Application No: 12/4652M

Location: LAND OFF, EARL ROAD, HANDFORTH, CHESHIRE

Proposal: Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

Applicant: Next Plc

Expiry Date: 06-Mar-2013

Date Report Prepared: 24 October 2013

SUMMARY RECOMMENDATION
Approval is recommended subject to conditions, including an additional condition requiring the completion of a s106 agreement prior to the commencement of development.

MAIN ISSUES
- Not applicable.

REASON FOR REPORT

Members of the Strategic Planning Board resolved to delegate the application back to the Planning & Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board for approval subject to referral to the Secretary of State, and subject to the completion of a Section 106 Agreement and conditions. The previous committee report and minutes are attached bellow.

The application site is currently owned by Cheshire East Council. Consequently a S.106 agreement cannot be entered into at this time because as a matter of law any Council cannot enter into an agreement as landowner and Local Planning Authority.

Instead of the previously proposed s106 agreement that was required to be completed prior to the permission being issued, it is now recommended that a condition is added to state:

> *"No development pursuant to this permission shall be commenced on the Site unless and until all interests in that land are subject to and bound by the terms of the section 106 planning obligations agreement, the draft of which is appended to this permission".*

This will then remove the requirement for the issue of permission to be subject to the prior completion of a s106 agreement, and will allow the eventual new landowner to enter into the agreement. The s106 will be required to secure the following Heads of Terms:

- Payment of a Commuted sum of £15,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum of £15,000 for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane.
- Submission, operation and monitoring of a staff travel plan.
- Payment of a commuted sum of £45,000 for upgrading footpaths in the local area.
- Payment of a commuted sum of £205,000 for improvements to local bus services to and from the site.
- Payment of a commuted sum of £30,000 for new bus stops on Earl Road.
- Payment of a commuted sum of £100,000 for infrastructure works within the employment site
- Submission and implementation of an employment and skills plan (local employment agreement)

It should also be noted that the minutes from the meeting on 14 August are incorrect where they state that the Heads of Terms are to include the *"Payment of commuted sum towards or provision of an electric car charging point".* The update report dated 12 August 2012 (Annexe 2 below) refers to the requirement for electric car charging points to be provided via planning condition and is therefore not required within a s106.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The original recommendation of APPROVAL remains, subject only to the following conditions:

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Development in accordance with Flood Risk Assessment
5. Site to be drained on a separate system
6. Phase 2 contaminated land survey to be submitted
7. Landscaping - submission of details
8. Landscaping (implementation)
9. Electric car charging points to be provided
10. No subdivision of retail unit
11. Provision of cycle parking shown on the approved plans
12. The building hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' as outlined in the sustainability assessment
13. Details of external lighting to be submitted for approval
14. Requirement for Section 106 planning obligation / agreement

ANNEX 1
PREVIOUS COMMITTEE REPORT

Application No: 12/4652M

Location: Land off Earl Road, Handforth, Cheshire

Proposal: Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

Applicant: Next plc

Expiry Date: 6th March 2013

REASON FOR REPORT

SUMMARY RECOMMENDATION
Approve subject to conditions and a s106 legal agreement

MAIN ISSUES
- Loss of employment land
- Impact upon existing centres
- Traffic generation and highway safety
- Sustainability
- Design

The application represents a departure from policy which officers are minded to approve and does have strategic implications by reason of its scale, nature and location. As such, the application should be considered by the Strategic Planning Board under the terms of the Constitution.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a 1.26 hectare of open employment land as identified in the Macclesfield Borough Local Plan. The site lies to the east of the A34 Handforth bypass adjacent to the Handforth Dean Retail Park.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking.

RELEVANT HISTORY

There have been a number of applications for mixed use developments on the site since 1995, which have included proposals for cinema, leisure and retail development. All of which were refused.

The most relevant of these was:

23rd November 1998 - Erection of retail warehousing - Appeal dismissed following refusal on 4th April 1996 (83294p).

The most recent planning permission on the site was:

17th June 2004 - Approved - Renewal of planning permission 01/2683P for use of land for car parking purposes from 01/04/05 to 31/03/10 (04/1091P).

POLICIES

Local Plan Policy
NE11 Nature Conservation
BE1 Design Guidance
E1, E2 and E3 Employment Land
S1, S2 Shopping Developments
DC1 Design New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC63 Contaminated Land

Other Material Considerations
National Planning Policy Framework (the Framework)
Employment Land Review (November 2012)
PPS4 Planning for Town Centres Practice Guide

CONSULTATIONS (External to Planning)

Environment Agency – No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment.

United Utilities – No objections, subject to the site being drained on a separate system, with only foul drainage connected to the foul sewer.

Public Rights of Way – Consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Stockport MBC – No objection on retail planning grounds, mitigation required for impact of development on local highway network.

Trafford MBC – No comments received.

Greenspace (Leisure) - The proposed development triggers the need for public open space and provision for recreation and outdoor, in line with the Councils SPG on planning obligations. In the absence of on site provision, commuted sums for offsite provision will be required in the event of an approval.

Strategic Highways Manager – No objection, subject to s106 financial contribution to offset the increased congestion arising from the development.

Environmental Health – No objection, subject to conditions relating to contaminated land.

VIEWS OF THE PARISH / TOWN COUNCIL

Handforth Parish Council welcomed the proposed store and were pleased to see that the frontage faces east and is therefore similar to the frontage provided by the existing retail outlets of Handforth Dean.

They took issue with the suggestion of the Emerson Group that the Next store should face west since they believed this would generate more traffic on Coppice Way and Earl Road. They also felt it would lead to longer queues of traffic trying to exit Earl Road into Stanley Road and felt poor egress from Earl Road into Stanley Road is probably one of the reasons why Next wish to move away from their current position in the Stanley Green retail park.

They are pleased to observe that the plans include a service road spur on the eastern side of the site that will allow future access to the remainder of the former Airparks site. They hope that Next will establish regular patrols in order to prevent the accumulation of litter on the various footpaths and hope that Next recruit new staff, including apprentices, from the local community.

