

Application No: 12/0112M

Location: Land adjacent to The Silk Road and Black Lane, Macclesfield, Cheshire, SK10 2AQ

Proposal: Part detailed/part outline planning application for a replacement Tesco superstore and the erection of retail warehouse units.

Applicant: Tesco Stores Ltd

Expiry Date: 26-Apr-2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of the Development
- Loss of Allocated Employment Land
- Retail Policy and Impact on Macclesfield Town Centre
- Layout and Design
- Sustainability
- Amenity of Neighbouring Properties
- Transport, Accessibility, and Parking Provision
- Ecology
- Heritage/Archaeology
- Flooding and Drainage
- Trees and Landscaping
- Planning Benefits

REASON FOR REFERRAL

The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is approximately 7.41 hectares).

DESCRIPTION OF SITE AND CONTEXT

SITE DESCRIPTION

The Barracks Mill site falls within an Existing Employment Area as defined in the Macclesfield Borough Local Plan.

The site covers an area of 7.5 hectares and is located outside the boundary of Macclesfield Town Centre. With reference to the Framework, and guidance which supports it, the status of the site is defined as 'out of centre' being approximately 650m walking distance from the town centre's Prime Shopping area. It is also separated off from it by the topography of the land, major highway and other environmental barriers.

The site is largely made up of an existing Tesco store and car park situated adjacent to the A523 (The Silk Road) and the former Barracks Mill, which lies on the opposite side of the River Bollin and Middlewood Way. The existing Tesco's is situated adjacent to the Silk Road, Hibel Road, Hurdsfield Road roundabout. It is accessed from Hurdsfield Road and egress is onto Black Lane.

There are some residential properties on Black Lane and Withyfold Drive, to the east of the site.

The proposal would necessitate the demolition of all the buildings on both the Barracks Mill side of the river and the existing superstore.

The existing Tesco has a floor area of approximately 6 065 sq. m. and was opened in 1991. The store is predominantly single storey, with a number of tower structures. The store fronts into the site (backs on to the Silk Road). To the north is a surface car park and to the east lies a petrol filling station. The existing store has been enlarged incrementally over time.

The Barracks Mill site consists of a derelict factory, which was damaged by a fire in 2004. The site is on an important gateway location to the town (from the north) and is as an eyesore.

Alongside the River Bollin runs the Middlewood Way, this is used by walkers, cyclists and horse riders. There is an access from the Middlewood Way to the existing Tesco store.

Pedestrian access from the store to the town centre is poor (approximately 375m as the crow flies from the Prime Shopping Area). The site does not contain a direct access from the pedestrian crossing on the Silk Road to the store entrance. There are bus stops on Hurdsfield Road, which serve the existing store.

DETAILS OF PROPOSAL

The application seeks full planning permission for a replacement (larger) Tesco superstore on the site of the former Barracks Mill. A new roundabout would be constructed on the Silk Road providing access into the site and a new petrol filling station is proposed adjacent to this on the northern end of the existing Tesco car park. New retail warehouse units, for which only outline permission is sought with all matters other than access reserved, are proposed on the site of the existing Tesco store.

The relocated and extended Tesco's would provide approximately 8 704 sq. m, with the overall internal gross floorspace (including back of house) extending to 14,325 sq. m. The existing store (to be demolished) has a floor area of approximately 6000 sq. m.

The floor area for the retail warehouse units (for which outline consent is sort) would be 4643 sq. m.

The following revised documents and revised plans were submitted in November 2012, which contained some very minor amendments to some of the drawings. The main elements of the scheme as revised are summarised below:

- Detailed plans of the proposed pedestrian and road bridges
- Illustrative section of non-food retail unit
- Introduction of landscape belt on the south side of the roundabout
- Amendments to proposals to Middlewood Way
- Reinstatement of link between Middlewood Way and through to the car park

A screening opinion was sought by the applicants under the Environmental Impact Assessment Regulations 2011 on 25 November 2011. On 16 December 2011, the LPA confirmed that the proposed development would not require an EIA within the meaning of the Regulations, and therefore an Environmental Statement was not required to accompany the planning application.

RELEVANT HISTORY

There have been many other applications relating to the use of the site, the following of which are relevant to this application:

11/1014M Extension to Time Limit on Planning Permission 08/0906P. Approved 26.06.11

- 08/0906P New roundabout access/egress to supermarket from the silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of directional signage and street lighting to silk road Approved 17.12.2008
- 07/3144P New roundabout & access to Silk Road, relocation of petrol station and amendments to internal road layout. (Duplicate of 07/3142P) Refused 19.03.08 – Appeal withdrawn 19.12.08
- 07/3143P New access/egress to supermarket from the Silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of directional signage and street lighting to Silk road (duplicate of 07/3141P) – Refused 19.03.08.
- 07/3142P New roundabout & access to Silk Road, relocation of petrol station and amendments to internal road layout. (Duplicate of 07/3144P) - Refused 19.03.08.
- 07/3141P New access/egress to supermarket from the Silk road, relocation of petrol station and amendments to internal road and car parking layouts. Installation of

directional signage and street lighting to Silk Road (duplicate of 07/3143P).
Refused 19.03.08. Appeal withdrawn – 25.09.08.

- 07/1950P New roundabout & access, relocation of petrol station and amendments to internal road layout – Withdrawn 22.10.07
- 07/0200P Certificate Of Lawfulness For The Existing Development Comprising The Creation Of A Mezzanine Floor Within The Existing Supermarket (Internal Works Only) – Positive Certificate granted 17 December 2007. The mezzanine comprises 1885 sq m that has been commenced but not completed.
- 64068P Reserved matters - erection of retail store petrol filling station and associated car parking on Land bounded by Hurdsfield Road, River Bollin and new relief road Macclesfield - Approved 08.10.90
- 56588P Outline Planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield -Approved 10.10.89
- 51537P Outline planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield - Refused 08.02.88 – Appeal Withdrawn 05.11.89
- 51536P Outline planning - erection of retail store petrol filling station and associated car parking on Land at Hibel Road, Macclesfield - Refused 08.02.88

POLICIES

MACCLESFIELD LOCAL PLAN – POLICY WEIGHT

The Macclesfield local plan was adopted by Macclesfield Borough Council on January 2004. It has a plan period that extended to 31 March 2011. Several Policies were then ‘saved’ under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 Act. These remain as part of the Development Plan for the purposes of s38 of the Act.

The approach of the NPPF to existing development plans is set out in paragraphs 209-212 of the document: 209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to date plans.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out of date simply because they were adopted prior to the publication of this Framework.

However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication.

Consequently, whilst the NPPF emphasises the role of up to date plans, plans are not deemed to be out of date merely because they are adopted in previous years. Never the less, the advice of the NPPF should be considered as a very significant material consideration.

The Plan Period for the Macclesfield Plan has now passed – but whilst some policies may be, by their very nature, time limited, it does not follow that all policies are out of date. The key test as set out in the NPPF is the extent to which policies conform to the advice of the Framework. As paragraph 215 indicates, following the passage of transitional arrangements “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”. It is also stressed that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them.

LOCAL PLAN POLICY

The following saved policies within the Macclesfield Borough Local Plan 2004 are considered to be relevant: -

Environment

NE9 Protection of River Corridors

NE10 Conservation of River Bollin

NE11 Nature Conservation

NE15 Create or enhance habitats in reclamation schemes, public open spaces, education land and other land held by LPA's

BE1 Design Guidance

BE21-BE24 Archaeology

Recreation & Tourism

RT5 Minimum standards for open space

RT7 Cycleways, bridleways and footpaths

Housing

H13 Protecting Residential Areas

Employment

E1 Retention of Employment Land

E2 Retail Development on Employment Land

E4 Mixed use areas

Transport

T1 General transportation policy

T2 Public transport

T3 Improve conditions for pedestrians

T4 Provision for people with restricted mobility

T5 Provision for cyclists

Shopping

- S1 Town centre shopping development
- S2 New shopping, Leisure and Entertainment Developments
- S3 Congleton Road Development Site
- S4 Local Shopping Centres
- S5 Class A1 Shops
- S7 New Local Shops

Implementation

- IMP1 Development sites
- IMP2 Transport Measures

Development Control

- DC1 Design – New Build
- DC3 Amenity
- DC5 Measures to improve natural surveillance and reduce crime
- DC6 Circulation & Access
- DC8 Landscaping
- DC9 Tree Protection
- DC13-DC14 Noise
- DC15-DC16 Provision of facilities
- DC17 Water resources
- DC18 Sustainable urban drainage systems
- DC20 Contamination
- DC50 Shop Canopies, Awnings etc
- DC54 Restaurants, Cafes and Hot Food Takeaways
- DC63 Contamination

Cheshire East is currently preparing its new Local Plan which will guide the future planning and development of the area. The latest stage of consultation on the new Cheshire East Local Plan ran from 15th January to 26th February 2013 and whilst clearly these emerging policies carry less weight than adopted plans, they still need to be considered as part of the assessment of this application.

The following policies within the Pre-Submission Core Strategy are relevant:

- Policy MP 1 Presumption in Favour of Sustainable Development
- Policy PG 2 Settlement Hierarchy
- Policy PG 6 Spatial Distribution of Development
- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy IN 1 Infrastructure
- Policy IN 2 Developer Contributions
- Policy EG 1 Economic Prosperity
- Policy EG 3 Existing and Allocated Employment Sites
- Policy EG 5 Promoting a Town Centre First Approach to Retail and Commerce
- Policy SE 1 Design

Policy SE 2 Efficient Use of Land
 Policy SE 3 Biodiversity and Geodiversity
 Policy SE 5 Trees, Hedgerows and Woodland
 Policy SE 6 Green Infrastructure
 Policy SE 7 The Historic Environment
 Policy SE 8 Renewable and Low Carbon Energy
 Policy SE 9 Energy Efficient Development
 Policy SE 13 Flood Risk and Water Management
 Policy CO 1 Sustainable Travel and Transport
 Policy CO 2 Enabling Business Growth Through Transport Infrastructure
 Policy CO 4 Travel Plans and Transport Assessments
 Strategic Location SL 4 Central Macclesfield

It should be noted that the North West of England Plan Regional Spatial Strategy to 2021 was revoked on 20th May 2013. Therefore this document no longer forms part of the Development Plan.

