

Application No: 17/3208M

Location: Lidl Store and Energie Fitness Club, Summerfield Village Centre, Dean Row Road, Wilmslow, SK9 2TA

Proposal: Erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club

Applicant: Miss F Heeley, Lidl UK GmbH

Expiry Date: 11-May-2018

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 14 February 2018 for *'further discussions to take place with the applicant regarding a reduction in the size of the building alongside appropriate conditions regarding the sales floor space and to discuss how the parking standards could be met'*.

APPLICANTS SUBMISSION

Since the deferral of the application, the applicant has submitted revised plans reducing the floor area of the store from 2480sqm to 2292sqm gross and 1655sqm to 1577sqm net, and increasing the number of parking spaces from 136 to 155.

A supplementary planning statement has also been submitted which outlines that:

- Development will be phased to allow existing store to trade whilst the Fitness Club is demolished and new store erected. The existing store will be closed for up to 8 weeks whilst the existing store is demolished and the car park is provided.
- Does not matter if site is in a "local Centre" or "other settlement" as there will be a focus on providing retail and services of appropriate scale and nature to meet the needs of the local community.
- Policy SE7 outlines that sequential assessment and impact tests only applicable if a proposal is located outside a designated centre and not on a site allocated for retail use.
- CELPS states 'Until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies (of MBLP). This was endorsed by Local Plan Inspector.
- No requirement in this case for sequential test or impact test to be satisfied.
- Policy EG5 does not set prescribed thresholds to limit the scale of any centres within each tier of the settlement hierarchy.

- The replacement Lidl store will be 681sqm smaller than the former Energie Fitness Club, with the proposed development bringing about an overall reduction of 1,811sqm floorspace located within the application site.
- Proposal is not the largest Lidl store in the UK. Many stores are of a similar or greater scale to that proposed. Over 20 that have a floorspace over 2700sqm.
- Existing store struggles to meet local needs in full due to following deficiencies:
 - Inadequate sales space for each product – difficult to meet customer demands
 - Instore bakery is located within a shopping aisle reducing display areas
 - Inadequate frozen storage facilities
 - Inadequate general storage facilities
 - Inadequate staff facilities
 - No customer toilets or baby changing areas
- Shopper survey between 8 and 11 March demonstrated that existing Lidl store primarily draws customers from the SK9 postcode area (mainly from areas to north and east of Wilmslow and Handforth)
- Also attracts some customers from further afield including postcode SK8 (Cheadle area), postcode SK7 (Hazel Grove/Bramhall), postcodes SK10/SK11 (Prestbury/Macclesfield) and postcode SK12 (Poynton/Disley)
- Catchment area of the replacement store is, therefore, unlikely to exceed that of the existing Lidl store due to other existing / planned stores in other locations
- A consistent approach should be taken with substantial retail proposals at Handforth Dean
- Notwithstanding the fact that there is no requirement for a sequential test, one has been undertaken, and no sites have been identified.
- Notwithstanding the fact that there is no requirement for a retail impact assessment, one has been undertaken and no significant adverse impacts are identified (-1.82% impact on Wilmslow and -1.41% impact on Handforth convenience goods offers)
- None of the existing operators at Summerfields Village Centre have objected to the proposals
- Conditions could be used to restrict goods sold, mezzanines and subdivision, and inclusion of ancillary retail shops and services (e.g. post offices)
- 155 parking spaces now provided, 9 short of standard if using gross floorspace figures
- A further 149 spaces provided to front of rest of shopping parade at Summerfields Village Centre.
- Existing Lidl store has under provision of parking when assessed against standards

CONSULTATIONS

Wilmslow Town Council - Recommend refusal on the grounds that the development is not in the 'Town Centre' but in a local neighbourhood shopping environment therefore detracting from the Town Centre and being out-of-keeping with the shopping area in terms of its size. The proposal is also contrary to policies in the emerging Neighbourhood Plan that directs developments of this scale and geographical draw to the Town Centre. Whilst improved, the proposed car-parking provision remains inadequate.