If planning permission is granted, HPC hope that ward councillors for Handforth be included in discussions concerning the disbursement of section 106 or CIL monies. Section 106 or CIL monies should be designated for use within Handforth. Suggested uses include:

- upgrading of footpath 80,
- installation of a zebra crossing on Coppice Way at the northern end of footpath 91
- the creation of cycleways.

OTHER REPRESENTATIONS

18 letters of representation have been received.

3 of the letters support or raising no objection to the proposal note that:

- It will Improve / increase choice for the retail development at Handforth Dean
- Will reduce the traffic load on Stanley Green industrial estate.

- Commuted sums should be used:

    - to improve the public realm in Handforth
    - to ensure the continued success of the youth club,
    - ensure there is a local employment obligation within the legal agreement.
- Next should continue their community involvement policy following any approval

9 of the letters, including from a number of local cycle groups, seek improvements for cyclists to Handforth Dean and better access from Handforth railway station. They state:

- The application, as it stands, makes little in the way of detailed improvements for walking/cycling to this, already congested site.
- Improvements to the local walking and cycling network to help local customers and staff access Handforth Dean should be included.
- Improvements to the Earl Road/Stanley Road junction should be made to make it safer for cyclists and pedestrians (using commuted sum money).
- More cycle parking for staff and customers

6 of the letters raise objections to the proposal on the following grounds:

- Developing further out of town retail developments seems to go against current policy of protecting the "high street". Claimed employment generation should be offset against the impact of employment on the high street and at the nearby Next at Stanley Green which would close.
- Given the dire shortage of employment land in this area, it would be inappropriate to allow retail use on the land, especially in light of local companies demonstrating clear demand for the land for employment purposes.
- The Framework requires the consideration of alternative out of centre sites as part of the sequential test. The applicant's approach is incorrect.
- Retail use of the site is contrary to policy E3.
- Saved policies E1, E2 and E3 are wholly consistent with the Framework.
- The fact that the remainder of the site would be available for employment use does not justify a deviation from policy on part of the site.
- Employment land review identifies the importance of the site for employment purposes.
- Availability of land at the airport is academic and entirely wrong.
- Marketing exercise generated a number of expressions of interest for employment use of the site.
- Concern that retail precedent will be set.
- Submitted impact assessment fails to assess the impact of the reoccupation of the unit to be vacated at Stanley Green by an alternative A1 operator.
- Potential for proposed store to be located at Stanley Green.
- The operation of the junction at Stanley Road and the B5094 has not been considered in the Transport Assessment.
- Transport Assessment is inconclusive on the future operation of the junction at A34/A555, which is a key strategic junction.
- Orientation does not integrate visually with Handforth Dean.
- Proposal turns its back onto Earl Road.
- No landscaping proposed to Earl Road.

- Road linking A34 to earl Road should be included in proposal.
- There should be no overspill parking on Earl Road.

APPLICANT'S SUPPORTING INFORMATION

The applicants have submitted a flood risk assessment, a sustainability assessment, an energy assessment, a transport assessment, a statement of community involvement, an ecological assessment, an employee travel plan, a design and access statement, a planning & retail statement, an employment land statement and a contaminated land assessment. The planning statement concludes:

- Application complies with NPPF, local planning policy and extant practice guidance published with PPS4.
- None of the sites identified through sequential test are suitable, available and viable.
- Scheme will operate as a dual format store and cannot be disaggregated.
- Seeks to improve offer in the north east of Cheshire, and a store close to existing stores in Stockport or Macclesfield would not be viable.
- No significant adverse impacts will arise from the proposal.
- Application will not undermine investment prospects of nearby centres.
- Level of trade impact on local centres will not undermine performance or viability of any centre.
- Trade to existing Stanley Green store is expected to be diverted to proposed scheme.
- Main impact will be upon existing out of centre stores along the A34 corridor
- No significant impact upon carbon dioxide emissions or climate change.
- Highly accessible and will not have any significant impacts on local traffic levels or congestion.
- Will deliver positive economic benefits and create new employment.
- Development could act as a catalyst for the development of the remainder of wider site available at Earl Road.
- Whilst the application site is allocated for employment uses, this allocation should be considered out of date and afforded limited weight.

In addition to this, following concerns raised by officers during the course of the application a supplementary planning statement, amended plans, supplementary highways details and additional information related to the proposed catchment area and sequential site search have been submitted.

OFFICER APPRAISAL

Loss of Employment Land

The application site is located within an area of Employment Land as identified in the Macclesfield Borough Local Plan. The site is owned by Cheshire East Council and has remained undeveloped for a number of years. However it was, until relatively recently (2010), put to economic use as airport car parking.

With regard to the employment land issue, the applicant maintains that:

- The saved policies within the local plan are inconsistent with the Framework (including the lack of a sequential approach to the designation of office sites).
- The proposal delivers objectives of the Framework – creates 220 jobs and meets the needs of the community for a choice of retail goods and services
- Proposal makes effective use of brownfield land.
- Refusal would impede economic growth in contravention of the Framework's policies
- The supply of Use Class B land in Cheshire East generally, and in Handforth particularly, exceeds the forecasted requirement.
- Handforth will not suffer any material loss in the range of sites needed to meet the needs of business.
- With the release of the application site, Handforth will still have 9.44ha of available B1 land, including the remaining 4.8ha on the Earl Road site itself.
- Increased marketability of the remaining site.
- The remaining portion of the site has good access from, and frontage onto, the A34.
- Site has been marketed three times over two economic cycles (including when the economy was buoyant) with no concrete offers to develop the site or any part of it for B1 use. Expressions of interest do not represent sound evidence to demonstrate development would be delivered.
- Employment land review (ELR) identifies a maximum land demand of 1.98ha for Handforth.
- The remaining site would be more than double the maximum amount of additional Class B1 land that the ELR states is needed to 2030.
- Between 2004-5 and 2010-11 the average annual take up of Use Class B land in Cheshire East was 8.46ha per year.
- 20000sqm of available and pipeline office space at Cheadle Royal, Handforth Dean and Stanley Green.
- Airport City (Enterprise Zone) will offer substantial benefits compared to application site and is in same geographic market.
- Market signals (which the Council is obliged to take into account – paragraph 22 of the Framework) has no regard for Borough boundaries.