OTHER MATERIAL CONSIDERATIONS

National Policy

National Planning Policy Framework (NPPF)

- Designing Out Crime SPD 2006
- Nature Conservation Strategy SPD 2006
- Strategic Flood Risk Assessment (Macclesfield) 2008
- Cheshire Retail Study Update 2011
- Determining the Settlement Hierarchy: LDF Background Report 2010
- Section 106 (Planning) Agreements SPG 2004
- Macclesfield Town Centre Economic Masterplan 2010
- Macclesfield Town Vision 2012
- WYG update 2013
- North West Sustainability Checklist
- Cheshire East Local Plan Draft Development Strategy
- The Planning System: General Principles 2005

Circulars of most relevance include:

- ODPM 06/2005 Biodiversity and Geological Conservation;- 11/95 The use of Conditions in Planning Permissions; and
- Circular 02/99: Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Ministerial Statement of 23 March 2011 on "Planning for Growth"

Relevant legislation also includes the EC Habitats Directive and the

Conservation (Natural Habitats etc.) Regulations 2010.

CONSULTATIONS

Strategic Highways Manager:

The existing Tesco is to be demolished and a new store is proposed that is more than double its existing gross floor area (GFA) and an additional non-food retail store provided on the site of the existing store. The main access to the site will be a new roundabout on the Silk Road that already has an independent planning approval.

The traffic impact of the development has been assessed through the submission of a Transport Assessment and the scope of the development impact within the report was agreed with the Highway Authority. In calculating the likely number of new trips to the site, the applicant compared the new foodstore and retail store against the actual flows to the existing store and the consent for the mezzanine. Whilst, the trip rates used for the foodstore are agreed, the validity of using a consent that has not been implemented to reduce traffic flows is not accepted. In addition, the trip rates for the non-food retail are not agreed and the Strategic Highways Engineer's own assessment of the trip rates are much higher than those provided in the transport assessment.

Therefore, it is the Highway Authorities view that the figures submitted are very conservative and it likely that the traffic generation of the development will be much higher. However, in order to provide a baseline on impact, it was decided to test the actual figures presented in the Transport Assessment, this was undertaken on present day flows i. e 2011. This test would assess the lowest traffic impact of the development, it will be the case that the opening year and future year tests would result in higher flows and a higher traffic impact and this does not of course assess the Highway Authority view, that traffic generation will be higher than stated.

The applicant has undertaken their own capacity assessment of a number of junctions as indicated in this report and found that there are negligible increases in queuing as a result of the development. In order to validate the assertion that there is little impact on the road network, the Macclesfield Paramics model was used to test the development impact in a number of scenarios - AM and PM Weekday peaks and a Saturday Peak. The Paramics model covers all of the main routes within Macclesfield town centre and includes all of the junctions that the applicants have assessed in their report.

The results of the model tests show there are significant queues forming in the evening peak hours on many of the town centre routes providing large increases in journey times and causing re-allocation of traffic. The morning peak does not have the same level of impact on the road network and as such is not raised as an issue on the application. The main concern is the operation of the existing Silk Road / Hibel Road roundabout that despite including the small flare that is proposed as mitigation by the applicant, there are large queues forming northbound on the Silk Road and on Hibel Road approaching the roundabout. It is apparent that there is not sufficient capacity available at the junction and this development will exacerbate the delay to all vehicle users and is seen as a severe impact.

The accessibility of the site to public transport does meet distance guidelines but is not raised as a reason to reject the application. In practice, the proposal falls well short of providing an alternative mode other than car to access the store. Further improvements to the proposed

bus services to the site would be welcomed. The improvements to walking and cycle routes are considered acceptable.

Therefore, in summary the proposed development is likely to cause significant congestion in Macclesfield town centre and it is recommended that the application is refused, as it will have a severe impact on the local highway network.

The submission of the revised mitigation measures and Applicants Note in response to the highway concerns raised on the development proposals has addressed some of the issues, such as the public transport accessibility of the site. However, the traffic impact of the development remains a problem and despite revised mitigation measures being submitted, this has not provided enough capacity on the local highway network to accommodate the development.

The development proposals have been tested using the development traffic flow data submitted in the Waterman Transport Assessment and are based upon a 2012 base with no growth being applied to the modelled background flows. Quite clearly this is not an up to date assessment and there is no future year assessment submitted, and therefore the test results represent a best case scenario for the applicant and it is likely that the congestion levels on the road network would actually be worse than the assessments indicate.

Given the foregoing, the recommendation of refusal on this application would have to remain for the reasons stated in the initial comments.

Environmental Health: recommends conditions in respect of pile driving, floor floating, demolition, lighting, noise control, contaminated land and the submission of an Environmental Management Plan.

Macclesfield Civic Society: raise concerns regarding the decision on whether a screening opinion was required and failure to undertake an Environmental Impact Assessment. Comments are also made with regard to consultation arrangements, the level of detail within the submission, abuse of the planning system, clarification required regarding Tesco's comments and motivations on previous applications. Concern is expressed regarding the lack of consideration of alternatives, retail need, impact on the town centre, access and accessibility, heritage, integration / design concerns, impact on the Bollin Valley and Middlewood Way. In addition, concerns were expressed regarding the appropriateness of a scheme of this size in an out of centre location. The society does not consider that the LPA should give weight to the expired Blantyre scheme, or the extant consent for the mezzanine. Support for improvements to the Town Centre store. Concerns regarding conclusions of Retail Assessment, scale of buildings, impact upon ground levels, would not respect local vernacular, considers details for design of retail warehouse building should be provided up front and also expresses concerns regarding the content of the transport assessment, servicing arrangements, location of disabled persons car parking spaces, traffic impacts and associated environmental effects. Comments on the Wilson Bowden proposals for the town centre and expresses support for car parking to serve the town centre. Suggests Park and Ride scheme as an alternative to the retail warehouse building, which it considers to be the more harmful element of the proposals.

Archaeology: no mitigation required

Environment Agency: Recommends conditions in respect of plant species mitigation, structural survey of the river bank, drainage, demolition, floor levels, pile driving, contamination and underground tank storage.

Electricity NW: recommend informatives.

Public Rights of Way Unit: The proposed development offers opportunities to improve pedestrian and cyclist access to facilities on the development site, and the proposals outlined in the application documents are welcomed.

The improvements proposed within the Heads of Terms for the s106 agreement for the Middlewood Way shared use path which runs alongside the River Bollin are supported. The proposals go some way in delivering a suggested improvement to the Rights of Way Improvement Plan (ref. T60) to improve walking and cycling links between Tytherington and Macclesfield. Likewise, the proposed bridge for pedestrians and cyclists, to connect the Middlewood Way with the northeast side of the river will greatly improve the permeability of the site for non-motorised users.

It should be noted that the Middlewood Way at this location is recorded as a Public Right of Way, namely Public Footpath Macclesfield No. 24, as shown in the attached plan.

REPRESENTATIONS

From January 2012 to November 2012 approximately 850 letters of representation were received from 700 households of which 3 households were in support and 3 households made general comments only. The remainder were objecting to the application. Amongst these objections approximately 550 households submitted copies of a standard letter produced, which objects to the application on the grounds of:

- insufficient opportunity for public comments and criticises pre-application consultation
- Impact of the replacement store on the regeneration of Macclesfield
- Design is out of character with the town
- Impact of the new roundabout on traffic and congestion along Hurdsfield Road and Black Lane
- Concerns relating to impact on private car use, poor accessibility and inadequate public transport access.
- The employment opportunities would not compensate for the impact upon local businesses.

Of the objections submitted, the main concerns related to the impact of the development upon Macclesfield Town Centre and the impact upon highway safety.

The bespoke letters of objection also raised the following issues:

Retail/ Town Centre

- Impact on local businesses
- Knock on effect on retail elsewhere
- Inappropriate as out of centre site

- Impact on vitality and viability of the town centre
- High proportion of vacant units
- Macclesfield needs more independent retailers
- Lack of 'need'
- Would reduce competition and choice
- Too many supermarkets - lack of need
- Would erode the upturn in confidence in Macclesfield town centre
- Would result in a net loss of jobs in the town centre
- Poor links with town centre

Sustainability

- Increased food miles
- Consider should use more sustainable Tesco store as developed elsewhere
- Implications of car movements
- Scheme dependent on increased private car use

Highways

- Accessibility
- Inadequate transport
- Congestion
- Poor links to town centre
- Disruption during construction period
- Effect of traffic in town centre and congestions

Employment

- Jobs taken from existing business
- Won't create many jobs/ quality of jobs

Consultation

- Criticisms of Tesco consultation and reporting of consultation

Regeneration

- Tesco's and retail units will be harmful to the regeneration of Macclesfield
- Impact on Wilson Bowden
- Impact on regeneration schemes

Amenity

- Congestion/ noise levels and pollution
- Traffic during construction
- Rubbish pollution and trolleys in local streets

Heritage

- Impact on historic character of the town

Design

- Not in keeping
- Would become an eyesore
- Out of scale

Other Matters

- Recommend conditions in respect of landscaping to boundaries and to the River Bollin
- Alternative schemes put forward including park and ride, cinema, theatre, public space, housing, manufacturing etc
- Suggest alternative locations
- Request further improvements to Middlewood Way
- Request retail study update
- Concerns regarding inaccuracy/ inconsistency in submission
- Suggest Council undertake impact assessment
- Suggest application determined by committee
- Suggest access for business to the rear of the Barracks Mill site be incorporated
- Request development be phased
- References to similar schemes and associated impacts
- Reference made to morals/ motives/ Tesco actions elsewhere
- Impact on visitors (tourism)
- Impact on community
- Support for Middlewood Way improvements

APPLICANTS SUPPORTING INFORMATION

The following supporting reports were also submitted with the original application:

- *Planning Statement*
- *Design and Access Statement*
- *Retail Statement*
- *Transport Assessment*
- *Arboricultural Assessment*
- *Community Engagement Statement*
- *Ventilation and Extraction Statement*
- *Utilities Statement*
- *Site Waste Management Plan*
- *Contamination Land Report*
- *Noise Assessment*
- *Protected Species Survey*
- *Lighting Plan*
- *Heads of Terms*
- *Flood Risk Assessment*

OFFICER APPRAISAL

PRINCIPLE OF DEVELOPMENT

Macclesfield is a principal town in Cheshire East, a main shopping centre and an important employment centre. The Council has recently granted consent for a planning application (12/1212M), which seeks to improve the shopping and leisure provision via a seamless extension of the town centre. The scheme also includes a cinema. The town centre

redevelopment site is an important strategic development site and is considered key to achieving the sustained regeneration of Macclesfield town centre by providing a mix of retail, housing and leisure facilities and new public realm.

