

Application No: 16/4388M

Location: 127, WELLINGTON ROAD, BOLLINGTON, CHESHIRE, SK10 5HT

Proposal: Proposed demolition of existing building and erection of a new building (for A1 and A3 use)

Applicant: Mr S Price, Cheshire Taverns Retirement Benefit Scheme

Expiry Date: 04-Nov-2016

SUMMARY

The application site is allocated within the Macclesfield Borough Local Plan as a Local Shopping Centre, therefore as previously established in application 15/3674M retail use on this site is considered to be acceptable in principle.

This application seeks to address the reasons for refusal, as dictated by the committee on highways grounds relating to insufficient parking to cater for the proposed development including the design and layout and also potential to encourage on street parking leading to visibility problems at the site's access to the detriment of road safety and free flow of traffic. The Head of Strategic Infrastructure has been consulted on this application and raises no objections, subject to conditions. As with the previous application for the site (15/3674M), the proposed off street car parking provision (21 no. spaces currently proposed, 14 no. spaces previously proposed in application 15/3674M), access, visibility and service requirements are considered acceptable taking into account the existing servicing and parking arrangements and also taking into account that the existing building could be converted into a retail use (A1) under Permitted Development Rights.

The existing building is a non-designated heritage asset and holds limited significance. Taking this into account the demolition of the existing building is considered acceptable. The design of the replacement building is of a character and appearance that will not have an adverse impact on the character and appearance of the existing street scene and is therefore considered to be acceptable.

Subject to conditions, the impact of the proposals upon existing residential amenity and environmental matters are considered to be acceptable.

The NPPF places a presumption in favour of sustainable development. The proposed development will provide environmental, economic and social benefits and is therefore considered to comply with the three dimensions of sustainable development.

RECOMMENDATION: Approve subject to conditions

REASON FOR REPORT:

This application has been called in to Committee by Councillor Stott for the following reasons:

'The revised plan does not address the reasons for refusal on the previous application 15/3674M.

- *Clause DC6 of the Macclesfield Local Plan has not been addressed.*
- *Visibility of traffic entering and leaving the site and causing detriment to road safety and interference with the safe and free flow of traffic at an already busy junction.'*

DESCRIPTION OF SITE AND CONTEXT

The site is located on a highly prominent location in Bollington centre, adjacent to the B5090 more commonly known as Wellington Road and Grimshaw Lane, centred to the T-junction. The site is located within an existing shopping area in the Macclesfield Borough Local Plan.

The application site forms an almost triangular plot of land measuring 0.126ha and is presently occupied by a large, two storey, building and rear car park serving the existing Indian restaurant 'Bay Leaf Lounge'. The application site has been amended from the previous application (15/3674M) to incorporate the rear car park and service area of the neighbouring butcher's shop.

RELEVANT PLANNING HISTORY

15/3674M – *'Proposed demolition of existing building and erection of a new building (for A1 and A3 use)'* – Full Planning - Refused at committee – 20th January 2016. Reasons for refusal are as follows:

1. *'The proposal does not include sufficient car parking within the site to cater for the proposed development. This, combined with the design and layout of the proposed car park, will lead to inappropriate parking in locations near to the site, the potential blocking of the access and vehicles reversing onto Wellington Road, which would be detrimental to Highway safety. The proposal will therefore be contrary to policy DC6 of the Macclesfield Borough Local Plan, policy SD1 (7) and Appendix C of the Cheshire East Local Plan Strategy, Submission Version and Chapter 4 of the National Planning Policy Framework.*
2. *The proposed development will encourage on-street parking on Wellington Road and cause visibility problems at the site access to the detriment of road safety and interfering with the safe free flow of traffic. The proposal therefore fails to comply with policy DC6 of the Local Plan and policy SD1 (7) of the Cheshire East Local Plan Strategy, Submission Version and Chapter 4 of the National Planning Policy Framework.'*

06/2874P – *'Various externally illuminated and non illuminated signage (retrospective advertisement consent'* – Advertisement Consent – Approved with conditions – 12th March 2007

99/0370P – ‘Porch and minor external alterations’ - Approved with conditions – 27th April 1999

DETAILS OF THE PROPOSALS

This application seeks Full Planning Permission for the ‘*proposed demolition of existing building and erection of a new building (for A1 and A3 use)*’. The new building will have retail to the ground floor and a restaurant to the first floor.