Since the airport parking operation has ceased, the Council has conducted a marketing exercise for the site and invited expressions of interest which has revealed a number of parties interested in developing the site for various forms of employment use (within the 'B' use classes category). It is also noted that a representation to the application has been made by an interested party confirming a longstanding interest in part of the site for employment use. Furthermore, recent announcements regarding the development of Airport City, completion of SEMMMS, and the development of a High Speed Rail station nearby between junctions 5 and 6 of the M56 mean that the attractiveness of this area for employment development will increase further.

The Cheshire East Employment Land Review (ELR) completed in 2012 by Arup and Colliers International forecasts that there could be a need to provide between 277.8 ha and 323.7 ha of land for employment purposes between 2009 and 2030 across the whole Borough. However, the ELR identifies a maximum forecasted employment land demand increase of 1.98ha in Handforth between 2009 and 2030.

The ELR identifies three potential sites in Handforth where this increased demand could be accommodated:

- 6ha at Earl Road (which the application site forms part),
- 2.1ha at Epsom Avenue,
- 2.6ha at Lower Meadow Road.

This results in a total of 10.7ha of potential employment land supply sites to accommodate a forecasted demand of 1.98ha for the period up to 2030. This is a significant over supply when compared to the anticipated demand identified in the ELR.

It should also be noted that the Development Strategy identifies that Handforth should provide 10 hectares of employment land between 2010 and 2030.

The ELR recommends that the Earl Road site, part of which is the subject of this application, is retained for employment purposes. The view of Colliers International was that this is an:

> *"Excellent prominent site for quality office development. Likely to get interest from several parties when it is brought to the market"*.

It is understood that the site has been marketed on three separate occasions:

- at some time around 2006,
- January 2011
- February-March 2012.

23 expressions of interest were received following the 2012 marketing, of which 16 included some form of employment use. The applicants were one of those parties that expressed an interest in the site, and are the only ones to have come forward with a planning application. There has been no indication of alternative proposals coming forward for alternative employment based development.

The ELR also identifies the existing active employment site at Epsom Avenue (Stanley Green) as being an important business area in the north of the Borough offering a range of modern high quality offices, headquarter style buildings, light industrial and distribution premises. The ELR recommends that this 21ha site continues in employment use for commercial B1 development.

Policy E1 of the Local Plan states that *"Both existing and proposed employment areas will normally be retained for employment purposes"* and Policy E2 states that *"On existing and proposed employment land, proposals for retail development will not be permitted".* It is clear that the proposal is contrary to policies in the adopted development plan.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration and includes a presumption in favour of sustainable development. This means that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly outweigh the benefits,

when assessed against the policies in the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

Policies E1 and E2 of the Macclesfield Borough Local Plan cover both the existing and potential sites outlined in the ELR. These policies are considered to be consistent with the Framework to the extent that they seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. However, paragraph 22 of the Framework states that

> *"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"*.

Whilst it is acknowledged that there has been some interest in the site resulting from the recent marketing exercise, the only firm proposal to come out of this is the current application. Similarly, no proposals for employment development came out of previous marketing campaigns.

The planning history of the site shows a clear predominance of retail and leisure proposals since the mid 1990s. In this current application, the proposed development will retain approximately 4.8ha of the employment land allocation on this prominent site, and the presence of a major retailer may serve to stimulate further interest in the remaining site.

Given that this is identified as a potential "flagship" employment site in the Borough and that part of it will be taken up by this proposal, if the loss of employment land arising from the development is accepted, then it is considered necessary to seek mitigation for its loss in the form of a financial contribution towards the infrastructure to serve the remaining employment site.

The development strategy identifies that Handforth should deliver 10 hectares of employment land up to 2030, whilst the ELR identifies a lower figure. In the current financial climate employment uses are undoubtedly difficult to bring forward. However, when the economy shows signs of improvement, it is crucial that the Borough has an adequate supply of employment land and infrastructure to meet requirements as they arise. A pot of money to contribute to the required infrastructure for the site will help to facilitate this.

Finally, as recognised by Handforth Parish Council, the proposed store itself will create employment in the local area, something which could be secured with local employment agreements in the s106. This must be given some weight in the consideration of this application.

Retail Impact

Policy S2 of the Macclesfield Borough Local Plan deals with proposals for new retail development outside of existing centres. This policy includes that there should be a proven need for the proposal. However, the Framework supersedes this and does not require applicants to demonstrate the need for the development. The Framework does require that proposals demonstrate that they satisfy both the sequential test and the impact assessment tests. Paragraph 27 of the Framework is clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts, it should be refused.

On this basis, the Council need to be satisfied that there are no more sequentially preferable sites available and that there would not be a significant adverse impact on investment in centres within the catchment of the proposal or on town centre vitality and viability. The Council have obtained specialist retail advice on this proposal, and the issues raised by them are incorporated below.

Sequential Assessment

Paragraph 24 of the Framework requires:

> *"applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered… Applicants and planning authorities should demonstrate flexibility on issues such as format and scale."*

The application site is considered to be out of centre.

The applicants have identified a catchment area for the proposed store of between 10 and 15 minutes drive time radius from the application site, which includes an assessment of Handforth, Macclesfield, Stockport and Wilmslow centres). The applicant's reasoning behind this included consideration of:

- The established catchment of existing retail facilities at Handforth Dean as confirmed by the Cheshire Retail Study Update (2011);
- The proximity and distribution of alternative provision, including Next's own representation within the surrounding area;
- The accessibility of the application site;
- The trade draw patterns, based on visitor origin surveys, of an existing Next Home & Garden store at Shoreham on Sea.