Macclesfield has a population of approximately 52 300, and a catchment area of approximately 80 000 for retail purposes.

With regard to decision making, planning applications still have to be determined in accordance with the development plan. The Framework (Annex 1) makes it clear that development plan policies drafted before the Framework was published that are consistent with the guidance are a material consideration. Therefore, Local Plan saved policies S1 to S7 (excluding S6) are a material consideration as they are consistent with the Framework

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework.

The proposals relate to a major retail scheme in an out of centre site which is allocated for employment therefore the key issues in respect of principle are:

- 1) is the loss of an allocated employment site acceptable, and
- 2) is this site suitable for retail development

These issues are considered below.

Loss of Employment land

The Barracks Mill site is identified on the Local Plan Proposals Map as being within an Existing Employment Area, where policies E1 and E2 indicate that proposals for retail development will not be permitted.

Policy E1 seeks to normally retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan.

However, there is an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace, means that it is unlikely that office development on the land will come forward now or in the future. The findings of the Macclesfield Economic Plan and Masterplan and the Annual Monitoring Report 2009 together with marketing exercises undertaken at other employment sites all support this view.

The Council has carried out an employment land review which identified the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs.

This concluded that there is adequate Employment Land available across the District, and on that basis, the loss of this site is unlikely to lead to an inadequate supply in this area.

Policy EG3 within the pre-submission core strategy makes it explicit that sites will be protected and that alternatives uses would need to be justified. An Employment Land Statement should have been submitted to accompany this application to justify the loss of employment land.

Whilst this has not been submitted, Tesco's Agent has considered the loss of employment issue and has put forward an argument that no analysis of employment land is required in light of the Council's resolution to grant planning permission in 2008 for the Blantyre proposal (ref 08/0409P).

This decision should be given no weight as the S106 Agreement was not signed and no Decision Notice issued, with the application being finally disposed of on 02.06.11.

Notwithstanding this, it is considered that retail use of the site is acceptable for the following reasons:

- There is a significant oversupply of employment land in the Borough and the loss of this site is unlikely to lead to an inadequate supply in this area.
- Due to the site constraints i.e. contamination which requires remediation and the infrastructure requirements the site is unlikely to come forward for employment uses.
- Retail of the scale proposed would be an employment generator.

Retail Development

Chapter 2 of the NPPF, which relates to "*Ensuring the vitality of town centres*" seeks to ensure that LPAs plan positively to promote competitive town centres.

Paragraph 24, states that Local Planning Authorities should:

".... require applications for main town centre uses to be located in town centres"

It then goes on to state that LPAs should:

" apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan."

Therefore, as the proposals relate to a major retail development in an out of centre location, the sequential test would need to be satisfied.

In addition to the sequential test, for developments over 2,500 sq. m LPAs also need to consider the impact on investment, and 'vitality and viability'.

The Framework makes it clear in paragraph 27 that “*where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors (in paragraph 26) it should be refused.*”

These issues are considered below.

Sequential Test

The Framework (para 24) advises LPA’s should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The sequential preference of in-centre, edge-of-centre then out-of-centre sites remains the same as PPS4. However, the Framework (para 24) does advise when considering out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The applicants Agent acknowledges (2.8 of the Retail Assessment) that the town centre is difficult to access from the site for pedestrians, therefore, they should also have assessed other more accessible out-of-centre sites. In addition, there is the South Macclesfield Development Area that is designated for retail use in a saved policy of the Local Plan.

The Framework (para 24) also advises that applicants and LPA’s should demonstrate flexibility on issues such as format and scale. The Dundee and North Lincolnshire Judgements indicate there has to be realism in the demonstration of flexibility and these decisions have been borne in mind. The Framework no longer refers to disaggregation¹ although the Practice Guide (6.30 and 6.32) does and the earlier Blantyre proposals suggest that the superstore and retail park elements of the proposal could be considered separately in the sequential test. It is possible that the Wilson Bowden town centre development proposals² could include an element of convenience goods retailing, albeit in a smaller supermarket. This would represent a flexible interpretation of the Framework (para 24) and would help “promote competitive town centres that provide customer choice and a diverse retail offer” in compliance with the Framework (para 23)³.

Tesco’s Agent (5.21) dismiss this town centre extension site(s) on the basis that they “*form part of the current proposals by Wilson Bowden for a town centre redevelopment to accommodate new retail units and a cinema, and are therefore not available.*” However, the Practice Guide (6.41 & 6.45) that remains extant guidance, advises the remaining tests of availability and suitability isn’t available / suitable to the developer / retailer but available /

¹ A division or breaking up into constituent parts, particularly the analytic disassembly of categories which have been aggregated or lumped together.

² Approved under application 12/1212M

³ The 2011 WYG Cheshire retail Study Update also recommends (Appendix 3 MF.19) that any future strategy should seek to introduce a centrally positioned supermarket to help strengthen the role of Macclesfield town centre by delivering a key shopping destination to the town centre which will reduce the propensity of shoppers to use existing out-of-centre facilities.

suitable for the type of development. The sequential test of viability appears to have been removed by the Framework.

Given the above, officers disagree with the applicants Agent's conclusion at 5.24, that none of the identified sites within the sequential assessment are suitable for the application proposals. The Wilson Bowden town centre proposals may include a foodstore and larger units capable of retailing bulky goods and the Agent has not considered flexible formats with this regard. The applicant's Agent does not appear to have given consideration to replacing the existing store, with a larger one on the existing site, which would have to be considered to be in a better location (access wise) than the proposed store site. In addition, there may be other more accessible out-of-centre sites such as the Sutton Castings site, or sites allocated in the Local Plan that are better suited to the proposal. It is therefore, concluded that the sequential test has not been satisfied.

Impact

Investment in Macclesfield Town Centre

The Framework (para 24) advises when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, the supporting impact assessment should consider the impact of the proposal on existing, committed and planned public and private investment in a centre, or centres, in the catchment area of the proposal. The PPS4 Practice Guide (7.17) that remains extant advises:

"Where the LPA and / or the private sector has identified town centre development opportunities and is actively progressing them, it will be highly material to assess the effect of proposals on that investment. Key considerations will include; the stage at which the proposal has reached; the degree to which key developer / occupier interest is committed; and the level and significance of predicted direct and indirect impacts."

The PPS4 Practice Guide (7.21) goes on in a section headed *"How to: measure the effects on planned investment in nearby centres"* to advise:

"In the case of proposals which are not in accordance with an up to date development plan and not within an existing centre, their effects on a planned investment in a nearby centre may be highly material. The level of risk to planned investment and its significance, in planning terms, will depend on, among other things:

- What stage they have reached e.g. are they contractually committed?*
- The policy 'weight' attached to them e.g. are they a key provision of the development plan?*
- Whether there is sufficient 'need' for both?*
- Whether they are competing for the same market opportunity, or key retailers / occupiers?*
- Whether there is evidence that retailers / investors / developers are concerned; and*
- Whether the cumulative impact of both schemes would be a cause for concern.*

Equally, any adverse impacts as outlined above should be balanced against the positive effects of the proposals, in terms of; investment; employment generation; social inclusion; and physical and economic regeneration.”

Planning permission was granted in September 2013 for a major retail and measure development within Macclesfield Town Centre ref 12/1212M. This site had been allocated for retail and leisure purposes within the current Macclesfield Local Plan 2004 and under the previous Macclesfield Local Plan 1998. This commitment is carried through within the emerging Local Plan under policy SL4 which makes specific reference to the Wilson Bowden proposals.

The Shopping Chapter within the MBLP 2004, the Cheshire Retail Study 2000, Macclesfield Town Centre Developers' Brief 2005 and Macclesfield Economic Masterplan and Delivery Plan 2010 are all consistent in their support for the town centre redevelopment and the justification for this.

These documents refer to the anticipated growth particularly in comparison goods expenditure over the period to 2011 which would be available to support new retail floorspace, and the desire to direct new provision to a town centre location.

In providing further rationale, these documents highlight the shortcomings of the existing centre, including a proliferation of small and poorly configured retail units within the existing stock not suited to modern retailers' requirements, and thereby resulting in the town centre being poorly represented by national multiple retailers (in contrast to their presence further afield, including in out-of-centre locations in north Cheshire/south Manchester, thereby leading to an outflow of comparison goods expenditure).

The WYG update 2013 notes that intervention in the town centre is still necessary to address the lack of a decent retail (and leisure) offer and to stem the outflow of retail expenditure to other shopping destinations in the North Cheshire / South Manchester belt.

