retail store, not far from the side boundary of the neighbouring commercial premises, 'Sovereign House'; there is a small bin store area to be sited next to the service area to the rear (western) elevation of the foodstore which, it is acknowledged, is opposite residential units on Abby Court. However, the service area remains in the same area as previously approved and also an acoustic fence is proposed to mitigate any noise around the service area, as was previously approved (this was controlled by condition and will be controlled by condition again). Hence, it is considered that the re-siting of the bin store would not significantly harm the amenities of the occupants of neighbouring properties. The proposal therefore complies with policy DC3 of the Local Plan
- The alterations in layout include 4 No. car parking spaces located next to the service area of the foodstore. Again, given that it is the service area that has already been approved and an acoustic fence is to be provided (controlled by conditions), it is considered that the siting of these spaces would not significantly harm the amenities of the occupants of neighbouring properties. The proposal therefore complies with policy DC3 of the Local Plan
- The landscaping indicated on the amended plans is virtually the same as illustrated on the previously approved plans. Conditions were attached to the approved application requiring details of the landscaping to be submitted. These conditions can be attached again to ensure over the detail of the landscaping. This is in accordance with policy DC8 of the Local Plan.

- The area of public realm appears to be virtually identical to the approved scheme. The commuted sums required in respect of the public realm works have already been submitted to the Council. A condition was attached to the previous approval regarding street art (as part of the public realm improvements), and this condition will be attached again to secure this.
- The signage illustrated on plan is illustrative and details of signage would need to be sought via an Advertisement Consent application at a later date.
- The comments regarding the position of trees and land ownership is noted and it is recommended an informative be attached to any approval drawing the applicant's attention to this matter.

Bearing the above in mind, given the size, scale and nature of the proposed amendments it is considered that the proposed is a minor material amendment and that the resultant development is not substantially different to the approved scheme.

As the proposed is considered to be a minor material amendment it is considered that there is no additional, significant, impact over and above the approved scheme, in respect of the issues previously considered (i.e. heritage assets, highways safety, neighbour amenity, character and appearance of the area, arboricultural/landscape and ecological issues) or any other matters. In respect of these issues the proposed changes are compliant with the relevant Local Plan policies and national guidance.

OTHER MATERIAL CONSIDERTIONS

It is noted that the previous approved application was subject to a s106 Agreement. This Agreement has been signed and the commuted sums have been received by the Council. To ensure the continued legal status of the Agreement a deed of variation is required.

SUMMARY, CONCLUSION, REASON(S) FOR RECOMMENDATION

In summary, given the nature and scale of the proposed amendments it is considered that they are minor material amendments that do not substantially alter the development from that approved. The issues raised in objection have been borne in mind. However, bearing in mind the issues discussed above it is considered that there is no justifiable/sustainable reason why a different decision to that already arrived at on application 14/1904M should be reached. Hence, it is recommend the application to vary condition 2 and substitute the plans on application 14/1904M for those submitted with the current application, should be approved, subject to conditions, informative and completion of a deed of variation to the s106.

It is noted that a press advert has been placed in the local newspaper and that the deadline for comments given in the advert is 18th February 2015. Therefore it is recommended that the application be delegated to the Planning and Enforcement Manager, in consultation with the Chairman & Vice-Chairman to approve subject to any substantive new representations from the consultation process and subject to conditions, informative and completion of a deed of variation to the s106.

In order to give proper effect to the 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 (or in his absence the Vice Chair) of Northern Planning

Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

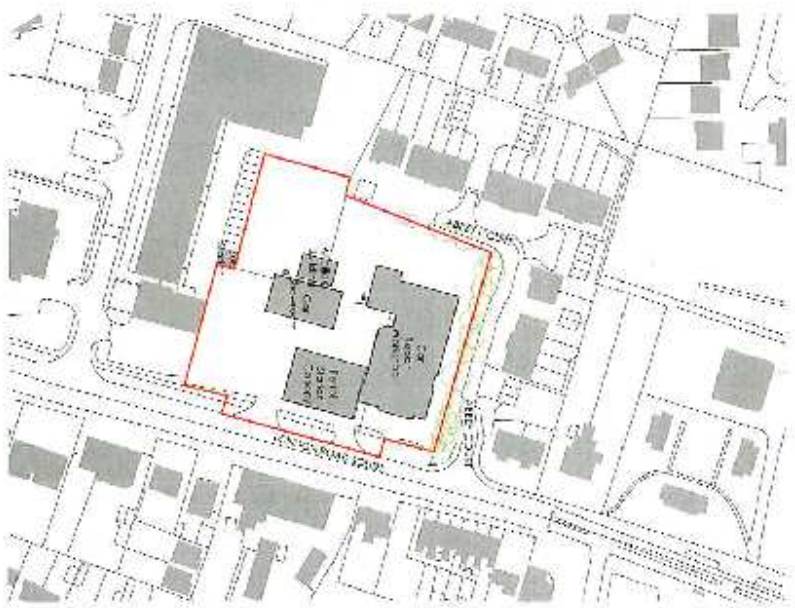
Application for Variation of Condition

RECOMMENDATION: Delegate to the Planning and Enforcement Manager, in consultation with the Chairman & Vice-Chairman, to approve subject to any substantive new representations from the consultation process and subject to conditions, informative and completion of a deed of variation to the s106.

RECOMMENDATION:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accordance 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 demolition, construction and deliveries to the site
9. A23GR - Protection during pile driving
- 10.A16EX - Specification of window design / style (tinted windows on northern and eastern elevations)
- 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
- 17.A01HP - Provision of car parking
- 18.A20GR - Hours of deliveries
- 19.A17MC - Decontamination of land
- 20.A19MC - Refuse storage facilities to be approved
- 21.A24HA - Provision / retention of service facility
- 22.A04NC - Details of drainage
- 23.A02NC - Implementation of ecological report

- 24.A23MC - Details of ground levels to be submitted
- 25.A06NC - Protection for breeding birds
- 26.A01MC - Noise insulation
- 27.A03MC - Details of cooking odour extraction equipment
- 28.A06TR - Levels survey
- 29.A12HA - Closure of old access points
- 30.Dust control measures
- 31.Bird boxes to be provided
- 32.Hours of operation of food store and A3, A4 and A5 units
- 33.Details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
- 34.Ghost island
- 35.Floor floating details
- 36.Environmental management plan
- 37.Hedge to be retained
- 38.Full photographic record of the locally listed building prior to demolition
- 39.Bat features incorporated into the scheme
- 40.Junction
- 41.Submission of noise assessment and noise insulation
- 42.Public art



Project Name:
10th Avenue
1st Street
10th Avenue
1st Street

Site Area:
0.57 Acres
165,200 sq. ft.

PLANNING

Project Name:
10th Avenue
1st Street
10th Avenue
1st Street

Site Area:
0.57 Acres
165,200 sq. ft.

Project Name:
10th Avenue
1st Street
10th Avenue
1st Street

Site Area:
0.57 Acres
165,200 sq. ft.

Project Name:
10th Avenue
1st Street
10th Avenue
1st Street

Site Area:
0.57 Acres
165,200 sq. ft.