This catchment was considered by officer to be too limited in extent, given the "flagship" nature of the proposed store and it was suggested that the catchment should better reflect the current catchment of Handforth Dean as it will divert trade from these existing stores. However, the applicants point out that the 2011 Cheshire Retail Study Update indicates that, in terms of clothing and furniture, Handforth Dean draws very little trade from the south and west of the site. It is also noted that the existing M&S store is almost twice the size of the proposed Next store and therefore can be expected to have a larger catchment.

Whilst the applicant maintains that they have identified the appropriate catchment for the proposed store, they have subsequently provided an assessment of an extended catchment, guided by the assumed catchment of M&S at Handforth Dean. However, the following areas have been excluded due to their distance from Handforth Dean and/or due to the existing Next provision in these areas:

- Areas to the west of the M6 to the south of the catchment
- Areas at the extreme east of the catchment towards Buxton
- Areas to the south close to Stoke
- Areas to the North (due to alternative provision in Manchester, Trafford Centre and Stockport)

This expanded area now includes an assessment of Altrincham, Congleton, Knutsford, Sale and Sandbach. The original and extended catchment is shown in Figure 1 below.

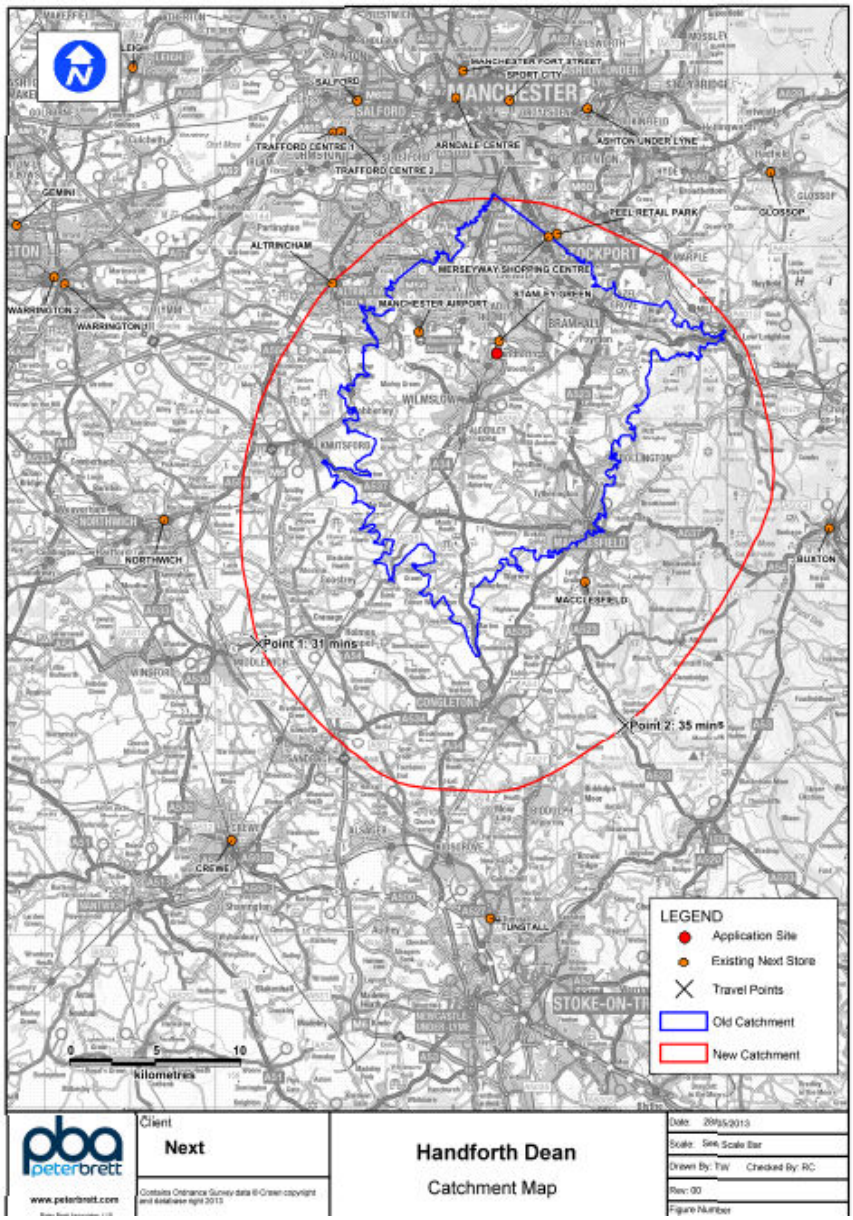


Figure 1: catchment areas.

The applicant notes that each of these centres is close to the periphery of the larger catchment and will not serve the catchment that Next wishes to serve from the Handforth Dean. It therefore does not meet their commercial requirements.

Paragraph 24 of the Framework requires applicants and local authorities to demonstrate flexibility on issues such as format and scale when assessing the suitability of sites in a sequential assessment. This requirement has been clarified in the courts (Tesco Stores Ltd v Dundee City Council (2012)), where it was established that where consideration has been

given to accommodating the development in a different form and where sequentially preferable locations have been assessed then the consideration should be:

> *"Whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site"*

The application explains that the Next Home & Garden store is intended to be a new shopping experience for Next customers, and is distinguishable from existing Next store formats. The business model on which the format is based requires the full range of products to be available. The bulky nature of the product range means that a retail warehouse type unit with surface level parking is required and town centre locations would not be appropriate. The proposed store will meet an identified demand and requirement for these facilities in the Handforth Dean area, which cannot be accommodated at the existing store at Stanley Green.

On this basis, each of the existing centres in the catchment area has been considered to establish whether there are any other sites that could accommodate the application scheme.