REPRESENTATIONS

Since the deferral of the application, 13 letters of representation have been submitted objecting to the proposal on the following grounds:

- Loss of gym and re-zoning land to retail
- Increased traffic
- Dean Row Road cannot cope with increased traffic queuing to make right turn into Summerfields centre.
- Handforth and Wilmslow have access to large number of supermarkets already
- Building not suitable in residential area
- Loss of trees
- Extra traffic pollution
- Increased noise
- Original objections all still valid
- Town centre sized development
- Will change the nature of the area
- Take business from Wilmslow and Handforth centres
- Swimming pool greatly missed
- Have to drive to alternative facilities
- Disturbance from delivery wagons
- Devaluation of property
- Bus services reducing
- NPPF, the Cheshire Retail Study, the CELPS and other Council consultations, should be considered in their entirety
- Energie site presents an ideal opportunity to provide a community infrastructure facility
- Earl Road proposed developments relate to comparison goods stores and not A1 convenience stores, and any comparison with the Lidl Summerfields development is meaningless and disingenuous
- No staff parking
- Significant adverse impact on the vitality and viability of both Wilmslow and Handforth town centres
- Application does not comply with policy S4 and is contrary to the EG5 policy and the Settlement Hierarchy set out in the CELPS
- The policies of the NPPF should determine the need for a sequential test.
- No consideration of other sites
- No need for additional convenience goods floor space in Handforth, or Wilmslow

A transcript of the 14 February Committee meeting has been submitted by a local resident.

2 letters of support have also been received noting that:

- Energie site is unused and has had unwelcome visitors
- Will be an asset to the area
- Old store is tired and unfit for purpose
- Store is now popular to a wider clientele
- Gym was over anyway

CONSIDERATION OF REASONS FOR DEFERRAL

Size of Store

The size of the store has been reduced in accordance with the reasons for deferral. The proposal will continue to provide access to day to day shopping facilities, which are commensurate with the role the Summerfields centre serves in the community. The proposal is therefore considered to be in accordance with policy S4 of the MBLP and EG5 of the CELPS.

Car Parking

The car parking provision on site has been increased to 155 spaces. This is 9 short of the recommended standards within Appendix C of the CELPS. However, it should be noted that the existing store currently under provides car parking when assessed against the recommended standards, and as such the proposal will be no worse. In addition there are an additional 149 spaces available for visitors of the wider Summerfields Village Centre, which can also be used by Lidl customers.

Conclusion

The applicant has reduced the size of the store, which has also facilitated the provision of additional parking spaces. Whilst this provision is marginally below the standard recommended within Appendix C of the CELPS, having regard to the existing situation on site and the 149 spaces available on the adjacent public car park, adequate car parking is available for the staff and customers of the proposed development.

The proposed store is smaller than the existing gym building, which is a main town centre use as defined in the Framework. The proposed store is therefore substantially smaller than the two main town centre uses on the site (the existing store and the former gym) and results in a reduction in floorspace of 1811sqm overall. The site is within an identified shopping area, and there is no requirement for a sequential test to be undertaken or a retail impact assessment to be carried out. However, the applicant has undertaken both these exercises which demonstrate that there are no sequentially preferable sites and there is no significant adverse impact upon Handforth or Wilmslow town Centres.

Accordingly, as in the original report, the application is recommended for approval.

It should also be noted that the Secretary of State has received a request to intervene on this application, therefore, any resolution will be subject to the outcome of this process.

UPDATE REPORT FROM 14 FEBRUARY COMMITTEE MEETING

REASON FOR DEFERRAL

The application was deferred from the Northern Planning Committee on 6 December 2017 for further clarification on the following matters:

- *Transport and highway implications*

- *Sequential assessment*
- *Liaison with public health department. Re: loss of gym*
- *Air quality*
- *Swimming pool data*

REPRESENTATIONS

Since the deferral of the application, two letters of support for the application have been received.

In addition, three letters have been received questioning why letters have continued to be accepted and published on the website after the publicity period has closed. The letters also note that this site is allocated for leisure and should be considered as being such in any application made to redevelop it now or in the future, and raise concern about the impact upon Wilmslow Town Centre.

CONSIDERATION OF REASONS FOR DEFERRAL

Transport and highway implications

Concerns were raised by Members about the Council's Supported Bus Service Review and how this would impact upon the bus service close to the application site. The no. 130 bus service is not affected by the Review as it is a commercial service provided by Arriva North West and D&G Bus. A new timetable was published for this service on 28 January 2018, and between the two bus operators the service runs 7 days a week.

To clarify the parking provision for the proposed retail store, 136 parking spaces are shown to be provided on the site plan. The proposed store has a gross floor area of 2480sqm and a sales floor area of 1655sqm. The recommended parking standards within the CELPS for food retail are 1 space per 14sqm. This equates to 177 spaces if the gross floor area is used and 118 spaces if the sales floor area is used.