POLICIES

National Planning Policy Framework (NPPF)

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14 - Presumption in favour of sustainable development.
- 23 - Ensuring the vitality of town centres
- 56-68 - Requiring good design
- 126, 131, 132 and 135 - Conserving and enhancing the historic environment

Macclesfield Borough Local Plan Saved Policies 2004 (MBLP)

NE1 – Nature Conservation

S1 – Shopping Developments

S4 (3) – Shopping

S7 – Guidance for location of new local shops

BE1 – Design Guidance

BE2 – Historic Environment

DC1 – New Build

DC3 – Amenity

DC5 – Natural Surveillance

DC6 – Circulation and Access

DC8 – Landscaping

DC14 and DC15 – Noise

DC17, DC18, DC19 and DC20 – Water Resources

DC36 – Road Layouts and Circulation

DC37 – Landscaping

DC38 – Space, light and privacy

DC48 – Shop Front design

DC49 – Shop Front security measures

DC54 – Restaurant, cafes and hot food takeaways

DC63 – Contaminated Land

T1, T2, T3, T4 and T5 – Integrated Transport Policy

IMP1 - Development Sites

IMP2 – Transport Measures

Cheshire East Local Plan Strategy Submission Version (March 2014)

Policy C01 Sustainable Travel and Transport

Policy C02 Enabling business growth through Transport Infrastructure

Policy SD1 Sustainable Development in Cheshire East
Policy SD2 – Sustainable Development Principles
Policy SE1 – Design
Policy SE9 – Energy Efficient Development
Policy EG1 – Economic Prosperity
Policy PG2 – Settlement Hierarchy

Other Material Considerations

Town and Country (General Permitted Development) (England) Order 2015
SPD for Bollington (January 2006)
Bollington Neighbourhood Plan – regulation 7 stage reached – Neighbourhood area designated

SUMMARY OF CONSULTATIONS

Flood Risk – No objection subject to conditions relating to managing surface water and site levels.

Manchester Airport – No safeguarding objections

Nature Conservation – No objections

Head of Strategic Infrastructure – No objection subject to informatives and conditions relating to section 278 agreements, restaurant opening time not to be earlier than 6pm Monday to Sunday and restricted HGV lengths.

Environmental Protection

No objections are raised subject to conditions relating to demolition and construction phase times and details of work etc., dust control, floor floating, hours of use, hours of delivery, noise assessment and mitigation, odour control, air quality and contaminated land.

Untied Utilities

United Utilities have no objection to the proposed development provided that conditions relating to foul water drainage, surface water drainage and the management and maintenance of sustainable drainage systems alongside general informatives.

VIEWS OF BOLLINGTON TOWN COUNCIL

The Town Council considered the application and have the following comments regarding the proposals – **Strongly Object to proposals:**

- Highway safety in terms of visibility issues when exiting and entering the car park to the rear of the site and when delivery vehicles use the loading bay proposed.
- Highway safety in terms of children and vulnerable people using courtesy crossings expecting vehicles to stop leading to accidents
- Inadequate provision of parking spaces taking into account both proposed uses and peak operating hours.
- Overloading of the existing highway network.
- Noise and odour from the plant equipment and general uses of the proposed units.

OTHER REPRESENTATIONS

Cheshire East Constabulary Crime Reduction Officer/ Architectural Liaison Officer –
Cheshire East Constabulary were previously consulted as part of 15/3674M with comments carried through to this current application – No objections subject to conditions

Consultation responses from members of the Public;

45 letters of objection and 1 letter of support have been received from members of the public. The letters received are summarised as follows:

Highway safety

- Wellington Road is already a busy road and additional traffic generated by the development would adversely effect and create dangerous situations for road users and pedestrians.
- The figures provided for the number of parking spaces required have been made up.
- Insufficient parking for customers, staff and delivery vehicles for both proposed site uses.
- Concerns about the additional car parking spaces in comparison to the previous application that they are located on land owned by a third party and that these spaces may not be available for the lifetime of the development.
- Customers, staff, construction workers and delivery vehicles will park on the double yellow lines/ illegally outside the property or on nearby streets within the immediate area, if parking spaces are unavailable.
- Vehicle parking provision does not allow for people collecting takeaway orders.
- Poor visibility splays for those entering and exiting the car park.
- Not clear where residents residing above Barrow's Traditional Butchers and the Takeaway will park.
- The access road into the car park reduced from 4.8m to 4.3m which will have parking running down the southern boundary of the site would not allow safe two-way passage of cars and parking contrary to supporting information provided.
- Turning space within the car park is too small and will cause traffic incidents.
- Issues exiting the rear car park onto Wellington Road when delivery vehicles are loading/ unloading in the loading bay to the proposed buildings to the property's frontage along Wellington Road as visibility will be reduced.
- The footfall figures given within supporting documents is not a true reflection of reality. Many residents reference Bollington Town Council's footfall study conducted on CO-OP Bollington.
- The route delivery vehicles will take through Bollington in order to turn round safely once exiting the development from the loading bay or otherwise will significantly add to traffic on an already busy road.
- No turning area for delivery vehicles is provided and this will be a safety hazard for road users and pedestrians if vehicles attempt to turn around on the junction.
- Construction vehicles servicing the site during the buildings erection will add to road traffic in an area of existing traffic issues.
- The junction of Wellington Road and Grimshaw Lane is already very busy and dangerous, especially during peak times.