Handforth
Handforth accommodates local shopping requirements on a limited scale and the proposed development would be out of keeping with the role of this centre. In any event, no alternative sites were identified that could accommodate the proposed scale of development.

Macclesfield
Great King Street/water Street car park (0.7ha) – too small to accommodate the nature of the proposed development.

Exchange Street car park – too small to accommodate the nature of the proposed development, and allocated for open space.

Samuel Street / Park Lane – Too small at 0.5ha.

Duke Street car park – This offers potential for a reduced format / layout. However this location and those above form part of the Council's redevelopment plans for the town centre, which the Strategic Planning Board has recently resolved to approve. Use of this site would therefore undermine the town centre plans.

Royal Mail depot – potential for redevelopment, but is currently in use and the Post Office has not indicated that it is surplus to requirements. Topography and positioning of site raises viability issues.

Black Lane – Macclesfield is already served by Next's Lyme Green store. Macclesfield catchment is not able to support a Next Home & Garden store. Reduced floorspace would be unsuitable for the application scheme. Availability is uncertain.

Wilmslow
Alderley Road/Kings Close – Allocated for mixed use development, however, site is too small to accommodate the proposed development.

Sandbach, Congleton, Knutsford
No sequentially preferable alternatives were identified in any of these centres that were suitable, available or viable.

Altrincham and Sale
No sequentially preferable alternatives were identified in any of these centres that were suitable, available or viable.

Stockport
A total of 8 sites have been identified in Stockport, none of which have been identified as suitable, available or viable.

Extending existing Stanley Green store – Not sequentially preferable. Too small to accommodate proposed store. Car parking is insufficient. Prominence does not meet Next's requirements.

No further sites have been suggested by the applicants, the Council or third parties. It is therefore considered that no sequentially preferable sites exist.

Impact on existing centres
Paragraph 26 of the Framework requires applications for significant retail development outside of town centres to be accompanied by an assessment of the impact of the proposal upon town centres in the following two areas:

Impact on investment
The applicant sets out in their planning and retail statement that the proposal will not have a significant impact upon investment in existing centres with their identified catchment area. Whilst investment and redevelopment is planned within both Macclesfield and Stockport town centres, the levels of expected trade diversion identified in the applicant's analysis are very low. £0.43m of expenditure is expected to be diverted from Macclesfield town centre and £0.6m is expected to be diverted from Stockport town centre. These levels of trade draw are not considered to threaten the successful delivery of the redevelopment proposals or investment. No concerns have been raised along these lines by potential investors.

Impact on town centre vitality and viability
Handforth and Wilmslow centres are identified as currently having a vacancy rate of retail and service units well below the national average. The nature of the offers in these centres (convenience retail and services in Handforth, and upmarket, niche retailers in Wilmslow) is not expected to compete significantly with the proposed Next store.

Stockport does have a higher than average vacancy rate, but does have a strong mix of national retailers and independent traders, and is well served by transport links. A number of regeneration schemes are planned for Stockport, and it should be noted that Stockport MBC does not raise any objections to the proposal on retail grounds.

Vacancy rates in Macclesfield are at approximately the national average. There are clearly weaknesses with the current offer in Macclesfield, notably the shortage of larger units, hence the redevelopment proposals for the town centre. However, as previously mentioned, the

proposed Next store is not expected to impact significantly on investment, and is not considered to significantly impact upon the vitality and viability of this centre.

Overall, the proposed development is not considered to have a significant adverse impact upon existing centres and therefore the proposal is considered to comply with the objectives of policy S2 of the Local Plan (where consistent with the Framework) and paragraphs 24, 26 and 27 of the Framework.

However, the Council has sought further retail advice on this matter (from WYG) to ensure the impact upon existing centres is acceptable and this will be reported to Members in an update.

Highways

The Strategic Highways Manager has commented on the proposal and makes the following observations. The proposed development will essentially form an extension to the existing Handforth Dean Retail Park, although it will have a separate access. This influences the expected traffic generation, as a proportion of customers will be those would already be visiting the Retail Park, rather than 'new' trips. Customer vehicular access will be taken from the 'dumbbell' roundabouts beneath the A34 between the Coppice Way and the A555 grade-separated junction, although from the south customers must access via Coppice Way and Long Marl Drive. Deliveries and staff parking will be accessed via Earl Road.

In the Transport Assessment, the assumption has been made that the store custom will largely be that diverting from other shopping centres or customers of stores on the adjacent Retail Park who call additionally at Next. Whilst this will no doubt occur, the scale and 'flagship' character of the store also means it will attract customers from a wider area than would be otherwise expected.

The traffic consultants for the applicant have supplied information relating to the John Lewis store at Cheadle, which also is part of a larger retail complex. They have also provided other information which suggests that expansion of retail centres does not result in a proportionate increase in traffic. It will also be true that many of those visiting the new store would be transferring from other stores, with relatively few being entirely new trips. Thus many of the customers will already be travelling along the A34.

In terms of traffic impact, the areas that will be primarily affected will be the Coppice Way/A34 Handforth Bypass and the A34 Handforth Bypass/A555 roundabout (the latter falls within Stockport Metropolitan Borough).

Coppice Way/ A34 Roundabout

The applicant's consultants predict a net increase of 35 trips through this junction in the evening weekday peak, allowing for some customers already using the A34. This represents an increase of less than 1% of the current flow (5220 vehicles).

For Saturday, the expected peak-hour increase is 68 trips, an increase of about 1.6% of the current flow (4200 vehicles).

Analysis of the roundabout provided in the Transport Assessment indicates that the southern A34 approach to this roundabout is currently close to capacity, and that the predicted development traffic will worsen the situation.

A555/A34 Roundabout
The applicant's consultants predict a net increase of 51 trips through this junction in the evening weekday peak, allowing for some customers already using the A34. This represents an increase of just under 1% of the current flow (5300 vehicles).