The CELPS states that CEC parking standards will only apply where there is clear and compelling justification that it is necessary to manage the road network. It continues to state that the Council "*will accept representations to vary from car parking standards on a site-by-site basis with reference to evidence obtained locally or from a suitable data source (e.g. TRICS) outlining predicted parking profiles.*"

In this case the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development (using data from existing Lidl stores and TRICS) concludes that the highest combined number of vehicles visiting the proposed store will be 75 vehicles on a Saturday. Accordingly, the parking provision outlined above is considered to be acceptable.

Sequential Assessment

A sequential assessment has not been submitted. The applicant has submitted a Counsel opinion which considers the status of the site in sequential terms, which states the following:

"the application of the sequential test in national policy terms involves directing development to town centres first, then edge of centre (within the meaning of the glossary to NPPF) and

only then to out of centre locations (§24). An application for retail development within a town centre would therefore not ordinarily require the demonstration of having passed the sequential test.

The NPPF defines the term “town centre” in the following terms:

“Town centre: Area defined on the local authority’s proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, ...”

Dean Row is designated as a local centre within the adopted Macclesfield Local Plan (policy S4) and whilst it is not also listed as a town centre in the CELPS that is expressly written in anticipation that retail policy in the adopted local plan will persist pending the adoption of Part 2 of the Cheshire East Local Plan. Indeed it is wholly unsurprising that local centres are not defined within the strategy DPD. Moreover it cannot have been the intention that the CELPS was intending to promulgate a retail strategy which is at odds with NPPF.

It follows therefore that when approaching the sequential status of the Site the question that must be asked is whether or not it is within a defined town centre within the meaning of NPPF. Since Local Centres are explicitly included within the definition of what is meant by a “town centre” then self-evidently what is proposed is an “in centre” proposal which complies with the terms of the development plan. Whilst it might be argued that retail designations within the MLP are to be treated as out of date – in fact there is no evidence at all that Dean Row is likely to be downgraded from its position as a local centre within the forthcoming Cheshire East local plan part 2.

It follows that I am of the view that what is proposed comprises an in centre proposal for retail and the recommendation of officers that there was no contravention of retail policy is one that I wholeheartedly endorse.”

The original committee report outlines the view of officers that the proposed store is commensurate with the role the centre serves, and that the Dean Row Road Local Centre is much more than a small parade of shops of purely neighbourhood significance. Consequently, the area would be defined as a local centre under the terms of the Framework, and as such is town centre development. As stated in the original report a sequential approach does not need to be applied in this case.

Liaison with Public Health Department

Comments from the Public Health Department are awaited and will be reported as an update.

Air Quality

The air quality concerns that were raised by Members were as a consequence of the potential reduction in bus services resulting from the Supported Bus Service Review. As noted above, the bus service will remain operational, and therefore the air quality impacts remain as they were at the time of the original report. Environmental Protection (Air Quality) raises no objections subject to conditions relating to a travel plan, electric vehicle infrastructure and dust control during demolition / construction.

Swimming Pool Data

This query related to why the swimming pool at Energie was excluded from the list of community accessible pools in the Council's Indoor and Built Facilities Needs Assessment. Discussions with the Council's Leisure team are ongoing and will be reported as an update.

CONCLUSION

Further details from consultees are awaited on the reasons for deferral. Subject to the satisfactory receipt of these comments, as in the original report, the application is recommended for approval.

It should also be noted that the Secretary of State has received a request to intervene on this application, therefore, any resolution will be subject to the outcome of this process.

ORIGINAL REPORT FROM 6 DECEMBER COMMITTEE MEETING

SUMMARY

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The comments received in representation have been fully considered. . It is evident that there is strong local opposition to the loss of the existing gym. However, it has been demonstrated for the purposes of planning policy that the existing fitness centre is surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal is also in accordance with local and national retail planning policy. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REPORT

The application has been called to Committee to by the Local Ward Member, Cllr Burkhill, for the following reasons:

Loss of the Energie Fitness Centre to the community which has 3,000 members and provides swimming, exercise, business and social amenities for the community without many of its members using a car to get there.

The NPPF stresses the Government's commitment to economic growth to create jobs and prosperity. This application would see a net reduction of between 30 and 40 jobs.