The applicants Agent (7.7 of the Retail Assessment) agree that the Wilson Bowden scheme represents planned public / private investment within the town centre, therefore, the effects of this application upon it need to be considered. They advise (7.6) this proposal is a scaled down version of the town centre redevelopment brought forward by Wilson Bowden in 2008. The Agent understands that there are still land assembly issues to overcome which, together with the current economic conditions, may have an impact on the timescale for bringing forward the development⁴. The Agent advises (7.6) the replacement Tesco superstore would open two years before, in 2014 with the bulky goods retail warehouses being built out at a timescale, which will be determined by market conditions.

The applicants Agent (7.8) also states that the scheme does not include a new foodstore, or bulky goods retail warehouses, although given that the Wilson Bowden planning permission includes consent for an A1 use, it may include a foodstore element. In addition, there are a number of bulky goods retailers in the town centre and in accessible edge of centre locations and the Wilson Bowden scheme may attract new operators such as phone and electrical

⁴ The Wilson Bowden scheme is targeted for opening in 2016.

shops. The applicants Agent (7.9) go on to suggest Tesco's non-food retail offer differs from the high street offer, as Tesco sell only a limited range of non-food goods and these products are *"sold as complementary goods purchased on an impulse basis by shoppers undertaking a main food shopping trip"*. As a result according to the Agent *"new superstores draw non-food trade principally from other superstores, which provide a similar offer."*

Officers strongly disagree with the Agents statements. The revised Wilson Bowden scheme has reached an advanced stage and planning permission was granted in September 2013, and so it is highly material in the determination of this proposal. Clearly the developer is committed to the town centre and has already invested significantly in advancing their proposals. The site is designated in historic, saved and emerging local plan policies and the Council are equally committed to it.

In terms of the impact of the Tesco's proposals on the town centre redevelopment scheme, Tesco's is located in an out-of-centre location with all its real and perceived trading advantages. In contrast, Wilson Bowden are attempting to bring forward a town centre scheme, which is much harder to assemble, that will not have extensive free surface car parking and will not be trading 24 hours per day.

Whilst the WYG Study 2011 does identify sufficient 'need' for both developments, they are competing for the *'same market opportunity'* in many respects. The Tesco proposal will be competing directly with the town centre for fashion and non-bulky comparison goods, as well as top-up expenditure. It will be competing to a lesser extent for bulky goods and mainfood expenditure, but there is still a degree of competition. There is also evidence that retailers / investors / developers in Macclesfield town centre are concerned about the Tesco proposals as demonstrated by the number of objections received by the Council. The cumulative impact of both schemes is also a cause for concern for some existing town centre businesses.

Contrary to Tesco's Agents claims (7.12 of the Retail Assessment) the proposals are of a scale and type, which could prejudice the implementation of the town centre redevelopment. The proposal was identified in the 2011 WYG study as a potential threat to the town centre in the SWOT analysis that summarized the health check (Appendix 3). The Agent (7.6) alludes to the difficulty Wilson Bowden are having bringing the site forward including the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal in direct competition for a finite quantum of retail expenditure would undermine the viability of the scheme in an already difficult economic climate.

It is duly acknowledged that Wilson Bowden has not commented on this application. Whilst the LPA would not wish to speculate as to why Wilson Bowden have not objected, it cannot be assumed that the absence of an objection is an indicator that the proposals would not have a negative impact on investment in Macclesfield town centre.

On the basis of the above, it is clear that an out of town store would negatively impact on delivering the town centre proposals and conflict with the aims to direct new retail provision to a town centre location. It is very clear from the above that any proposals, which could destabilise the deliverability of the Wilson Bowden scheme should be resisted. It is therefore, concluded the proposal will have a negative impact on investment in Macclesfield town centre.

Vitality and Viability of Macclesfield Town Centre

It should be noted that the Secretary of State has decided in a number of planning cases⁵, that capacity informs sequential and impact assessment therefore, retail capacity is also a matter that must be considered.

The Agent has undertaken an Impact Assessment which the Council has had independently verified. There are concerns regarding the methodology relating to how capacity has been calculated, the weight attached to the mezzanine fallback position, trade draw and trade diversion. The effect is, that the impact of the proposals particularly in respect of trade diversion from the town centre has been significantly underestimated by Tesco.

The existing Tesco store measures 6 065 sqm. The new store (14 325 sqm) and proposed retail warehousing (4 650 sqm), equate to 18 975 sqm of retail floorspace, which represents an increase of 12 910 sqm. This would equate to approximately 40% of the combined convenience and comparison goods floorspace within the town centre itself.

The Framework (para 24) advises when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, the supporting impact assessment should consider the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

The PPS4 Practice Guide (7.25) that remains extant, advises on judging the effects of a proposal on the vitality and viability of a centre:

“Any adverse impact on planned investment is likely to be of particular significance, particularly if it forms part of the development plan strategy. Significant levels of trade diversion from the centre, or key sectors, can seriously undermine its vitality and viability resulting in reduced footfall, increased vacancies, a more ‘down market’ offer etc.”

In the previous section (titled Impact on Town Centre Investment), it was demonstrated how the proposals will have an adverse impact on planned investment that is likely to be of particular significance that forms part of the development plan strategy. In the earlier methodology section it was demonstrated how the WYG study that Tesco’s Agent rely upon to demonstrate capacity relates to a different study area. The Secretary of State has decided that capacity does inform the sequential test and impact assessment. Clearly, if there is less capacity, then impacts are likely to be more significant. It has also been outlined how the Agent has understated the impact of the proposal on town centre trade and particularly for comparison goods, as too much trade is diverted from competing superstores / out-of-centre destinations.

⁵ For example in Workson APP/A3010/A/10/2124458 (para 18) and Trafford APP/Q4245/A/10/ 2127223 (para 9).

Tesco's Agent undertook a health check of the town centre using (PPS4) indicators of vitality and viability. WYG also undertook a health check in the 2011 Cheshire Retail Study Update, but come to very different conclusions to the Agent:

"Macclesfield is showing moderate signs of vitality and viability. Although the town centre has a below average representation of convenience goods floorspace this is compensated from a strong proportion of comparison goods floorspace which has remained stable since 2000. The service sector is represented below national averages with scope for improvement, whilst vacant floorspace levels are in accordance with national levels and have decreased since 10 years ago, although the proportion of vacant units has increased reflecting patterns nationally. The centre may be vulnerable in the longer term without significant investment and intervention."

WYG identified the strengths of the centre as:

- the anchor Tesco Metro store;
- a strong comparison offer;
- an adequate retail service sector;
- an increasing leisure service offer;
- a strong financial and business services sector;
- the local market;
- a good mix of independent / specialist traders and national multiples;
- a high level of retailer requirements and space available; and,
- a strong evening economy.

WYG identified the weaknesses of the centre as:

- the weak level of convenience provision;
- the proportion of comparison units in decline;
- the leisure service offer below national average;
- a high proportion of vacant units;
- static zone A rents;
- a recent increase in commercial yields; and,
- the two large out-of-centre superstores (Sainsbury's & Tesco).

WYG also highlight (Appendix 3, Table 1) the decline of Macclesfield in relation to competing centres. Macclesfield has fallen from 163rd in the Venuescore Rankings⁶ in 2007 to 208th in 2010. In contrast competing centres such as Warrington have risen in the rankings by 30 places and Crewe is now above Macclesfield in 176th place. The previous section indicated how the proposal could impact on the investment necessary to revitalise the town centre's vitality and viability and its position within the retail rankings.

⁶ The Venuescore index ranks 2,106 retail venues within the UK (including town centres, standalone malls, retail warehouse parks and factory outlet centres) based on current retail provision. Towns and major shopping centres are rated using a straightforward scoring system that takes account of the presence in each location of multiple retailers – including anchor stores, fashion operators and non-fashion multiples

Opportunities that were identified by WYG included the Town Centre (Wilson Bowden) redevelopment scheme to widen food, non-food and leisure and leisure provision and the Black Lane redevelopment site (that forms part of this proposal site). However, WYG obviously didn't envisage the redevelopment of the Black Lane site being for an extension of the Tesco Hibel Road superstore, which they identified as a specific threat to the vitality and viability of the centre in their SWOT analysis.

Tesco's Agent's health check of Macclesfield Town Centre (Appendix 2) came to different conclusions. They concluded:

"Macclesfield is a reasonably healthy centre which contains a wide spread of high street national retailers including Marks & Spencer and WH Smith, a large number of independent shops and foodstores such as the Tesco Metro and Aldi. Whilst it has an average number of vacancies, these are mainly in peripheral areas of the centre. In addition, it has good public transport links and parking provision, is relatively safe and secure, and has a pleasant environment for shoppers based around pedestrianisation of most of Mill Street."

Tesco's Agent (7.16) add the town centre is characterised by smaller buildings, which are more suited to local independent businesses than national retailers, but this will be addressed by the Wilson Bowden scheme. They also advise if the Tesco proposal is permitted the company are committed to continued trading at the Metro in the town centre. The Metro is described as an anchor by WYG which is an indicator of how weak the centre is, as usually sub-regional centres are anchored by major department stores and / or large supermarkets.

Tesco's Agent (7.19) then goes on to suggest the majority of convenience trade drawn to the proposal will be from the out-of-centre Sainsbury's and the majority of comparison trade will also come from this store and other out-of-centre comparison outlets in and around the town. As demonstrated previously in the methodology section, the proposal will compete directly with town centre stores for top-up and non-food goods and the trade diversion from the town centre is greatly understated by Tesco's Agent.

The Agent also claim that the proposal could generate new linked trip expenditure to the benefit of the town centre as a new bus stop is proposed in the scheme⁷. However, little if any weight can be attached to this as it will not offset the significant impact on the vitality and viability of the centre.