For Saturday, the expected peak-hour increase is 116 trips, an increase of 2.2% of the current flow (5280 vehicles).

This roundabout was analysed in the Transport Assessment and concluded to be operating at capacity already on the A34 north and south approaches. Any traffic flow increase is likely to have a disproportionate effect on delays and queue lengths.

Stockport MBC has also commented on the proposal due to the impact of the development on highways within their boundary. They note that the A34 corridor and junctions are demonstrably operating at, or in excess of, capacity and suffer from extremes of traffic congestion and delay during weekday peak traffic periods and on a Saturday afternoon. Therefore, any additional impact needs appropriate mitigation.

The Cheshire East Strategic Highways Manager advises that the SEMMMS route will extend the A555 eastwards and westwards and this will increase traffic on feeder routes such as the A34 and through this junction. It would not be prudent to undertake short-term improvements in advance of those necessitated by the completion of SEMMMS. However, increased congestion here will result in diversion of traffic onto other routes with adverse effects on congestion and road safety elsewhere. Therefore, Highways are seeking a financial contribution towards measures in the Handforth area to offset these effects and improve pedestrian and cycle routes to the site.

Stockport MBC adopt a similar approach by seeking a financial contribution as mitigation to enhance the connectivity, accessibility, convenience, safety and aesthetic attractiveness of walking and cycling networks in the vicinity, and deliver improved public transport links to fill gaps in existing provision. There is however, a significant difference in the size of the contributions being sought. Cheshire East Highways sought a contribution of £50,000 for mitigation, and Stockport are seeking a sum of £564,000. Officers consider that the £50,000 figure is substantially below what is required to mitigate for the impact of the development. Discussions on this are ongoing with the applicant and will be reported in an update.

Accessibility
The accessibility of the site is a significant issue. The inspector in 1998 identified that the public transport to the site has major shortcomings, and these are still evident today. The hourly Service (312) from Stockport terminates at Handforth Dean and runs along Earl Road, and there are some free services operated by Tesco which would be within a short walk of the site. Apart from these services the nearest are those along Wilmslow Road and Station Road in Handforth, about a kilometre away. A travel plan has been submitted to encourage staff to use other forms of transport. However, without adequate provision for non car modes, a travel plan will be largely ineffective.

Mitigation is required to make the development acceptable in planning terms, and discussions are ongoing regarding financial contributions to extend the existing bus service, which could

be used to extend the 312 service to provide an additional evening service and a new hourly Sunday service between 07.30 and 18.00 for a period of 5 years. Another option also includes increasing the frequency of the Tesco shopper services which currently have a limited service to and from Handforth Dean but, unlike the 312, do offer services to Wilmslow. In addition new bus stops on Earl Road are being investigated to serve the improved 312 service.

Several measures could also be secured through a s106 to increase opportunities to access the site by other non car modes. Footpaths 80 and 91 are in close proximity to the application site. Improvements to these may encourage people to utilise bus services on Wilmslow Road in Handforth, which provide links to Manchester and Stockport to the north and Wilmslow and Macclesfield to the south. In addition to this, Council's public rights of way unit are looking at whether improvements could be made to upgrade either Footpath 80 or 91 to a cycle way to enable cyclists to use these as more direct, off-road routes into the site. This may require some surfacing improvement and/or widening, but would represent a significant benefit for the site as a whole.

Accepting the fact that most users of the site will inevitably use the private car, one proposal that has been raised with the applicants, and one which they are receptive to, is the potential to provide an electric car charging point. This is at the very early stages of discussion and is subject to the cost implications, how this would fit in with the wider network and indeed the development of the remainder of the site.

Of course there are other factors that contribute to sustainability other than as site's location, such as the proposed building has been designed to achieve a BREEAM 'very good' rating which will place it amongst the top 25% of new build non domestic buildings in the country in terms of sustainability.

However, the significance of the accessibility issues is such that this is of overriding importance and will require appropriate mitigation along the lines outlined above to be secured through the s106 agreement.

Design / character

The building is a substantial structure since it is set on higher ground to the existing Handforth Dean retail units, it will be a relatively prominent feature. However, set in the context of the employment area to the north and west, the building will not be unduly out of keeping. Comments from the adjoining landowners are acknowledged regarding the layout of the proposal "turning its back" onto Earl Road with the service area to the rear of the store fronting onto Earl Road.

Following concerns relating to the lack of integration with surrounding land uses, a preference for stronger frontages to the south and west elevations, and a stronger route through to Earl Road from the car park, revised plans have been submitted.

The west elevation fronting onto Earl Road has now been amended to increase the amount of clear glazing which will allow views of the activity of the inside of the store and present a much more interesting façade to Earl Road. The south elevation has been similarly amended and now provides an access to the store that can be utilised by pedestrians approaching from Earl Road and those walking across from the existing retail park. A more substantial pathway

has also now been included in an attempt to provide a stronger route through to Earl Road and the wider retail park from the car park to the east. These amendments have sought to create active frontages on three sides and promote some connectivity to the surrounding land uses.

Scope for additional landscaping, particularly along Earl Road, may also be possible and this can be dealt with by condition. Overall, the proposed building is considered to be in keeping with the surrounding area, in accordance with policies BE1 and DC1 of the Local Plan.

Open space
The Parks Management Officer has commented on the application and has noted that the development triggers need for public open space and recreation / outdoor sport and, in the absence of on site provision, commuted sums for offsite provision will be required.

Based on the total proposed floor space of 7626sqm, in accordance with the SPG on planning obligations, this would equate to:

- POS £114,390 used to make additions, improvements and enhancements to the existing POS facilities at Meriton Road Park, Henbury Road and Spath Lane.
- R/OS £114,390 used to make additions, improvements and enhancements to the existing R/OS facilities at Meriton Road Park and Spath Lane.

However, in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development.