The Council advocates a clear Town Centre first approach for its principal towns and key service centres and advocates against the development of main town centre uses in out of town locations in order to preserve and enhance the vitality and viability of existing town

centres. Summerfields Dean Row is a Neighbourhood Centre and not a Town Centre and indeed the Lidl store is listed as an out of centre location.

PROPOSAL

The application seeks full planning permission for the erection of replacement Class A1 retail store, associated car parking and servicing areas, relocation of electricity sub-station, landscaping and associated works following demolition of existing retail store and neighbouring fitness club.

SITE DESCRIPTION

The application site comprises an existing Lidl supermarket, Energie fitness club and associated car park areas. The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and is surrounded by a predominantly residential area.

RELEVANT HISTORY

There have been a number of planning applications on the site relating to the supermarket and the fitness club but none specifically relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are Chapters:

- 2. Ensuring the vitality of town centres
- 8. Promoting Healthy Communities

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP 1 Presumption in Favour of Sustainable Development

PG 2 Settlement Hierarchy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

IN 1 Infrastructure

IN 2 Developer Contributions

EG 5 Promoting a Town Centre First Approach to Retail and Commerce

SC 1 Leisure and Recreation

SC 2 Indoor and Outdoor Sports Facilities

SC 3 Health and Well-Being

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management
CO 1 Sustainable Travel and Transport
CO 4 Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Macclesfield Borough Local Plan 2004

The Macclesfield Borough Local Plan 2004 allocates the site as being within an Existing Shopping Area.

The relevant Saved Policies are:

NE11 Nature conservation;
S4 Local Shopping Centres
DC3 Residential Amenity;
DC6 Circulation and Access;
DC8 Landscaping;
DC9 Tree Protection;
DC13 Noise
DC63 Contaminated land

Wilmslow Neighbourhood Plan

Neighbourhood Area has been designated, but no draft plan is currently available.

CONSULTATIONS:

United Utilities – No objections subject to conditions relating to foul and surface water

Flood Risk Manager – No objections subject to conditions relating to compliance with FRA and drainage

Head of Strategic Infrastructure – No objections subject to a condition relating to exit from the car park

Environmental Health – No objections subject to conditions relating to noise mitigation, piled foundations, dust control, floor floating, lighting, electric vehicle infrastructure and contaminated land

Wilmslow Town Council – recommend refusal on the following grounds:

- The location of the proposed development is not a 'Town Centre' as indicated in the proposal. The argument for a 'proven need' at this location has not been made and that the loss of the existing D2 facility would reduce the service offer at this location. The existing store meets the needs on a site which is considered to be neither a 'Key Service Centre' or a 'Local Service Centre' in the Local Plan.
- Highlight Policies SC1 and SC2 of the Cheshire East Local Plan and believe that the size of the membership, the absence of an alternative within walking distance and the range of services available should ensure that these policies rightly protect this leisure and recreation facility.

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

Full representations can be viewed on the application file. Approximately 415 letters of representation have been received objecting to the proposal on the following grounds:

- No need for a larger store
- Disruption during construction
- Loss of gym
- Loss of health and social facility
- No alternative gym nearby
- Use of car park by car showroom should not be allowed
- Impact on health and wellbeing of community
- Loss of jobs within health club
- Several supermarkets in local area
- Gym is a community facility
- Increased traffic
- Gym has approximately 3000 members
- Gym is very affordable
- Loss of privacy to residents
- Size of building is inappropriate
- Building is out of character with local area
- Impact on wildlife
- Many elderly people benefit from the gym
- Building come closer to residents
- Local plan does not support this type of development
- Removal of mature vegetation / trees
- Thriving local businesses should be supported
- Club is very accessible
- Community needs gym more than shop
- Loss of businesses within the club
- CEC has a requirement to promote health and wellbeing of residents
- Increased pollution
- Light pollution
- No other affordable gyms nearby
- Contrary to CELPS as not reusing existing buildings
- Impact on parked cars when vehicles manoeuvring
- Site is not in a town centre
- Will take business from town centres
- Building is too large for Summerfields
- Local gyms are oversubscribed
- Site is well served by public transport
- Should be designated as an asset of community value
- Loss of 55 jobs
- Degrades residential neighbourhood