Finally, there are the cumulative impacts outlined in the previous section to be taken into consideration. The proposed Tesco superstore plus speculative retail park proposals will have a significant adverse impact upon potential investment in the town centre, as well the vitality and viability of the town centre.

The Agent concludes *"the proposed development would not have a significant adverse effect on the vitality and viability of the town centre..."* Again, Officers disagree strongly with their conclusions. The proposal would exacerbate one of the main weaknesses of the town centre,

⁷ Even if a subsidy is available, there are numerous examples throughout the UK of bus services to out-of-centre superstores ceasing once the subsidy period ends i.e. they are not financially viable routes.

by strengthening the out-of-centre competition, which WYG identified as a specific threat to the future vitality and viability of the centre. The proposal will also impact on the trade of the town to a far greater extent than assessed by Tesco's Agent and it will not increase choice in the town centre and could decrease it if impacted shops cease trading. WYG concluded that *"the centre may be vulnerable in the longer term without significant investment and intervention"* and in the previous section it has been demonstrated that the proposal will impact negatively on investment in the town centre. It is therefore concluded, the proposal will have a negative impact on the vitality and viability of the centre.

Conclusion

The proposal represents a significant increase (184%) in the quantum of convenience superstore floorspace on the site. This proposal in an out-of-centre location that will be reliant upon carborne trade, can't be described as sustainable. The proposal fails to comply with Local Plan policies S1 and S2 that are consistent with the Framework, and as a result the proposal should not be approved 'without delay' under para 14 of the guidance. The proposal and methodology in the supporting Retail Assessment is also inconsistent with guidance in the PPS4 Practice Guide, that is not replaced by the Framework (Annex 3).

The proposal fails to satisfy the sequential test, as the Wilson Bowden town centre proposals could accommodate a smaller foodstore and larger units capable of retailing bulky goods and Tesco's Agent have not considered flexible formats with this regard. The sequential test of availability refers to the availability of a site for the type of proposed development and not necessarily availability to the developer / retailer. In addition, there may be other more accessible out-of-centre sites, or sites allocated in the Local Plan that are better suited to the proposal. It is therefore concluded, the sequential test has not been satisfied.

Tescos' Agent do not undertake a capacity assessment and instead rely upon the 2011 WYG study. Unfortunately, this broadbrush countywide study relates to a different study area and the retail capacity section should have been updated by the Agent to inform the sequential and impact assessments and in order to follow the Practice Guidance (Appendices B and D).

Tescos' Agent have also failed to undertake an assessment of the impact of the proposal as a whole, rather than just the 'incremental' impact of the difference between the proposed superstore and the approved (mezzanine) scenario.

The trade draw assessment for the superstore is skewed towards comparable / competing superstores and the impact on the town centre is greatly understated. The proposal will compete directly with town centre stores for top-up and comparison goods expenditure.

The proposals are of a scale and type which could prejudice the implementation of the Wilson Bowden town centre scheme. Wilson Bowden are having difficulty bringing the site forward in the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal, in direct competition for a finite quantum of retail expenditure, would undermine the viability of the scheme, in an already difficult economic climate. It is therefore considered the proposal will have a negative impact on investment in Macclesfield town centre.

The proposed development will also have a significant adverse effect on the vitality and viability of the town centre, as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which WYG identified as a threat to the future vitality and viability of the centre. WYG concluded that *“the centre may be vulnerable in the longer term without significant investment and intervention”* and the proposal will also impact negatively on this. It is therefore concluded the proposal will have a negative impact on the vitality and viability of the centre.

The overall conclusion is that the regeneration and limited employment benefits of the proposal are greatly outweighed by the negative impacts on investment in the town centre and its overall vitality and viability, which are potentially significant adverse. The proposal also fails the sequential test to site selection. There is an identified need for the bulky goods element of the proposal and Tesco's Agent has correctly assessed the impact of this, however, the sequential approach to site selection has not been satisfied. There is not an identified need for a superstore of the size proposed, there would be an adverse impact on the vitality and viability of the town centre and planned investment in it and this element also fails to satisfy the sequential test. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. There may be a need identified for a smaller foodstore and the bulky goods element of the proposal but this would be subject to satisfying the impact and sequential tests, although such a revision is more likely to satisfy these Framework policy tests than the current proposals fail.

DESIGN AND HERITAGE

Heritage

Although the former Barracks Mill dates back to 1867/8 it was never listed or locally listed, and lies derelict, partly burnt out for almost 10 years. For these reasons, no objections are raised to the loss of this building.

In relation to archaeological assets, the Cheshire Archaeological Planning Advisory Service have commented that although that part of the site currently occupied by Tesco was formerly occupied by an extensive complex of railway sidings, this has been entirely removed when the existing Tesco store was developed. They therefore advise that there is no justification for archaeological investigation in this area of the site. With regard to that part of the site to the east of the Bollin, where the new Tesco store would be developed, they note that although there has been a mill on this site since the 1960's, there is no evidence of any significant below ground features. Again, the advice received, is that a programme of archaeological investigation would be unjustified.

With regard to heritage assets around the site, there are no nearby conservation areas, listed buildings or other designated heritage assets. However the gas storage holders sited on the east side of the site at the end of Black Lane are potentially non designated heritage assets. No details have been submitted by the applicants regarding the history of these structures, one of which appears on historic OS plans of 1875.

The proposal would have no direct impacts on the structures but would clearly have some impact on their setting. Having regard to the separation distance between the new building and the gas facility, the relatively low height of the proposed development, and the current range of buildings in the vicinity of the holders, it is considered that the development would not cause any material harm to the setting of these structures.

In conclusion there are therefore considered to be no harmful impacts on heritage assets resulting from this proposal.

DESIGN

The main issues, when assessing the design of the proposal are considered to relate to:

- a) Scale and massing
- b) Character of development
- c) Security
- d) Suitability of layout and public realm

Scale and massing

MBLP policy BE1 requires that new development reflects local character, respects the form, layout, siting, scale and design of surrounding buildings and their settings, and that it is human in scale, not normally exceeding 3 storeys. Similarly, MBLP policy DC1 requires the scale, density, mass and height of development to be sympathetic to its surroundings.

The proposed Tesco store would have a footprint of around double that of the existing store. The building would be 2 storeys, with a height of around 14 metres above ground level at its highest point.

The design details of the retail units have been reserved for consideration as a reserved matters application. However parameters defining the maximum size of the building have been supplied. These indicate the height would be, as a maximum, similar to the proposed Tesco, whilst the footprint would be smaller at 50000sq ft (4645 sq m).

Although, given its substantially larger footprint, the mass of the proposed Tesco store would be noticeably larger than the existing store, there is a clear precedent for large industrial buildings on the adjacent Hurdsfield Industrial Estate. Whilst there are smaller residential properties to the east on Withyfold Drive, the Tesco building would sit well below the height of the houses on Withyfold Drive which are positioned on higher ground.

The retail units, if constructed to the maximum scale allowed within the parameters set out in the application, would be higher than the two storey residential properties on Black Lane to the east. However, having regard to the scale of the adjacent industrial buildings to the north, and the separation between the proposed retail units and adjacent properties, it is considered that the scale, mass and height of the proposed buildings would be relatively sympathetic to the surrounding buildings in this area which has a mixture of residential and commercial properties of varying styles, scales and designs.

Character of Development

MBLP policy BE1 requires development to respect the design of surrounding buildings and their settings and to use appropriate materials. Similarly, MBLP policy DC1 requires density and materials to be sympathetic to the surroundings.

At the national level, paragraph 58 of the NPPF says that development should create attractive and comfortable places with a strong sense of place, good architecture and appropriate landscaping. It advises that the potential of sites to accommodate development should be optimised and that appropriate innovation be allowed, whilst developments should respond to local character and reflect local identity.

Paragraph 60 makes it clear that local authorities should not attempt to impose architectural styles or taste and should not stifle originality through unsubstantiated requirements, but should however seek to promote local distinctiveness.

Paragraph 64 states that development of poor design that fails to take opportunities to improve the character and quality of an area and the way it functions should be refused.

As the detailed design of the retail units is reserved for later consideration via a reserved matters application, the character of this element of the proposal cannot be considered at this stage.

The proposed Tesco store would essentially be a two storey building, with the retail area at first floor level elevated above a ground level car park parking. The servicing yard would be at the level of the retail floor space positioned on the northern side of the building, accessed via a ramp at the rear (east) of the building.

The proposed external appearance is based on Tesco's standard current branding. The building would have a virtually flat roof punctuated by 12 feature 'wind catchers' with an appearance similar to metal chimneys with slanting tops. These would project around 3.5 m above the main roof level. The exterior of the building would be clad in a variety of materials.

On the front (west) elevation facing the River Bollin and the Silk Road beyond, there would be a high percentage of the elevation faced with curtain wall glazing. This would be interspersed with larch cladding.

The southern elevation, facing across the stores open air car park towards the gas holders on Black Lane/Garden Street, would be predominantly clad in larch with some glazing towards the western corner and at a higher level. Two external staircases would be enclosed with hit and miss timber cladding.

On the east elevation facing towards the rear gardens of properties on Withyfold Drive and a wooded area of open land, the building would be predominantly faced with metal cladding (colour Oyster) with a limited amount of glazing. Again there would be two external staircases faced in hit and miss timber on this elevation and at the northern end, the elevated service yard would be screened with timber fencing.

The northern elevation of the building, facing across open land to a pylon and the Silk Road beyond, would be largely faced in either metal cladding, with timber fencing and panelling below and at the higher level some glazing.

The Petrol Filling Station (PFS) would similarly be of typical standard design with a flat PVC coated canopy.

Whilst, brick buildings are more typical of the traditional buildings in Macclesfield, in this locality, to the south of Hurdsfield Industrial estate there are a number of metal clad buildings, and it is not considered that the proposed design and materials are unsympathetic to the locality. The existing burnt out building on this site detracts from the appearance of the area and the proposal would be an improvement on the current situation, improving overall character of the locality.