- Concern over drivers speeding close to the access of this site which could lead to traffic incidents when pedestrians and vehicles are entering and exiting the site.
- The proposed crossings in front of the proposal are uncontrolled which may lead to people, including school children who use the bus stop opposite the site walking into the road expecting vehicles to stop to allow safe passage.
- When the delivery vehicles are present this will block the safe view of pedestrians attempting to cross Wellington Road which may lead to dangerous situations.
- The crossings proposed would lead to neighbouring commercial uses having to manoeuvre from their vehicular access directly onto pedestrian crossings.
- The raised/courtesy crossings proposed would cause traffic to slow down and result in traffic building up.
- The raised/courtesy crossings proposed would be dangerous as vehicles would speed up to go over them and this may cause problems with lorries that could topple over.
- The existing haulage company nearby and the vehicle movement generated from this will create traffic flow problems and gridlock at the junction when articulated lorries turn.

Amenity

- Noise pollution of delivery vehicles servicing the store affecting residential amenity.
- Demolition will cause noise and dust related issues within the local area.
- Construction works will cause noise and dust related issues within the local area.
- Lighting installed within the parking area will cause light pollution for properties immediately neighbouring the site.
- Refrigeration, air condition and mechanical plant will have an adverse effect on residential amenity mainly from 24hr noise produced by the units.
- All year round 24/7 use will be detrimental to local residents disturbing a way of life they presently enjoy.
- The proposals would create overlooking and effect the privacy of neighbours.

Character

- The proposed building is of great interest locally and a historic focal point in Bollington.
- The proposed building does not look right on this main junction of Bollington as it is of modern architectural style.
- The development will contribute to the loss of local character already being experienced within the surrounding areas of Bollington.

Economic

- Negative effect on local businesses due to construction of a convenience store which may take away existing business and profits.

Other

- Nothing has really changed between this application and its predecessor.
- Other sites are more appropriate to incorporate developments such as this.
- The site should be used to create retirement properties or housing for local people.
- Crime and littering will increase causing aesthetical and safety issues arising from the development.

APPLICANT'S SUPPORTING INFORMATION

The following information was submitted in support of the application:

- A Revised Planning Statement
- A Design and Access Statement
- Condition Survey
- Bat survey
- A Flood Risk Assessment
- A Transport Statement including a Delivery Management Plan

All the above documents can be viewed in full on the application file.

In addition to this, following concerns raised during the course of the application, supplementary highways details and additional information including a Flood Risk Response have been submitted.

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

The key issues with this application, as with the previous application (15/3674M) are as follows:

- The principle of retail development within this particular location;
- Impact on the character of the area
- Residential Amenity
- Highway Safety

Retail Impact

Chapter 2 of the NPPF '*Ensuring the vitality of Town Centres*' seeks to ensure the vitality of Town centres. It advises that planning policies should be positive, promote competitive Town Centres environments in doing so authorities are advised to;

- Recognise town centres as the heart of their communities and pursue policies which support their vitality and viability;
- Define a network of hierarchy of centres that is resilient to anticipated future change;
- Define the extant of town centre and Primary Shopping area;
- Promote complete town centre which provide customer choice and diverse retail offer which reflect the individuality of the Town;
- Retain and enhance existing markets; ensuring markets retain attractive and competitive;
- Suitable sites for retails should be allocated in order to ensure there is a sufficient supply of suitable sites;

Paragraph 24 of the NPPF seeks to ensure that applications for main town uses, such as retail, are located in town centres then in edge of centre locations.

Within the Emerging Local Plan Strategy Submission Version (March 2014) Bollington is allocated as Local Service Centre, and policy PG2 advises that

"small scale development to meet localised objectively assessed needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities"

The site is allocated within the MBLP as an existing Shopping Centre. Policy S4 seeks to maintain a level of shopping provision which is commensurate with the role the Service Centre serves.

There are two shopping area allocated in Bollington within the MBLP. The largest being the Palmerston Street/High Street which is sited to the East of Bollington settlement and the Grimshaw Lane/Wellington Road shopping centre which serves the residents to the West.

The existing building currently operates as an Indian restaurant'. The existing restaurant building will be replaced by a new building accommodating a convenience store (A1 retail use) on the ground floor and the Indian restaurant (A3 use) to the first floor. The scheme includes:

- 370sqm of Retail (A1 use) encompassing ground floor customer facing area 278sqm and first floor storage area 83sqm (excluding staircases)
- 173sqm of Restaurant space (A3 use) at first floor level (excluding staircases)
- Difference between existing building floorspace and proposed floorspace is 134sqm.

At present, and unlike the previous application, a tenant has not been confirmed to occupy the A1 retail unit.