- Impact on property values
- Will reduce choice in neighbourhood centre by losing traders in the gym
- Loss of parking spaces
- Building will be in stark contrast to adjacent shopping parade and houses
- Contrary to policy MP1 – detrimental to social and environmental conditions in the area
- Contrary to policy SD1 – does not meet the needs of the local community, does not provide access to local jobs, services and facilities
- Only refusal of the application would result in positive cooperation with local community
- Loss of vibrancy of Summerfield centre
- Contrary to policies SC1 and SC2
- Will isolate members who cannot travel
- Should support local businesses rather than big chains
- Other gyms more expensive
- Does not support healthier lifestyles
- Gym is a social hub
- Does not support stronger communities
- Loss of jobs contrary to objectives of sustainable development
- Adverse impact on vitality and viability of Wilmslow Town Centre and Handforth centre
- Site fails sequential test and paragraph 27 of NPPF
- Loss of valued facility reducing community's ability to meet its day to day needs
- Contrary to paragraph 74 of NPPF
- Contrary to policies PG2, SD1, SD2 and EG3 of CELPS
- Does not form part of spatial portrait of CE
- Contrary to case for growth
- At odds with vision of CELPS
- Contradicts key strategic priorities
- Does not satisfy legislation for enterprise and growth
- FRA makes no reference to SUDS
- Building should incorporate more environmental benefits
- Damage to roads from increased traffic
- Visual impact of 2.4m high acoustic barriers
- Absence of bat survey
- Overbearing impact
- No showers provided for employees who cycle
- People visit gym more than a supermarket
- Loss of privacy
- Bus services are being withdrawn
- Will be an out of town destination in own right
- Inadequate pedestrian facilities

Following the re-consultation on the applicant's Leisure Needs Assessment, 76 further letters of representation were received objecting to the proposal on the following additional grounds:

- Assumes people can travel to other facilities
- Assumes people can afford other facilities
- Figures are misleading
- Drive times are longer at peak time
- No desire to use public leisure centre

- More dwellings will be constructed meaning more demand
- Not proven to be surplus to requirements
- Environmental impact of additional travel times
- Leisure centre crowded
- None of the other facilities are equivalent to Energie
- Applicant's assessment biased in their favour
- Population figures inaccurate
- Not all other facilities are available as stated
- Alternative provision outside of 1km stated in local plan
- Cabinet report from Sept 2015 identifies Colshaw Farm and Lacey Green facing greatest health inequalities
- All facilities outside of 20 minute walk time
- Gym not surplus to local people's need
- No mention of prices in submitted assessment

A petition containing approximately 600 signatures has also been received objecting to the proposal on the following grounds:

- Gym is situated in a residential area for locals and others to use
- Further traffic problems within this area are unacceptable to residents
- Proposed loss of number of mature trees to make way for new building / delivery area

A letter has also been received from local MP, Esther McVey raising the following concerns:

- Policies being used to support this application appear not to be relevant where a store is being relocated within an area and only apply for a brand new store arriving for the first time on a site and the development is contrary to policies contained in the new CELPS.
- Within the Macclesfield Borough plan, as a 'local centre', there needs to be a proven need for the development and this is not demonstrated. By moving the store into the new location the number of retail outlets in the area decreases as Energi includes 6 small retailers who will no longer be there. None of those businesses offer services replicated anywhere else in the neighbourhood centre.
- In terms of the CELSP, there is reference to policy SG5. This location is neither a Key Service Centre or a Local Service Centre, therefore falls under 'other settlements'. The policy states that the focus, for other settlements, is on providing retail services of appropriate scale and nature for the needs of the local community. The new larger store expands beyond the local area needs and into the wider area taking on a development of a Key Service Centre or Local Service Centre.
- Policies SC1 'seeks to protect and enhance existing leisure and recreation facilities' and policy SC2 protects existing sports facilities unless there is alternative provision or they are surplus to requirements. As I understand it the club has circa 3000 members which would make it difficult to argue it was surplus to requirements. The same policy states that a proposal can't result in a loss of area important for its amenity.

25 letters of representation have been received supporting the proposal and making the following comments:

- Improvements will be great
- Existing store is not big enough

- There are too many gyms

Four additional letters of support were received in response to the re-consultation on the revised plans.

APPRAISAL

Economic Sustainability

Retail

Policy EG5 of the CELPS promotes a town centre first approach to retail and commerce, and identifies a hierarchy of retail centres in Cheshire East. The policy states that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development.

