

Application No: 17/1607M

Location: Iron Gate Farm, Chelford Road, Nether Alderley, Macclesfield, SK10 4SZ

Proposal: Demolition of existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking

Applicant: Alex Rubin, Furnibarn Ltd

Expiry Date: 14-Jul-2017

### **REASON FOR DEFERRAL**

The application was deferred from the Northern Planning Committee on 7 June 2017 to seek the following information;

- A traffic operational plan.
- Clarity regarding the access arrangement through the nursery car park.

### **APPLICANTS SUBMISSION SINCE DEFERRAL**

The applicant has provided the following information in relation to the points above:

- Confirmation the applicant has access rights through the nursery car park to the north of the site
- Submission of an amended site layout clearly showing the access and egress through the nursery car park.
- A Traffic Management Plan

### **APPRAISAL**

The submitted information has been assessed by the Head of Strategic Infrastructure and is considered to be acceptable.

The submitted information gives some clarity in respect of the access through the nursery car park. It has been confirmed that the applicant has access rights over this land and this access was approved as part of the application for prior approval.

It is not proposed to allow customer vehicles through the access on Chelford Road as this access will be reserved for delivery vehicles. This will be controlled through the installation of gates at the end of the driveway that will be controlled through an intercom. Customer traffic would access and egress the site through the nursery car park and onto Congelton Road. A condition will be included on the decision notice requiring precise details of how customer

vehicles will be stopped from using the Chelford Road access and ensuring this is implemented before the approved building will be first occupied.

The Traffic Management Plan states that up to '10 metre rigid goods vehicle' will be permitted to enter the site. Swept paths have been submitted to demonstrate this size vehicle can enter the site and manoeuvre to allow it leave the site in forward gear. A condition will be included on the decision notice to ensure the provisions within the traffic management plan are carried out in full.

### **Conclusion on reason for deferral**

It is considered the points raised by members in the previous meeting have been addressed through the submission of the additional information. The information has been considered by the Head of Strategic Infrastructure who agrees the points raised have been addressed.

As in the original report a recommendation of approval is made subject to the conditions listed later in this report. Additional conditions are required in respect of the implementation of the Traffic Management Plan and details of the measure to restrict customer access from the Chelford Road access. These conditions are listed at the end of those initially set out in the previous committee report.

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### **ORIGINAL REPORT (from 7 June Committee)**

Amended 7 June 2017 to incorporate previous updates reported to Northern Planning Committee, and additional conditions.

#### **SUMMARY**

The site is located within the Green Belt where there is a presumption against inappropriate development. Policies GC1 of the Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF set out the circumstances where development can be acceptable.

The site is in B8 use and is therefore considered previously developed land. The replacement of a building is acceptable as long as it is not materially larger than the building it replaces and the proposal is considered not to have an unacceptable impact on the amenity of neighbouring properties.

The design of the building is considered acceptable and the access will require improvement before the wider development can commence.

The development raises no issues in respect of flooding, noise, or ecology. Some matters will be dealt through conditions.

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions.

## **REASON FOR REPORT**

Councillor Walton has requested that the application be determined by Northern Planning Committee for the following reason;

*Highway concerns regarding the access to the site from the A537 together with egress from the site back onto the A537 utilising the same 'access' being located adjacent to the extremely busy Monks Heath crossroads.*

## **PROPOSAL**

The application is for the demolition of the existing buildings and construction of replacement buildings to form a furniture shop including showroom, store and associated car parking.

## **SITE DESCRIPTION**

The application site consists of a group of buildings that were formally in agricultural use. The buildings include an open sided metal clad building with a small lean-to and a brick built single storey building. The access to the site is taken from Chelford Road alongside the existing car showroom. The buildings are located in the centre of the site whilst an existing parking area extends northwards along Congleton Road.

A row of terraced properties are located to the south of the existing buildings, a car showroom is located to the west, Congleton Road forms the eastern boundary whilst to the north of the buildings is a site currently undergoing development.