Having regard to the existing Local Plan policies and the site's position within a Local Service centre, it is considered that the proposed development would bring back an acceptable retail use, which may assist in renewing the vitality and viability of the Grimshaw Lane shopping centre. The principle of a dual use of the site of A1 and A3 use classes was established as being acceptable within the report and proceedings of the previous application for the site (15/3674M) as they conform to relevant shopping policies within the MBLP.

IMPACT UPON CHARACTER OF THE AREA

Principle of demolishing the existing building

The existing building was originally known as the Waggon and Horses Public House erected in 1907. The building was converted into an Indian restaurant in 2006. The existing building is located on Grimshaw Lane and Wellington Road T-junction and has a noticeable frontage occupying a prominent location acting as a landmark building within Bollington Town. The existing two storey building is constructed in stone and has been the subject of a number of single-storey side and rear extensions constructed in stone and brick. The main feature of this building is predominantly the front façade with its two peaked gable features, mullion windows, castellated bay window and bow windows which offer some aesthetic appeal. With this said the building, is however considered to have limited architectural merits of historical significance. Whilst the building may have had some association as a traditional public house, this has however, been eroded when the building was converted into an Indian restaurant. The property is not a Listed Building or registered on the Council's Local List of Important Buildings and the site is not located within a Conservation Area or under Article 4 direction. The front façade and historical context of this building is what sets this building apart from surrounding properties and for this reason the existing building is considered to be a non -designated heritage asset.

Para 135 of the NPPF advises that;

“The effect of an application on the significance of a non designated heritage asset should be taken into account on determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and significance of the heritage asset.”

A Condition Survey forms part of the supporting documents for this planning application. The reports details that the existing building has suffered due to the lack of maintenance. Several aspects of the property are outlined as requiring replacement such as windows, doors, collapsing outbuildings electrical and mechanical installations and damp proof course. It is also advised that it is likely that the stone works on the Northern elevation will require extensive re construction. Potentially loose coping stones are identified on the front elevation and the first floor is not considered to comply with fire safety concerns. It is concluded that the existing building may have potentially reached its end of life and a new building would be considered to be a viable alternative. The Conservation Officer stated during the consideration of the previous application (15/3674M) that *‘although there is loss of existing fabric this has been justified within the Condition Survey, I believe the overall balance of the building as proposed has been maintained with this proposal’* and the *‘overall contribution that this new building will make to the street scene is maintained’*. Having regard to the above and the poor state of repair of the existing building the demolition of the existing building is considered to be acceptable. This was also accepted by members at the time of the previous application (15/3674M).

Design /character of the proposed replacement building

Local Plan policies BE1 and DC1 address matters of design and appearance.

Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting.

Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed building is the same as that considered in the previous application and has been designed in an ‘L’ shape and will cover a footprint of approx. 370sqm. The building is to be set further into the site from Wellington Road than the existing but retaining a car parking area to the rear of the property. Cycle storage and loading bay is to be sited along the front elevation.

The proposed building is larger in terms of its scale and massing than the existing building. The building however has been designed to incorporate a more traditional frontage and will include a pitched roof, linking two gable features, as well as mullioned windows at first floor, which are of a similar character and style to the existing building. The proposed building has been designed so to incorporate features of the existing building and on overall balance, it is considered that the traditional character of this area will be maintained with the construction of the new building.

The primary retail frontage is to be located on the front elevation and side facing elevations facing the proposed vehicular access. The proposed building is to be constructed in natural stone along the side and front elevations with slate roofing. Plans detail that fair faced blockwork is proposed along the north and west elevations. Should planning permission be granted, a condition is recommended to ensure a more appropriate facing material is secured for these elevations.

The proposed building has been designed to incorporate a similar eaves height to that of the existing building. The maximum ridge height of the existing building is currently 8.4m. The ridge height of the proposed link section is to measure approx. 7.7m, which rises to approx. 9.5m at the peak of the large gable feature on the front elevation. Although larger than the existing building the scale, bulk and massing of the proposed building is considered to be in keeping and subservient with the neighboring properties and is therefore unlikely to have a harmful impact upon the overall character of the existing street scene. The proposed development is therefore considered to satisfy MBLP policies in terms of design as previously established during the previous application.

Design/Crime Prevention

The Cheshire East Constabulary Crime Reduction Officer provided input on the previous application (15/3674M) and initially raised the following concerns;

- *Refuse storage areas should be robustly secured to ensure fire protection and prevent rubbish crime;*
Concern raised with regards to the low level ledges on the front elevation which will encourage young people to congregate;
- *Concern old entrance covered by corner canopy will encourage people to congregate and create a crime hotspot;*
- *Drain pipes and external infrastructure i.e. drainage, CCTV, bell box should be secured to prevent attack;*
- *The gates at the front and rear elevations should be adequately secured;*
- *It is encourage CCTV installed to rear car park, ATM machine, car park entrance and cycle storage.*

The applicant was made aware of the abovementioned concerns. After meeting with the Crime Advisor the applicant addressed the above concerns by making the following adjustment's to the previous application which have in turn been carried through to this present planning application;

- Measures to reduce seating opportunities on window sills and low level ledges have been introduced.
- Bin stores are more secure.
- Changes to the alcove (corner canopy) have been introduced in the design.
- Vehicle restriction measures are included in the plan if necessary.
- Exterior drainage and external infrastructure (CCTV/Vents etc.) are being considered.
- Secured gate to service area.