Having regard to the nature of the proposal and its positioning in relation to the proposed areas of open space for improvement, these amounts are not considered to be fairly and reasonably related in scale and kind to the development. It is considered to be more appropriate to seek maximum benefit from a s106 agreement in areas that will truly mitigate for the impact of the development. These amounts are therefore also under discussion with the applicants.

Other considerations
There are no residential properties within close proximity of the application site. As such, no significant amenity concerns are raised.

The nature conservation officer has commented on the application and notes that the proposal is supported by an acceptable ecological assessment, and no significant ecological issues associated with the proposed development are anticipated.

Environmental Health advises that the application area has a history of use as an RAF Depot and therefore the land may be contaminated. The Peter Brett Associates report (ref M9475/226B) submitted in support of the application recommends that a Phase 2 survey is

required to adequately investigate for potential sources of contamination. This matter could be dealt with by condition.

HEADS OF TERMS

As has been highlighted throughout this report, the terms of a s106 agreement are still under negotiation with the applicant. However, it is expected that a s106 legal agreement will be required to cover the following broad heads of terms:

- Payment of a Commuted sum for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane
- Submission, operation and monitoring of a staff travel plan
- Payment of a commuted sum for improvements to footpaths / creation of cycleways
- Payment of a commuted sum for improvements to local bus services to and from the site
- Payment of commuted sum towards or provision of an electric car charging point.
- Payment of a commuted sum for infrastructure works within the employment site
- Submission of an employment and skills plan (local employment agreement)

CONCLUSIONS AND REASON(S) FOR THE DECISION

The employment land review carried out on behalf of the Council identifies a significant over supply of employment land for the period up to 2030, whilst the Development Strategy paints a rather different picture, and its requirement for Handforth to provide 10 hectares of employment land ties in broadly with the supply from three potential sites identified in the ELR. Previous marketing campaigns have not found anyone willing to develop the site for employment purposes. The advice of the Framework is that the long term protection of employment sites should be avoided when there is no reasonable prospect of a site coming being used for that purpose. Even with this proposal, a substantial portion of the site will remain available for employment uses and this may well benefit from the presence of the proposed Next store stimulating activity.

The proposed site is out of centre. However, following an expanded sequential site search, no suitable, viable and available alternatives were found to exist, even when allowing some flexibility on format and scale. The impact assessment data indicates that there will be a negligible impact on local centres and, if the catchment is spread even wider, then this impact would proportionally decrease for each centre. However, certainty is required when considering the impact upon the local centres, which is why officers have sought further retail advice on this issue, and the findings will be reported in an update.

Whilst no significant highway safety issues are raised, the development is likely to exacerbate existing congestion problems along the A34 in both Cheshire East and Stockport Boroughs. This increase in congestion results from visitors to the site being reliant on the private car. As such, it is an inevitable consequence of the development. However, there are clear

opportunities to mitigate for this impact by making provision for alternative transport options to the site, and negotiations on this matter are ongoing.

The application is therefore currently recommended for approval, subject to the findings of the Council's retail consultant, the successful completion of negotiations regarding a s106 agreement to mitigate for the impact of the development and conditions.

ANNEX 2
PREVIOUS COMMITTEE UPDATE

STRATEGIC PLANNING BOARD – 14 August 2013

UPDATE TO AGENDA

APPLICATION NO.

12/4652M

LOCATION

Land off Earl Road, Handforth

UPDATE PREPARED

12 August 2013

KEY ISSUES

Retail Impact
Comments from the retail consultant (WYG) are still awaited and will be reported to members as a verbal update.

S106 package
As noted in the original report the development does trigger the requirement for open space contributions in lieu of on site provision, and the development will create some demand for open space / recreation facilities. Given the location of the site and its distance to existing facilities that would be improved with any financial contributions, this impact is unlikely to be significant. Therefore a figure of £15,000 for open space and £15,000 for outdoor sport and recreation is considered to fairly and reasonably be related in scale and kind to the development.

The provision of this development on existing employment land could contribute towards enabling future employment uses through contributions towards the provision of infrastructure for the remaining employment site.

Accessibility to the site is raised in the original report as a significant issue due to the considerable reliance on the private car. Therefore mitigation is required to make the development acceptable in planning terms. A financial contribution of £205,000 would extend the existing 312 service between Stockport and Handforth Dean. This would provide an additional evening service and a new hourly Sunday service between 07.30 and 18.00 for a period of five years. New bus stops could also be provided close to the site on Earl Road.

In terms of footpaths and cycle routes, there is some potential to improve cycle routes in the local area. Notably footpath 80 between Delamere Road / Earl Road and Spath Lane / Bramhall could be upgraded to a cycle path. A feasibility study would however be required to establish the extent of the upgrade requirements. But this would facilitate access for cyclists from the south / west and north / east. This is still being discussed with the applicant as the time of writing.

Finally, electric car charging points are something that would take advantage of opportunities for the use of sustainable transport modes by incorporating facilities for low emission vehicles. This is something that could be dealt with by condition as opposed to through the s106.

Therefore, the following heads of terms are recommended:

- Payment of a Commuted sum of £15,000 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum of £15,000 for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane
- Submission, operation and monitoring of a staff travel plan
- Upgrade of existing footpath / tracks (footpath 80 between Delamere Road / Earl Road and Spath Lane / Bramhall) to cycle routes (discussions ongoing at the time of writing)
- Payment of a commuted sum of £205,000 for improvements to local bus services to and from the site.
- Payment of a commuted sum of £30,000 for new bus stops on Earl Road
- Payment of a commuted sum of £100,000 for infrastructure works within the employment site
- Submission and implementation of an employment and skills plan (local employment agreement)

An additional condition is also recommended requiring 2% of the total number of car parking spaces to be provided with electric car charging points.

CONCLUSION

As in the original report, a recommendation of approval is made, subject to the outstanding comments from the retail consultants.