This having been said, it would be essential to ensure further details and samples of all facing materials were submitted to allow full consideration of the final finishes. This is particularly important where timber cladding is proposed given that without appropriate finishes it can age in appearance very quickly. Again this could be covered by a condition in the event that planning was to be granted, to ensure that the Tesco store was of an acceptable character.

Acceptance of these materials and details for the Tesco building should not however be taken to imply that a similar design would necessarily be considered appropriate at reserved matters stage for the additional retail units. The retail units are on a far more prominent gateway site and their final design will require a different design approach.

Security

MBLP policy DC5 requires new development to incorporate measures to improve natural surveillance and reduce the risk of crime. Similarly, paragraph 5 of the NPPF 58 requires that decisions aim to ensure developments create safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or social cohesion

The development of the Tesco store would improve natural surveillance of the Middlewood Way to the likely benefit of the security and perceived security of those using the route.

Hours of operation are not specified in the application, but it is assumed that this store could potentially be open 24 hours a day, as is common with a number of Tesco Extra sites. Even when not open, there would seem to be nothing to stop the site being accessed by the public. Given the open nature of the ground floor of the store, which would have no natural surveillance from neighbouring properties, it is considered essential that security is carefully considered to ensure the safety of the public. As this design of store is a fairly common model for Tesco, no particular security issues are anticipated subject to adequate lighting and security systems being in place. Such matters could be adequately required and approved by conditions in the event of planning permission being granted.

Layout, connectivity and public realm

There are a number of policies within the Macclesfield Borough Local plan which are relevant when considering the suitability of the layout of the site. In particular:

MBLP policy DC6 seeks to ensure layouts incorporate safe routes for pedestrians, as well as vehicles, access to bus routes, provision for access by special needs groups and for emergency vehicles;

MBLP policy T3 seeks to improve conditions for pedestrians creating routes between town centres, car parks and transport interchanges;

MBLP T4 seeks to ensure adequate provision for people with restricted mobility;

MBLP T5 and IMP2 require developments to make provision for cyclists including appropriate cycle parking, and cycle routes including contributions to improve cycling and pedestrian links off site where justified;
and,

MBLP policy DC8 seeks to ensure appropriate landscaping schemes are secured for development sites.

Disabled parking would be provided to the immediate north of the proposed entrance to the car park off the Silk Road. This is also the location of the proposed bus stop. A pedestrian bridge would run directly from this small car park into the retail floor level of the store across the Bollin. A second bridge would be constructed at the lower level of the Middlewood Way, providing access from that route to the ground parking level of the store.

The lower bridge would be beneficial for people visiting the store on foot from the north along the Middlewood Way, making it convenient for people living for example on Summerlea Close.

The upper bridge would ensure convenient access to the store for anyone alighting from busses at the proposed on site bus stop.

Although this site is clearly an out of centre location, and unlikely to be accessed on foot by many people using the town centre, the plans do incorporate a shared pedestrian/cycleway, linking the pedestrian crossing over the Silk Road (the the immediate north of the Hibel Road roundabout), to the new stores. This would provide a slightly shorter route into the site than via the existing access off Hurdsfield Road for anyone cycling or walking from the direction of the town centre. It is not however considered that cycling or walking along this route would be a particularly pleasant experience, given the proximity to the Silk Road and traffic within the site.

A further shared cycling and pedestrian route, approximately 85m in length, would be provided adjacent to the realigned access into the site from Hurdsfield Road. This would facilitate people using the Middlewood Way which currently breaks off at the egress from Tesco's onto Black Lane, starting again to the south of Hurdsfield Road. It is considered that this could benefit people who use this stretch of the Middlewood Way, although again benefits would be relatively modest.

Cycle parking would be provided immediately adjacent to the Tesco store adjacent to the proposed low level bridge over the Bollin in an area with good natural surveillance.

Overall, consideration has therefore been given to access for pedestrians and cyclists within the layout, although benefits arising from this would be limited.

With regard to landscaping, a number of trees adjacent to the River Bollin would be lost as a result of this development, but the site would be re-landscaped as part of the proposal. The landscaping plans submitted have been revised to show soft planting on the proposed Silk Road roundabout, around the proposed PFS, within the car park, along the Bollin and to the west of the gas holding facility as well as around the west corner of the elevated service yard.

Only limited details of proposed hard landscaping have been provided. A part stone, part brick wall runs along the boundary of the site with properties on Withyfold Drive. This is clearly an interesting feature of the site reflecting its history and it is considered desirable to seek its retention in any redevelopment of the site, unless there are sound reasons not to do so. It is not clear from the submitted details the intentions with regard to this wall. However, the plans submitted indicate that with appropriate details being agreed relating to hard and soft landscaping and boundary treatments, the site could be satisfactorily landscaped. These details could be dealt with by way of a condition in the event that planning permission was to be granted.

Given the scale of this development, a public art contribution would be expected applying the guidance in the Macclesfield SPG on S106 Agreements. In this particular case, it is considered an appropriate scheme to accept a contribution to be made towards specific public art in the town centre rather than on site and Tesco have in principle agreed to this. This could be secured via a S106 should permission be granted.

Overall it is considered that subject to conditions requiring approval of specific details, a satisfactory standard of public realm would be secured within this development.

SUSTAINABILITY

It is duly acknowledged that attempts have been made to improve the sustainability credentials of the store such as the inclusion of larch cladding, which has been sustainably sourced, and the addition of wind catchers on the roof, in addition to Tesco's commitment to reducing the carbon footprint of their existing operations. There are improvements to the accessibility of the store such as the new pedestrian link, improvements to the Middlewood Way and the provision of the additional bus service.

However, the use of sustainably sourced materials would not offset the carbon footprint associated with demolishing the existing store and rebuilding the new one. In addition, the improvements in accessibility would not offset the fact that the store is moving even further away from existing transport hubs.

Notwithstanding the above, the proposals do involve the redevelopment of a brownfield site which is a more sustainable form of development than construction on a Greenfield site and whilst out of centre, it is a reasonably accessible out of centre site.

Whilst the sustainability implications are marginally negative, this would not be significantly adverse to the extent that it would justify a reason for refusal in its own right.

TREES AND LANDSCAPING

Within the application site itself, there is evidence of natural regeneration of pioneer species of Goat Willow, Silver Birch and Ash around the redundant buildings. Adjacent to the River Bollin there are four examples of Weeping Willow which were possibly planted about 35-40 years ago. Self set saplings of Silver Birch and Ash are also evident growing out of the base of the redundant buildings adjacent to the Bollin. To the north of the site at the end of Withyfold Drive, there is an area of open space with scattered trees comprising of semi mature and early mature Sycamore, Ash and occasional Oak and Whitebeam. These trees are a prominent feature within the locale and can be seen from a number of vantage points including views from across the Silk Road providing a sylvan backdrop to the site.

The proposed Tesco site contains no trees of any significant merit in terms of amenity. Most of the trees comprise of natural regeneration, essentially pioneer species of Birch, Willow and Ash saplings. There are four early mature Weeping Willows and a Silver Birch located to the southern boundary of the site (adjacent to the River Bollin) which appear to have been planted probably as part of a former landscaped area within the Barracks Mill site. It is evident from the submitted plan that these trees will likely require removal to accommodate the proposed bridges linking the disabled parking area and Middlewood Way footpath. Other anticipated tree losses (forming part of existing landscaping) are likely between the Middlewood Way footpath and the current access road to the Tesco's building to accommodate the reconfigured access.

In terms of the wider contribution to the amenity of the area these trees, whilst some have individual merit they are of limited value and could be adequately mitigated.

With regard to the northern section of the site, it is anticipated that a group of four early mature Ash and a Sycamore will require removal to accommodate the service road and 'Plant Well' associated with the new Tesco building. These trees are located on a steep sided embankment on the southern edge of area of open space adjacent to Withyfold Drive. The trees are all multistemmed specimens with weak included forms, or are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

At this location, there is an existing stone and brick wall forming northern boundary of the site, which runs along the rear of the area of open space. In the north east section the wall stops and is replaced by a green coated wire fence at the bottom of a steep sided slope behind the trees. At this location it is proposed to locate the service road and plant well for the Tesco building. Here it is not clear as to how this boundary is to be treated and therefore, detail needs to be provided on what is proposed particularly in the light of the adjacent sloping land. This would be conditioned accordingly.

Construction of the new roundabout to the Silk Road to provide site access will necessitate the removal of existing trees forming part of the landscaping of the Silk Road to the west of the site. Due to a change in levels along the western edge of the Silk Road, the construction of the roundabout may require regrading works and/or retaining walls to support the new build. Removal of this recent planting will have a slightly moderate impact on the wider amenity and consideration will have to be given to mitigate for the impact of this loss and the visual impact of the new road infrastructure at this point when viewed from Station Road and the visual impact when viewed from Holly House. This could be mitigated via condition.

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:

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is,
- (b) no satisfactory alternative, and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPA's") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE11 seeks to protect nature conservation interests and indicates that where development would adversely affect such interests, permission would be refused.

Circular 6/2005 advises LPA's to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPA's to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case, the application is supported by a protected species survey undertaken by a suitably qualified and experienced ecologist. The report indicates that bats were present within redundant buildings and it suggests mitigation measures. The Council's ecologist indicates that impacts are unlikely to be adverse provided that the mitigation is implemented. This would be conditioned accordingly.

The proposals would accord with the Habitat Regulations, as if members of the Strategic Planning Board are minded to approve, the development would be in the public interest and there are no satisfactory alternatives. The mitigation proposed would ensure that the maintenance of the species population at favourable conservation status in their natural range.