The Crime Reduction Advisor was satisfied that the amendments addressed concerns and no further objections were raised.

IMPACT UPON RESIDENTIAL AMENITY

Noise /Disturbance.

This particular area of Bollington is surrounded by a mix of commercial and residential properties. The site is located within a Local Service Centre where the existing A3 use and proposed A1 uses are considered to be typical to the character of a shopping area.

The proposed opening times are as follows, Monday to Sunday including Bank Holidays:

- Retail (A1) – 07:00 to 23:00
- Restaurant (A3) - 18:00 to 24:00

Environmental Protection have been consulted on the application and have raised no objection to the proposed use in term of loss of noise or disturbance subject to conditions, which restrict hours of operation to the following in order to protect residential amenity;

Retail Unit -08:00 to 23:00

Restaurant – 19:00 to Midnight

Whilst the proposed hours are generally considered to be reasonable, a restriction on the restaurant opening at 19:00 for amenity reasons is not considered to be justified.

Environmental Protection advised that that in addition to the above and in order or to preserve existing levels of residential amenity deliveries to and from the site should be restricted to between 08:00 and 19.00 hours on Monday to Saturday with further restrictions to deliveries on Sundays & Bank Holidays.

The applicant has proposed that any air conditioning, plant equipment, extractor fans and ducting associated with be located on the roof screened behind the parapet wall. In order to ensure the proposed ventilation system, extraction fans and air conditioning units propose will not have a harmful impact upon residential amenity Environmental Protection Officer has recommended conditions requiring the submission of a noise impact assessment and a scheme for odour and noise control.

Loss of Light

As with the previous application, the proposed new building is to be sited closer to the southern side elevation of 125 Wellington Road, which currently operates as a hot food takeaway at ground floor with ancillary residential accommodation above. The southern elevation of the takeaway currently has two window openings which face into the application site and are the only openings to two separate bedrooms. The larger window is currently obscurely glazed.

The distance from these windows and the existing northern elevation of the 127 Wellington Road measures approx. 5.4m. The proposed building is to be sited within closer proximity of these two windows (around 1m spacing), however a light well has been designed into the proposed northern side elevation of the proposed building in order to mitigate against the harm to the existing neighbouring windows, in term of loss of light.

The relationship of the proposed building and 125 Wellington Road will fall below the standards set out within Policy DC38 of the Local Plan which advises a guideline distance of 14m habitable room to non habitable room or blank wall. Although it is acknowledged that the proposed development will have some impact upon these windows in terms of loss of light,

having regard to the existing sub-standard relationship, the fact that the larger of the windows is obscurely glazed restricting outlook and that the first floor accommodation would appear to be ancillary function to the takeaway, the impact of the proposed development is not considered to be so significantly adverse to justify a refusal of planning permission.

It is noted that there is also a living room window located on the rear elevation of 125 Wellington Road at first floor. The proposed building will fall just along the limits of the 45 degree angle, when taken from this window and is therefore unlikely to cause a significant loss of light or overbearing impact upon this particular opening.

It is noted that there is currently a window at first floor window on the northern side elevation of 1 Henshall Lane, which looks out over the application site. This window is believed to be a lounge window for a residential flat. This window is currently located approximately 3.8m from the side elevation of the existing building. Although, the depth of the proposed new building is to be extended further into the site, the side elevation of the new building will be set back a further 3m away from this window. The impact of the proposal is therefore unlikely to be any more harmful than the current relationship.

At first floor, on the rear elevation of 1 Henshall Lane, there are two kitchen windows. The proposed development will not fall within the 45 degree angle when taken from the centre of these windows; therefore the proposed development will have an acceptable impact upon current levels of residential amenity, as was established during the previous application.

HIGHWAY SAFETY

As existing there are two means of vehicular and undefined pedestrian access to the rear car park of the restaurant both of which are cobbled, situated to the northern and southern elevations. The adjacent butcher's shop has right of access to the southern access. Both of these accesses allow entrance and egress from the site in single file form. Visibility onto Wellington Road is poor from both accesses, particularly when vehicles are exiting the site from the rear car park due to boundary walls and the immediate neighbouring properties gable walls. In front of the property along Wellington Road double yellow lines are in place and directly opposite the existing building is a bus stop.