## **RELEVANT HISTORY**

16/0606M - Prior Approval for a Change of Use of an agricultural building to a flexible use. Prior approval not required 11-May-2016.

15/3254M - Prior Approval of Proposed Change of Use of Agricultural Building to a flexible use for Storage or Distribution associated with [www.furnibarn.co.uk](http://www.furnibarn.co.uk). Prior approval not required 26 August 2015.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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.

79-92. Protecting Green Belt land

### **Development Plan**

BE1 (Design principles for new developments)

GC1 (Green Belt – New buildings)

DC1 (High quality design for new build)

DC3 (Amenity)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)

DC8 (Landscaping)

DC13 (Noise)

NE11 (Nature Conservation)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

EG2 Rural Economy

SE1 Design

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

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

Environmental Health – No objection. A number of conditions have been requested relating to a construction management plan, restriction in hours of deliveries and opening times, dust management plan, details of lighting and contamination.

Head of Strategic Infrastructure – No objection. The highway comments are discussed in detail later in the report.

Nature Conservation – No objection. Conditions have been requested relating to the timing of vegetation clearance and a scheme for bird nesting opportunities on the site.

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

Nether Alderley Parish Council – Object on the following basis;

- 1. The site is too small and tight for the proposed use by large delivery vehicles.*
- 2. The site is too close to traffic lights at its entrance off Congleton Road/A34 and exit on Chelford Road for safe ease of movement into and out of the site.*
- 3. The Parish Council perceives that the entrance and exit points, from the highways, are too tight for entrance and egress without the need for a large vehicle to encroach on the opposite highway.*
- 4. It is inconceivable that the combination of large vehicle usage and a children's day nursery should be combined on site and the Parish Council asserts that safety should be of primary concern.*

### **OTHER REPRESENTATIONS**

No other representations have been received.

## **OFFICER APPRAISAL**

### **Principle of Development**

Macclesfield Borough Local Plan, PG3 of the Cheshire East Local Plan and paragraph 89 of the NPPF sets out the circumstances where development can be acceptable and these are;

- i. buildings for agriculture and forestry;*
- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Part (iv) set out above permits the replacement of a building within the same use as long as the building is not materially larger than the building it replaces. Part (vi) permits the limited infilling or re-development of previously developed sites that do not have a greater impact on the openness of the Green Belt.

The first issue to establish is the lawful use of the building. This also directly relates to the issue of the site being a defined previously developed site or not.

The buildings were formally in agricultural use and consent was granted for A1/B8 use through a prior notification application. The retail use has not formally commenced, however the buildings are in B8 use as they are being used by the applicant to store furniture and materials for the applicant's business. The associated works on the car park have also commenced.

As it has been established that the B8 use has been implemented the site meets the NPPF definition of being a previously developed site. The proposal therefore meets the two criteria set out in paragraph 89 of the NPPF as long as the proposals do not have a greater impact on the openness of the green Belt.

The following table compares the footprint and volume of the existing and proposed building;

	Footprint	Volume
Existing Building	456m <sup>2</sup>	1,654m <sup>3</sup>
Proposed Building	380m <sup>2</sup>	1,432m <sup>3</sup>

As a result of the proposal the building footprint is reduced by 16.7% and the volume by 13.45%. This when coupled with the fact the proposed building will have a slightly lower eaves and ridge height demonstrate the building will not have a greater impact on the openness of the Green Belt than existing buildings.

The proposals are therefore considered to be compliant with the requirements of Policy GC1 and the NPPF.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design**

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

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate materials.

The majority of the building is proposed to be a single storey building with a higher part of the building being located close to the boundary with Congelton Road to emphasise the retail part of the building. The scale of the building is considered to be appropriate and in keeping with the character and appearance of the area.

The building will be constructed from brick, metal cladding and large areas of glazing for the retail part of the building. These materials are in keeping with the mix of materials evident in the immediate area and are considered acceptable subject to the exact details of the materials used being agreed through a condition in the decision notice.