The first protected species survey submitted also found evidence of reptiles – a further survey was submitted and no further evidence of reptile presence has been recorded. Therefore, whilst the presence of the Common Lizard was established during the earlier survey it is likely that either:

1. The population on site is small and so, was missed during the latest survey due to the abundance of suitable opportunities for shelter provided by the various debris on site.
1. The population is centred somewhere offsite with animals only utilising the site on a transitory basis.
2. The population of reptiles has gone extinct between the two surveys.

It is the Nature Conservation Officer's view that there is no reason to suspect that the reptile population at this site is extinct, so, scenario 1, or 2, appear to be the most likely. Incidentally, two amphibian species (frogs and common toad) have been recorded on site. As there are no ponds on site the presence of these two species indicates that there is some ecological connectivity between the development site and 'off-site' habitats. So, it is possible that any reptiles on site are also able to access habitats offsite – this would reduce the potential adverse impacts of the development on reptiles.

The submitted report includes mitigation/compensation proposals based on the assumption that animals are still present on site. Proposals include the supervised clearance of the site to reduce the risk posed to reptiles and the enhancement of the remaining area of habitat to increase its value.

The Council's ecologist has recommended that the very north eastern corner of the development should be reconfigured to retain a significant habitat link between the area of habitat near the pylon and the additional off site 'triangle' of habitat to the south west of Withyfold Drive.

The Council's ecologist has indicated that Kingfishers and Otters are unlikely to be present at the site.

AMENITY

The Environmental Health Officer raises no objections to the proposals. However, should the applications be approved, then the following conditions should be attached:

- hours of working,
- piling,
- floor floating,
- lighting (to prevent glare to the nearest residential properties),
- noise control measures,
- a delivery vehicle management plan (to minimise noise from delivery vehicles),
- hours of operation relating to home shopping activity – restricting hours to 06.00 to 23.00,
- acoustic fence to be erected around the retail warehouse service yard,
- hours restriction for the recycling centre – 08.00 to 22.00
- hours restriction for the car wash – 08.00 to 22.00
- a 2m high solid boundary fence should be erected around the open car park to protect nearest residencies from noise.

AIR QUALITY

The Air Quality Impact Assessment which was initially submitted failed to take into account the air quality impact of the proposed retail warehouse units, or cumulative impacts of all live applications in the vicinity. Further details were submitted, which has confirmed that the air quality assessment has included the potential effects of the proposed retail warehouse units.

The emissions from the proposed Combined Heat and Power Plant (CHP) system should be considered to ensure potential air quality impacts are controlled. The Environmental Health Officer would accept the details of the CHP plant be submitted and agreed, via condition, prior to the development commencing. If this were proposed to be a Biomass plant, there would need to be some very detailed timely discussions around this in terms of stack height, plant specification and fuel specification. Biomass has a potential to have a negative impact on local air quality.

The originally submitted report stated that the development is predicted to have a minor adverse effect at one receptor location and negligible effects at all remaining considered receptors for nitrogen dioxide. Any negative impact on air quality should be mitigated against to negate any adverse nitrogen dioxide increases irrespective of whether it would lead to an exceedence of an air quality objective or the designation of an AQMA. The Agent has responded to this by saying that as part of the mitigation during operation a Travel Plan would be produced for the Development, and is of the view that the provision of public transport enhancements would have a subsequent benefit to air quality. If the application were approved the Environmental Health Officer would want to see target reductions in private car movements generated as a result of these measures and these would need to be monitored through the travel plan.

The Environmental Health Officer has recommend that low emission infrastructure be considered. The Agent confirmed that the Tesco's has considered low emission infrastructure and, as such, the proposed Development would include the use of bio diesel fuels for the Tesco fleet vehicles. The Environmental Health Officer understands that Biofuel is already in use in fleet vehicles (so it would be no step forward). The Environmental Health Officer would seek to condition this element, and potentially seek improvements in Euro Standards of fleet vehicles at this store (would look for consistency with any nearby stores and consult on suitable conditions). In addition, a condition should be attached to ensure that an Electric Vehicle charging point was provided at the store (1 space initially for a rapid charge point in a priority parking position, and provision of cabling for a further 4 spaces).

CONTAMINATED LAND

The application area has a history of use as a rail sidings, coal yard and textile mill and brick field and therefore there is the potential for contamination of the site and the wider environment to have occurred.

The reports submitted in support of the application recommend that an intrusive investigation is carried out to determine the presence and extent of any contamination on site.

A comprehensive Phase II investigation should be carried out remediation carried out as necessary.

ENVIRONMENTAL MANAGEMENT PLAN

Environmental Health has recommended that the applicants submit a site specific Environmental Management Plan (EMP) which would be secured via condition. It is proposed that this would identify how any potential environmental effects that may arise during the construction process would be reduced and managed.

IMPACT ON NIEGHBOURS

Consideration has been given to the impact in the residential Black Lane and Withyfold Drive and it is considered that the development will be compatible with appropriate conditions attached to protect the residents amenity.

HIGHWAYS MATTERS

To re-cap, the planning application is to demolish the existing store and provide a replacement store of 14,325 Sq.m and also provide a non-food retail store 4,643 Sq.m on the site of the existing building. The access to the site will predominantly be through a new roundabout on the Silk Road, although the access to Black lane will continue as an exit only as will the entrance slip from Hurdsfield Road. The petrol filling station will be retained on the site with access being off the new roundabout on the Silk Road.

The car parking provision for the new foodstore is 759 spaces in total with 40 disabled spaces and 30 parent and child spaces. The new non-food retail store would provide a total of 244 spaces and 10 of these would be disabled spaces.

Chapter 4 of the NPPF relates to promoting sustainable transport. The key message within this chapter is the need to promote sustainable transport to give people a choice about how they travel.

It notes that developments which generate significant amounts of movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Applications for such development should also be supported by a Transport Assessment.

The NPPF also makes it clear that if the residual cumulative impacts of development are severe, applications should be refused on transport grounds.

The policies within the Development Plan only carry weight according to their degree of compliance with the NPPF. Whilst written in the context of guidance which has now been superseded, policies T2-T5 are in accordance with the NPPF as they seek to promote sustainable transport choices – these policies therefore carry full weight.

Policy IMP2, seeks to ensure appropriate measures are taken to mitigate for transport impacts and policy DC6 concerns itself with transport safety. Both policies are in accordance with the NPPF.

Policy T1, seeks to promote sustainable transport and strike the appropriate balance between movement and safety which is in accordance with the NPPF. However, it also states that this should be balanced against the need to protect the environment. This is a matter of planning balance and not a highways consideration in itself, therefore, the policy carries only some weight (according to its degree of compliance with the NPPF).

Turning to the emerging Local Plan, Policy CO1 within the pre-submission Core Strategy relates to Sustainable Travel and Transport. This policy also seeks to promote sustainable transport choices but is more forceful in its expectations that development be proposed in sustainable locations (to reduce the need to travel) and that sustainable modes of transport are prioritised. Recent appeal decisions have indicated that policies within the pre-submission Core Strategy should be afforded only limited weight.

The starting point is therefore compliance with the NPPF and the policies within the Development Plan, which are compliant with the NPPF.

Accessibility

Pedestrian, cycle and public transport access to the site is physically and psychologically very poor due to the distance between the site and town centre and topography, as well location of the major roads (Hibel Road, Hurdsfield Road and the Silk Road).

There is no convenient access to the town. The existing route from the existing Tesco store is highly convoluted as it involves steep gradients and unsafe major highways crossings.

The distance on foot from the new store entrance to the town centre 'Prime Shopping Area' is considerable further than existing, as it would be approximately 650m. This is over twice the recommended maximum recommended walking distance for edge of centre linked trips. The

route involves long stretches of walkways, it is exposed and does not encourage people to walk into the town centre. The siting of the store further away from the town centre car parks and bus interchange will weaken the already very limited prospect of linkage with the town centre by foot, or cycle.

It should also be noted that improvements to pedestrian and cyclist accessibility proposed under this application have already been approved in 2008, to mitigate for current problems at the existing Tesco's store and this permission is still extant.

The new store will generate significantly more car borne trips and the proposals do not seek to offset this by creating any meaningful linkages to the town centre on foot, or by cycle. It will exacerbate already unsustainable travel patterns associated with the Tesco store.

Turning to accessibility by bus, a bus stop is proposed and Tesco's are in discussions with Arriva to provide a bus service to the site with buses departing every 30 minutes. This would represent an improvement in bus accessibility.

Whilst pedestrian and cyclist accessibility would be worse, bus accessibility would be improved. Therefore, the residual impact upon accessibility would not be severe.

Car Parking

As this is an out of centre location which is not particularly accessible for pedestrians or cyclists, this scheme would be increasingly reliant on private car use. On that basis, maximum car parking standards are applicable.

The amount of spaces being proposed for both the foodstore and retail store are within the national maximum parking standards and such is considered an acceptable level of parking provision.

Traffic Generation

The proposals relate to a large scale major retail development (approx 19,000 sq. m (GIA total)). A scheme of this size is of strategic significance to the Borough and such a development would clearly generate significant amounts of movement.

The Transport Assessment, which was submitted with the application, concluded that reasons for refusal on transport grounds cannot be justified as:

- The proposed new site access roundabout (similar to that proposed under application 08/0906P but with an additional 'flare' to an arm of the roundabout) would have a positive effect on the operation of the signalised junction of Black Lane / Hurdsfield Road and the Hibel Road / The Silk Road / Hurdsfield Road roundabout, where there is currently excessive queuing and delay.
- The increased queuing and delay at the junctions of Hibel Road / Churchill Way / Cumberland Street and Hulley Road / Brocklehurst Way / The Silk Road would be negligible.

- Measures such as pedestrian and cycle bridges connecting the existing Tesco's site with the Barracks Mill site, the new pedestrian and cycle link taken from The Silk Road and provision of a bus lay-by would improve accessibility to the site by non-car modes of travel.