Compared with the previous application, which was refused due to insufficient car parking and car parking layout, this proposal has been designed to accommodate 21 car parking spaces in total including 1 disabled parking space, which is 7 more than the refused scheme. The additional spaces are the result of an agreement made with the neighbouring butcher's shop and will result in the 7 additional spaces being provided on land within the ownership of the butcher's. Access and egress to the site car park remains unchanged from the previous application and is to be gained from Wellington Road from the south eastern corner of the site.

Highways have been consulted on this application and as with the previous application have raised no objections, and provide the following comments on the proposal: *'This planning application is essentially identical to an earlier application (reference 15/3674M) for this site to which, subject to conditions, the Strategic Infrastructure Manager had no objection.'*

However, it was subsequently refused at planning committee on the grounds of insufficient parking and impact on highway safety resulting from an expectation that vehicles would be parked on Wellington Road.

To address the above reasons for refusal, this latest application proposes a further seven parking spaces in addition to the 14 spaces that were previously proposed, to provide a 21 space car park.

Having reviewed this revised application in detail, the SIM notes that the land ownership plan submitted with the planning application (Architects & Designers drawing number AP21), indicates that the additional parking spaces are provided on land owned by a third party and, therefore, their provision can not be guaranteed in perpetuity.'

Context of the Local Highways network

The site sits in a curve within an 's' bend opposite the junction where Grimshaw Lane meets Wellington Road (B5090). Wellington Road is one of the main routes through Bollington Town. The existing site currently has two points of access and egress from the rear of the site onto Wellington Road which are located to the north and south of the existing building.

Within the vicinity of the site there is a bus stop on the opposite side of the carriageway to the north of the application site and the speed limit is 30mph. There is a no waiting Traffic Regulation Order on both sides of the Wellington Road carriageway.

It is noted that there has only been 1 accident outside of the site in the last 5 years therefore the site is reported as having generally good record of road safety despite the shortcomings of the existing two accesses onto Wellington Road.

Traffic generation

The Transport Statement submitted in support of the application provides an assessment of the morning and evening commuter period peak traffic generating potential for both the restaurant and the retail unit.

	Arrivals	Departures	Total
08:00-09:00 AM Peak time	22	20	42
17:00 -18:00 PM Peak time	35	34	69

Having regard to the figure provided within the above table and as with the previous application the Head of Strategic Infrastructure is still satisfied that the anticipated traffic generation caused by the proposed development, would not generate a level of traffic which would have a material impact upon the operation of the adjacent highway. No concerns are therefore raised with regard to the intensification of use arising from the proposed development

Access

The proposed access is to incorporate a visibility spays of 2.4m x 35m to the South and 2.4 X 34m to the north, the former of which is considered to be a significant improvement on the existing 2.4m x 21m visibility splay to the south of the site.

Concerns raised by third parties with regard to visibility splays are acknowledged. However, as previously noted by the Highways:

'The Information submitted by the applicant in the Speed Indicator Device (SID) indicates that the 85th percentile of speed of vehicles approaching this from the south is around 28mph and on site observations have confirmed that speeds in both directions are generally around 30pmh.

Using 28mph as a proxy for vehicle speeds in both directions on Wellington Road, equates to a normal visibility splay requirement of 2.4m x 40m. Having regard for the current and previous use of the site and its existing access arrangements, the shortfall in visibility of just 5.0m and 6.0m to the south and north of the site access would not be expected to have a material impact on road safety.'

It is therefore considered that taking into account the existing road junction, layout and visibility, the proposed access arrangements onto Wellington Road are, as with the previous application are considered to be acceptable.

Car Parking /layout

The Council parking standards as set out within the Cheshire East Local Plan Strategy Submission Version recommends;

1 space per 14 sqm for Retail Food; and
1 per 5sqm per public floor area for restaurants

(A footnote advises that the latter is capable of adjustment appropriately depending on the location and accessibility of the development)

Using the above standards, approximately 51 parking spaces would be required for the development. However, the existing restaurant has a parking requirement of 33 spaces, which is more than are currently provided within the existing site.

Para 39 of the NPPF however advises that when setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

Located within the settlement area of Bollington Town and located within a Local Service Centre which is accessible by both public forms of transport, cycle and in walking distance for

a number of residents within the Local Area the application site is in a sustainable and accessible location.

Within the supporting Travel Statement the results of a car parking utilisation analysis have been presented, which have indicated that under normal working operational conditions the proposed car park would have sufficient capacity to serve the proposed retail and restaurant uses. As with the previous application the Head of Strategic Infrastructure is satisfied that the car park would be expected to meet demand during the daytime, the busiest time of the day being between 4pm and 6pm when around 12 vehicles would be expected to be parked.