The proposal therefore complies with Policies BE1 and DC1 of the Local Plan and the NPPF.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

Local Plan Policy DC3 seeks to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property due to amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise, traffic generation, access and car parking.

No overlooking will occur as a result of the development. One window is proposed at ground floor in the rear elevation, however this will not cause overlooking issues as it is 5 metres from the boundary and will be screened from view by the boundary treatment to the residential properties and an existing outbuilding. No other windows are proposed in this elevation.

The majority of the building is single storey and as such will not cause any issues of overshadowing or have an overbearing impact. The taller element of the building will be located 18 metres from the rear of the existing properties. This is considered an appropriate distance from the residential properties.

There is potential for noise from deliveries and customers to become an issue for the occupiers of the existing properties. It is appreciated there is an existing external use, and as such the householders will be used to a certain level of activity there is experience that a change to what may be a more intense use can cause complaint and issues with noise, resulting in business facing enforcement action. As such conditions are required to ensure the opening hours and delivery times are carried out at appropriate times and these are proposed to be as follows;

- There shall be no deliveries outside of the following hours:

Monday – Friday      08:00 - 18:00

Saturday                09:00 - 15:00

With no Sunday or Bank Holiday deliveries]

- Opening hours shall be restricted to:

Monday – Friday 08:00 - 22:00  
Saturday and Sunday 08:00 - 21:00

It is inevitable that some disturbance will occur as part of the construction process. However this will be for a temporary period only and separate legislation is in place to ensure this does not occur. In any event a condition will be included on the decision notice requesting details of a construction method statement in order to minimise any disturbance.

The proposals meet the requirements of Local Plan Policy DC3 subject to the conditions outlined above.

### **Highways Impact**

The proposals for access into the site, which include the widening of the access from the A537 to accommodate the swept path of a rigid heavy goods vehicle, are satisfactory and car parking provision is in accordance with the Council's parking standards.

The development proposals comprise a floor area of just 380m<sup>2</sup> thus, any traffic generation associated with the proposed use will be limited and not expected to have a material traffic impact on the adjacent or wider highway network.

This application is for a similar scale of development to the previous application (16/0606M) to which the Strategic Infrastructure Manager (SIM) had no objection. From a highways perspective the key changes in this application are:

1. A small reduction in the gross floor area (GFA) of the B8 storage element of the proposal down from 230sqm to 200sqm; and
2. A revised parking layout (18 spaces as previously consented).

Accordingly, the Head of Strategic Infrastructure has no objection to the planning application subject to a condition requiring the access to be implemented before the remainder of the development can commence.

### **ECONOMIC SUSTAINABILITY**

It is accepted that the construction of a development of this size would bring the usual economic benefit to the closest shops in the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of potential customers spending money in the area and using local services. There are also potential employment opportunities for local residents.

As such, it is considered that the proposed development would be economically sustainable.



## **CONCLUSIONS**

The proposals are considered to be acceptable in Green belt terms as the site is a previously developed site and the building is replacing one in the same use in which it is currently used. The design of the building is acceptable and will not have an unacceptable impact on the openness of the Green Belt.

Access issues have been resolved in the course of the application and subject to a condition requiring the implementation of these improvements the proposal is acceptable in highway terms.

The impact on residential amenity is considered acceptable subject to the conditions listed at the end of the report.

## **RECOMMENDATION**

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

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

Application for Full Planning

### **RECOMMENDATION:**

1. nppf
2. Commencement of development (3 years)
3. Development in accord with approved plans
4. Details of drainage
5. Construction specification/method statement
6. Submission of samples of building materials
7. Implement access improvements
8. contamination
9. Bird nesting season
10. scheme for bird breeding opportunities
11. restriction on deliveries
12. Restriction in opening hours

13. Lighting details

14. Carry out in accordance with Traffic Management Plan.

15. Measure to restrict access from Chelford Road