There are existing traffic problems at the Black Lane / Hurdsfield Road junction (as acknowledged in the submitted Transport Assessment). There are also significant delays along Hibel Road and the southern section of The Silk Road.

The Local Infrastructure Plan acknowledges that significant growth has the potential to put pressure on an already stressed network. The recent application for the town centre redevelopment ref. 12/1212M (which also had strategic implications for the borough) without mitigation, would have resulted in additional stress to the network.

However, mitigation was proposed, which alleviated the problems to the extent that the impact was no longer significant.

These mitigation measures included payments towards highways improvements on Churchill Way, which were considered necessary in order to address the traffic generation on the highway network, address congestion issues around the town centre and improve access for all users, both on public transport and pedestrians, a wide range of highways and pedestrian enhancement works associated with the development. Funding for Traffic Regulation Orders, a coach stop, and Travel Plan monitoring was also secured.

The draft Heads of Terms submitted with the application indicates that Tesco's are prepared to make a financial contribution towards improvements to the Middlewood Way and the submission and monitoring of the Travel Plan. This is in addition to the proposed bridges, new roundabout, bus stop and provision of bus service for a limited period.

The proposed mitigation measures (excluding the Travel Plan and bus stop) have already gained approval under application 08/0906P, which was renewed in 2011 (this permission is extant). The need for the new roundabout on the Silk Road arises from the existing poor access arrangements at Black Lane/ Hurdsfield Road and the existing congestion problems at this junction. These will only increase in the future through traffic growth on the road network irrespective of impacts associated with future developments.

The Strategic Highways Manager has expressed concerns regarding the data and methodology within the Transport Assessment and its conclusions regarding the impact of the development on traffic flow in Macclesfield.

The Strategic Highways Manager considers that even with the mitigation proposed, the proposals will result in major congestion across the network, which would cause significant problems in the town centre.

It is disappointing that this large scale major retail development is not doing more to alleviate the additional stress it would put on, what is, an already stressed network.

As a significant adverse impact has been identified, and the mitigation proposed would not alleviate the residual cumulative impacts of the proposals, there are transport grounds to refuse the application.

TRAVEL PLAN

Paragraph 36, indicates that for developments, which generate significant amounts of movements, a Travel Plan is a key tool to ensure that the development meets the above objectives.

A Travel Plan Framework plan has been submitted with the application. It indicates that a Travel Plan Co-ordinator is to be established within the Development Centre Management structure.

The provision of a Travel Plan co-ordinator is an important part of the Travel Plan as they would encourage sustainable travel within the different businesses.

The success of the Travel Plan would depend upon a final Travel Plan being agreed, having put in place reasonable modal shift targets and a scheme of monitoring on an annual basis. Updates, to the plan may be required if measures identified are not producing the results required.

The Travel Plan would be secured via condition with a financial contribution required for monitoring of this and would make an important contribution towards promoting sustainable transport choices for users of the development in accordance with guidance within the NPPF.

OTHER MATTERS

ALTERNATIVE SCHEMES

Officers have considered all representations received. Many interesting suggestions have been raised via representations for revisions to the proposal and for potential alternative schemes. Some of these would be unlikely to be viable, or practicable, for other reasons. It is important to note that Members of the Strategic Planning Board can only determine the proposal, that is the subject of this application, and not any alternatives, however positive, or negative they be.

Other Material Considerations

Tescos' Agent (6.33) advise the proposal will regenerate a brownfield site in a gateway location. The proposals will also remediate the contamination on the site. Tesco's Agent (6.34) consider the physical regeneration of the Barracks Mill site is an important material consideration in the determination of the application and should be given significant weight. Whilst Officers and the LPA's consultant agree that it should be given some weight in the determination of this planning application, it is considered the regeneration of the Barracks Mill site and remediation would be achieved by any redevelopment of the site.

Tesco's Agent (6.39) also state the Superstore will create some 200 jobs and the retail park a further 100 jobs, although the number of full time equivalent (FTE) jobs is not stated. Whilst Officers and the LPA's consultant agree the proposal will generate some jobs, it is considered many of the superstore jobs in particular will be displaced from town centre / local shops, suffering trade diversion as recognised in the Mary Portas Review⁸ and Basingstoke decision (APP/H1705/A/12/2182975 para 44). The displacement of existing jobs is mentioned in a number of the representations from local businesses and local people are clearly fearful of the impact of the proposal on jobs. Nevertheless, new jobs created by the proposal is a factor which weights in favour of the proposal.

In conclusion, the impacts do *'significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

CONCLUSIONS

The proposal represents a significant increase (184%) in superstore floorspace on the site. This proposal in an out-of-centre location that will be reliant upon carborne trade can't be described as sustainable. It is incompliant with Local Plan policies S1 and S2 that are consistent with the Framework confirming the proposal should not be approved 'without delay' under para 14 of the guidance. The proposal and methodology in the supporting Retail Assessment is also inconsistent with guidance in the PPS4 PG that is not replaced by the Framework (Annex 3).

The proposal fails to satisfy the sequential test as the Wilson Bowden town centre proposals could accommodate a smaller foodstore and larger units capable of retailing bulky goods and GLH have not considered flexible formats with this regard. The sequential test of availability refers to the availability of a site for the type of proposed development and not necessarily availability to the developer / retailer. In addition, there may be other more accessible out-of-centre sites or sites allocated in the Local Plan that are better suited to the proposal. It is therefore concluded that the sequential test has not been satisfied.

GLH do not undertake a capacity assessment and instead rely upon the 2011 WYG study. Unfortunately this broadbrush countywide study relates to a different study area and the retail capacity section should have been updated by GLH to inform the sequential and impact assessments and in order to follow the PG guidance (Appendices B and D).

GLH have also failed to undertake an assessment of the impact of the proposal as a whole rather than just the 'incremental' impact of the difference between the proposed superstore and the approved (mezzanine) scenario.

The trade draw assessment for the superstore is skewed towards comparable / competing superstores and the impact on the town centre is greatly understated. The proposal will compete directly with town centre stores for top-up and comparison goods expenditure.

⁸ The Mary Portas Review (p31) advises with regard to out-of-centre development that *"'job creation' is often just job displacement."*

The proposals are of a scale and type which could prejudice the implementation of the Wilson Bowden town centre scheme. Wilson Bowden are having difficulty bringing the site forward including the current economic climate. The scheme has already been scaled back and a development such as the Tesco proposal in direct competition for a finite quantum of retail expenditure would undermine the viability of the scheme in an already difficult economic climate. It is therefore considered that the proposal will have a negative impact on investment in Macclesfield town centre.

The proposed development will also have a significant adverse effect on the vitality and viability of the town centre as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which WYG identified as a threat to the future vitality and viability of the centre. WYG concluded that *"the centre may be vulnerable in the longer term without significant investment and intervention"* and the proposal will also impact negatively on this. It is therefore concluded that the proposal will have a negative impact on the vitality and viability of the centre.

The site is not accessible by a choice of means of transport contrary to the Framework guidance and it fails policy 4 Sustainable Transport. It does not offer people a real choice about how they can travel to the site. Like the existing store most visitors will access the store by private transport. The design and layout of the store does not give priority to pedestrian and cycle movements and it does not have good access to high quality public transport facilities.

The proposal will regenerate a brownfield site in a gateway location, however it is considered this could be achieved by a smaller superstore proposal. It will also create employment, although some jobs will be displaced from town centre and competing superstores suffering trade diversion. As a result it is considered that the benefits of the proposals do not outweigh the adverse impact on the town centre.

The overall conclusion, is that the regeneration and employment benefits of the proposal are greatly outweighed by the negative impacts on investment in the town centre and its overall vitality and viability which are potentially significant adverse. The proposal also fails the sequential test to site selection. There is an identified need for the bulky goods element of the proposal and GLH have correctly assessed the impact of this, however, the sequential approach to site selection has not been satisfied. There is not an identified need for a superstore of the size proposed, there would be an adverse impact on the vitality and viability of the town centre and planned investment in it and this element also fails to satisfy the sequential test. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. There may be a need identified for a smaller foodstore and the bulky goods element of the proposal, but this would be subject to satisfying the impact and sequential tests although such a revision is more likely to satisfy these Framework policy tests than the current proposals fail.

The development would in addition cause significant congestion in Macclesfield town centre and lead to a severe impact on the local highway network.

RECOMMENDATIONS

REFUSE for the following reasons:

1. The proposals fail to satisfy the Sequential Test as the applicants have failed to demonstrate consideration of all other suitable and available edge of centre sites, in centre sites and demonstrate flexibility on issues such as format and scale. There is also a failure to consider the cumulative impact of the proposals with regards to the Framework impact tests. As such the proposals are contrary to guidance within the NPPF, PPS4: Companion Guide and policy S2 within the Macclesfield Local Plan 2004.
2. The proposals would have a significant and adverse impact on committed public and private investment in Macclesfield Town Centre. This would be contrary to guidance within the NPPF, PPS4 Practice Guide, policies S1 and S2 within the Macclesfield Local Plan 2004.
3. The proposals would have a significant and adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area as it will exacerbate one of the main weaknesses by strengthening the out-of-centre competition which has been identified as a threat to the future vitality and viability of Macclesfield town centre. This would be contrary to guidance within the NPPF, PPS4 Practice Guide, policies S1 and S2 within the Macclesfield Local Plan 2004.
4. Although the proposals will provide certain benefits, such as regenerating a brownfield site and creating employment, it is considered that the benefits of the proposals do not outweigh the adverse impact on the town centre and therefore, the development does not comply with the requirements of paragraph 14 of the NPPF.
5. The proposed development would cause significant congestion in Macclesfield town centre and would have a severe impact on the local highway network. As the residual cumulative impacts of the development are severe, the proposals would be contrary to guidance within the NPPF and policy T1 within the Macclesfield Borough Local Plan 2004.

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 Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

SITE LOCATION PLAN
GLH/J001768/107