As stated in the accompanying Transport Statement it is expected that the busiest period for parking is when both the restaurant and retail unit are in simultaneous operation between 8pm and 9pm. The increased amount of parking compared with the previously refused application from 14 to 21 spaces, results in a surplus of car parking available during this time, unlike the previous application which would likely have resulted in the car park being fully occupied.

Due to the potential conflict of the opening hours of the two proposed uses on site along with parking ratios it is recommended that the restaurant is conditioned to opening no earlier than 18:30 to 24:00 Monday to Sunday. In order to allow the peak time for the retail unit to pass prior to the restaurant opening.

Whilst it is acknowledged that in cases where there may be an over demand in parking, patrons of the site would find other off site locations to park. Whilst it is acknowledged that parking concerns are a particular issue within Bollington it is considered that the site's accessibility should be used as encouragement for customers to walk and cycle rather than park.

There is a "No Waiting at Anytime" Traffic Regulation Order (double yellow lines) on Wellington Road outside of the site which would discourage patrons from parking at the front of the proposed store on Wellington Road. Misuse of this TRO will be a matter for Highway Enforcement.

Following concerns raised during the previous application with regard to the position of the proposed ATM machine on the front elevation, amendments were received relocating the machine within the store therefore discouraging patrons to park at the front of the property. This has been carried through within this application.

The applicant has submitted a swept path to illustrate a car turning within the proposed car park and also how two vehicles can pass each other within the access route which measures between 4.8m at the opening and 4.3m further into the site.

In order to alleviate concerns the applicant advised within the previous application that they are willing to operate a 90 minute parking policy in which patrons of the store are able to park but which would also prevent unauthorised parking. It is advised that a planning condition should secure details of how the policy will operate are agreed in writing prior to the operation of the store.

The Head of Strategic Infrastructure confirms that the proposed parking layout is acceptable.

Servicing

The applicant proposes a service bay to be located directly between the front elevation and Wellington Road. The bay will be constructed in cobbled stone and has been designed to appear like part of the footpath. The bay has been designed in such a manner to prevent patrons from parking in the bay as the Highways Engineer considers that the loading bay Traffic Regulation Order would highlight its presence to potential patrons.

Swept paths of service lorries accessing and exiting the proposed service bay have been provided to the Authority and a Delivery Service Plan has been produced to ensure that the service bay is kept free of obstruction prior to deliveries. The service plan includes the following measures;

- cones to be placed within the loading bay 30 minutes before the delivery and removed immediately prior to the arrival of the delivery vehicle;
- The largest vehicle to visit the site is 11.6m in length ;
- Staff of the store will encourage pedestrians and vehicles to clear the application site access to prevent conflict;
- The service lorries will approach the site from the south and leave in a northerly direction.

The Head of Strategic Infrastructure acknowledges that due to the positioning of the service bay there may be times when the proposed service vehicles restrict the visibility to the north for vehicles leaving the application site. The servicing proposal is considered however, to create an improvement on the existing access arrangements, which currently take place on either the road side or vehicles reversing into the site from Wellington Road.

The Head of Strategic Infrastructure therefore raises no objections with the proposed servicing arrangements

Mitigation

As part of the development the applicant proposes to incorporate four courtesy pedestrian crossings; two on Wellington Road, one before the junction on Grimshaw Lane and one across the site access. The crossings are to be constructed in Stone setts and both the north and south crossing are to be raised in order to encourage vehicles to lower vehicle speeds on approach to the site.

During the course of the previous application, concerns were raised by officers with regard to the pedestrians crossing Wellington Road from the bus stop to the proposed store and negotiating the vehicular junction. Consequently, it was requested that the applicants explore the potential for introducing a pedestrian crossing facilities within this area.

Following consultation with Highways the following crossing were examined and provided the following feedback;

- Signalised crossing - likely to cause queues and operational difficulties and unlikely to affect vehicle speeds when the crossing is not in use
- Zebra crossing - A zebra crossing is already located further north of the site. An additional zebra crossing in this area likely to sterilise the frontage and conflict within

the existing bus stop. It could potentially result in the relocation of the bus stop which is the perceived need for the crossing.

It is agreed by the Head of Strategic Infrastructure that the courtesy crossings in and around the site are the most appropriate form of crossing. The crossings work by relying on vehicles giving priority to pedestrians. They therefore require vehicle speeds to be low, which is proposed to be encouraged through the use of rumble strips, these also have a dual use in delineating the crossing. The crossings on Wellington Road are to be raised to allow pedestrians are crossing at footway level rather than carriageway, forcing drivers to slow down.

Having regard to the above the Councils Head of Strategic Infrastructure is satisfied that the proposed development will not have a significantly harmful impact upon highway safety.

OTHER ISSUES

Environmental considerations

The Environmental Protection Officer has advised that in order to ensure the cumulative impact of the development upon air quality in particular, the impact of transport related emissions on Local Air Quality. Modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern, sustainable developments. An appropriate condition is therefore recommended.