ANNEX 3
PREVIOUS COMMITTEE MINUTES

58 12/4652M-ERECTION OF CLASS A1 RETAIL STORE WITH CONSERVATORY, GARDEN CENTRE, ANCILLARY COFFEE SHOP AND ASSOCIATED CAR PARKING, LAND OFF EARL ROAD, HANDFORTH, CHESHIRE FOR NEXT PLC

Consideration was given to the above application.

(Adrian Trotter, the agent for the applicant attended the meeting and spoke in respect of the application).

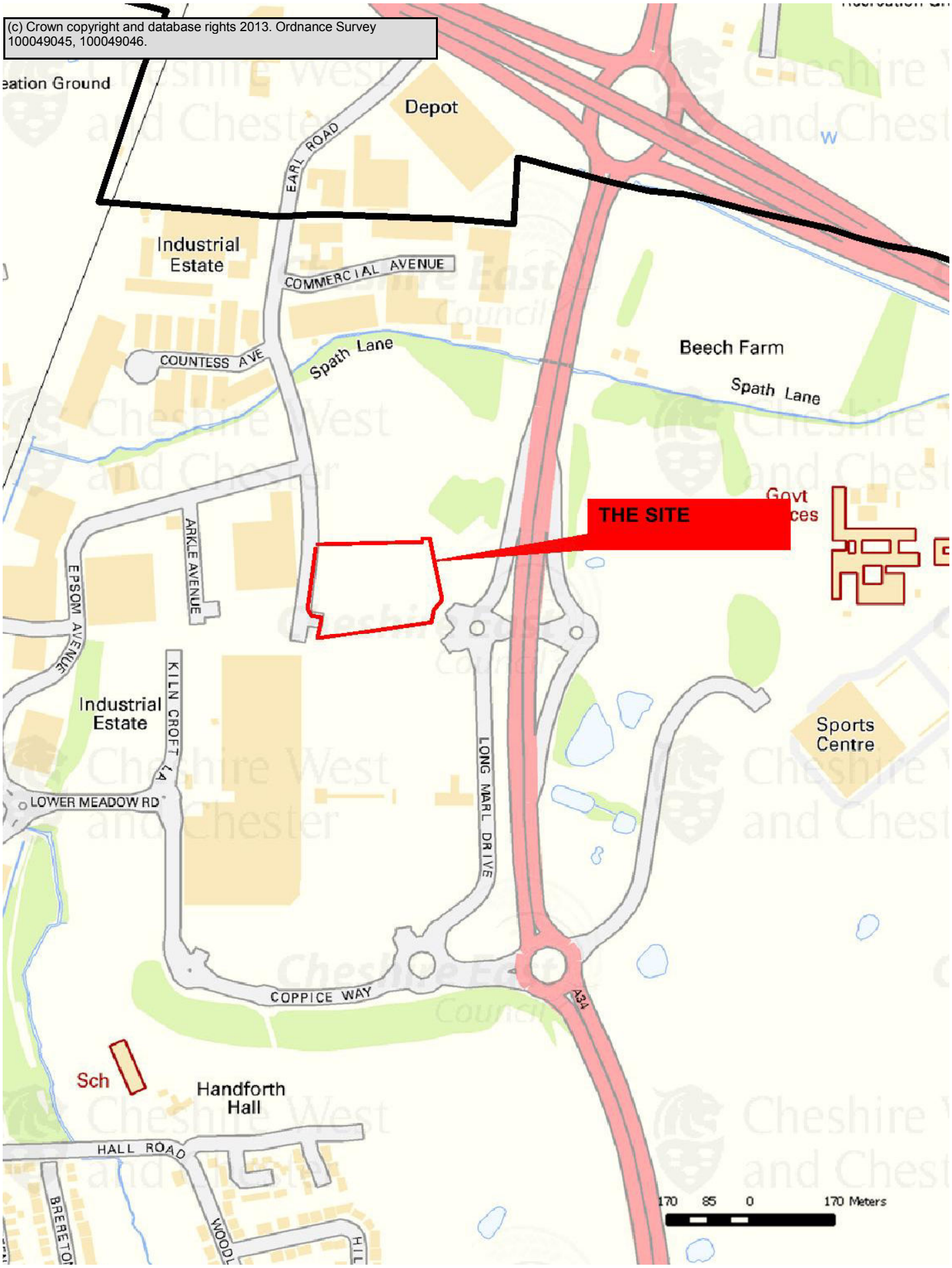
RESOLVED
That for the reasons set out in the report and in the update to Board, the application be delegated back to the Planning & Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board for approval subject to referral to the Secretary of State, subject to the completion of a Section 106 Agreement securing the following broad Heads of Terms:-

• Payment of a Commuted sum for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
• Payment of a commuted sum for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane.
• Submission, operation and monitoring of a staff travel plan
• Payment of a commuted sum for improvements to footpaths / creation of cycleways
• Payment of a commuted sum for improvements to local bus services to and from the site.
• Payment of commuted sum towards or provision of an electric car charging point.
• Payment of a commuted sum for infrastructure works within the employment site.
• Submission of an employment and skills plan (local employment agreement).

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of samples of building materials
4. Development in accordance with Flood Risk Assessment
5. Site to be drained on a separate system
6. Phase 2 contaminated land survey to be submitted
7. Landscaping-submission of details

8. Landscaping (implementation)
9. Electric car charging points to be provided
10. No subdivision of retail unit
11. Provision of cycle parking shown on approved plans
12. The building hereby approved shall be constructed to achieve a minimum rating of BREEAM ‘very good’ as outlined in the sustainability assessment
13. Details of external lighting to be submitted for approval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Depot
EARL ROAD
Industrial Estate
COMMERCIAL AVENUE
COUNTESS AVE
Spath Lane
Beech Farm
Spath Lane
THE SITE
ARKLE AVENUE
EPSOM AVENUE
Industrial Estate
KILN CROFT
LOWER MEADOW RD
LONG MARL DRIVE
Sports Centre
COPPICE WAY
A34
Sch
Handforth Hall
HALL ROAD
170 85 0 170 Meters