It is not anticipated that the proposed development will have an impact in terms of contaminated land.

Landscape

The applicant proposes shrub planting along the boundaries of the proposed car park. Conditions are recommended requiring a full landscaping scheme to be submitted to ensure proposed planting and hardstanding are in keeping with the character of the local area.

Ecology

The Nature Conservation Officer raises no significant ecological issues in relation to the proposed development. A condition to ensure the protection of breeding birds is recommended

Flood Risk

It is considered that due to the location of this property and its proximity to Tinkers Clough this site is likely to be susceptible to flooding or flood risk. It was therefore considered essential that local flood risk issues be reflected in any new development.

The applicant has submitted a Flood Risk Assessment, and the Flood Risk Manager was consulted on this and has no objection given that the proposed new building will not incorporate a basement and due to additional flood resilience measure which are to be incorporated into the scheme subject to pre-commencement conditions.

The proposed development is therefore considered to satisfy Policies DC17 and DC18 of the Local Plan and Chapter 10 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

CONCLUSIONS

In summary, for the reasons outlined, it is considered that the principle of demolition of the existing building and replacement with a Retail/Restaurant on site is acceptable.

Overall, the scheme is considered to be sustainable development as:

- The application site is located within the centre of Bollington in an accessible location;
- The proposed development would bring back an appropriate retail use to the existing shopping area which would provide economic benefit to the local community and create customer choice;
- The proposed building has been designed to incorporate architectural features which will replicate the existing building. The proposal would provide a more energy efficient building which would not have a harmful impact upon the character of the existing street scene;
- It is considered that the proposal would not have a significantly harmful impact on neighbouring residential amenity;
- The proposal would bring environmental improvements in terms of flood risk;
- Concerns raised by members of the public and the Town Council with regard to highway safety have been considered. The off site parking provision to the rear of the site is considered to be acceptable and has been enhanced taking into account the previous refusal. Also having regard to the site's accessibility and additional information submitted illustrates that vehicles are able to manoeuvre and egress the site in a forward gear. The means of access and visibility splays are considered to present an improvement on two existing means of access to the site. Subject to condition restricting the length of the lorries and securing the delivery management plan and hours restricting the delivery of goods it is considered that the proposed location of the service bay is unlikely to have a harmful impact upon highway safety. The proposed trip generation to the proposed development is not considered to have a material impact upon the operation of the adjacent highway. The Head of Strategic Infrastructure therefore considered that the proposed development will have an acceptable impact upon highway safety subject to conditions.

Paragraph 14 of the NPPF emphasis that there is a presumption in favour of sustainable development and when making decisions Local Planning Authorities should approve development that accords with the development plan without delay.

Sustainability

Overall, the proposed development will provide a more energy efficient building, incorporate flood risk measure and improve the appearance of the application site. In economic terms the proposed development will assist in contributing to the local community inter of jobs and creating competitive business, and socially, the proposed development will provide a beneficial and accessible service to the local Community.

The proposed development is considered to represent a sustainable form of development for which there is a presumption in favour. The proposed development is considered to comply with policies within the Development Plan and NPPF in the planning balance there are no material planning considerations or impact which are considered to be so significantly adverse to suggest otherwise.

A recommendation for approval is therefore made subject to conditions.

Application for Full Planning

RECOMMENDATION:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. External facing materials to be agreed in writing - prior to commencement.
4. Hard and soft landscaping details to be agreed - prior to commencement
5. Car Parking Space availability and retention - lifetime of development.
6. Car park operation details - prior to commencement
7. Courtesy pedestrian crossings - lifetime of development
8. Air Conditioning units specification to be confirmed - prior to commencement
9. Visibility splays - provided prior to commencement and retained for lifetime of development.
10. Plant and Extract equipment specification - prior to commencement and retained thereafter.
11. Hours of operation of the restaurant (A3) and retail unit (A1)
12. Delivery times
13. Delivery vehicles length restriction
14. Vegetation
15. Fast electric vehicle charge point - retained for life of development.
16. Flood Risk Mitigation
17. Foul and surface water drainage
18. Surface water drainage scheme to be agreed in writing - prior to commencement

19. Sustainable drainage management scheme to be agreed in writing - prior to commencement then retained and maintained for lifetime of development
20. Surface water drainage scheme including existing and finished floor levels - prior to commencement
21. Construction hours
22. Pile foundations details and methods to be agreed in writing - prior to commencement if applicable
23. Floor floating
24. Noise Impact Assessment - prior to commencement
25. Crime Prevention methods - retained and maintained for lifetime of development
26. Odour/ Noise control details and method to be agreed in writing - prior to commencement
27. Secure bin storage to be agreed in writing - prior to commencement.
28. Section 278 agreement with CEH- prior to commencement

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 Chairman (or in their absence the Vice Chairman) of the 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.