The site is identified in the Macclesfield Borough Local Plan as an Existing Shopping Area, and forms part of the Dean Row Road Neighbourhood Shopping Centre. Saved policy S4 of the Macclesfield Borough Local Plan seeks to maintain a level of shopping provision at local shopping centres such as this commensurate with the role the centre serves in the community. The justification for the more up to date policy EG5 of the CELPS states that “until they are reviewed, the existing boundaries and retail allocations will remain as they are in the 'saved' policies of the Congleton Borough Local Plan First Review, the Borough of Crewe & Nantwich Replacement Local Plan and the Macclesfield Borough Local Plan. Accordingly the allocation of the application site under policy S4 of the MBLP is considered to be up to date, and in accordance with policy EG5.

In addition to the gym and the existing Lidl store, the other units within this local centre include 2 charity shops, a chip shop, a sandwich shop, a dry cleaner, a hairdresser, a tanning salon, a chemist, a Tesco express, a vacant unit, a pub and a car showroom.

The submitted planning and retail statement states that Lidl stores offer a limited range of around 2,000 products, which is significantly smaller than those offered by other leading food retailers. The statement continues, “*Lidl does not compete in the same market as many independent or specialist traders such as confectioners, greengrocers or butchers. Lidl do not sell cigarettes or single confectionery items, do not include pharmacies or post offices and no meat or fish preparation takes place on the premises.*”

The increased size of the building is said to provide for additional sales and non-sales floor space. The new store will offer an identical range of goods to the existing store, save for an expansion of the bakery product lines following the introduction of the in-store bakery. The additional sales floor space will generally provide for wider aisles, larger product displays and more spacious circulation area on entry to the store, with the non-sales floor space providing a large pallet freezer, bakery preparation area, customer toilets, more generous storage space and improved staff accommodation.

A sequential approach does not need to be applied in this case because whilst the proposal is for a main town centre use, as noted above, it is in accordance with an up to date local plan. The two uses that are currently present on the application site – a retail store and a gym – are also both defined as main town centre uses. Similarly, impact assessments to consider the

impact of the proposal on investment in a centre or on the vitality and viability of a centre are also not required due to the conformity with an up to date local plan.

The Dean Row Road local centre has a range of uses within it, which do undoubtedly serve a wider catchment than just the local neighbourhood of Dean Row. The comments received in representation from gym users from outside of the immediate area are testament to that, and the presence of a car showroom will also undoubtedly serve to attract people from a wider catchment than the surrounding streets. Whilst the format of the Lidl store referred to above is noted, as an allocated retail site, having regard to the particular uses already present on the site, the evidence that the centre is utilised by people from outside of the area, and the role the centre serves, it is considered that a replacement retail store in general, which will be approximately twice the size of the existing store will continue to provide access to day to day shopping facilities, which are commensurate with the role the centre serves in the community. The proposal is therefore considered to be in accordance with policy S4 of the MBLP and EG5 of the CELPS.

Jobs

The application form indicates that there will be a reduction in numbers of jobs on the site from 18 full-time and 54 part-time to 8 full-time and 32 part-time. The replacement store is expected to create 2 additional full-time and 10-15 additional part-time jobs compared to the existing store. It is also noted that some of the jobs within the gym will be relocated elsewhere, for example the yoga business that was accommodated within the Energie fitness club has recently secured planning permission for alternative premises in Handforth.

Social Sustainability

Loss of leisure facility

The proposal involves the demolition of an existing privately run health and fitness club in order to accommodate the replacement retail store. The health and fitness club, which is operated under franchise from Energie Fitness, provides its members with the following facilities:

- A 20 x 8m swimming pool (4 lanes);
- A 67-station fitness suite;
- Studio space;
- Ancillary facilities, including a café, hair salon and beauty salon.

Policies SC1 and SC2 of the CELPS seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made.

The Council has engaged with Sport England and a range of sports National Governing Bodies about outdoor and indoor sports facilities and what will be required to meet future needs. The Council's *"Indoor & Built Facilities Needs Assessment"* sets out up to date supply and demand information on indoor sports facilities in Cheshire East. This assessment has been carried out in accordance with Sport England's Assessing Needs and Opportunities guide (ANOG) methodology.

In support of this, a Leisure Needs Assessment has been submitted on behalf of the applicant, which seeks to demonstrate that the facilities at the health and fitness club are surplus to requirements.

The following assessment considers the findings of the Council's Needs Assessment as well as the applicant's submitted Needs Assessment for each of the facilities currently accommodated within Energie Fitness.

Swimming Pools

The swimming pool at Energie is included in the list of swimming pools within the Borough in the Council's Needs Assessment, but it is not listed as one of the *community accessible swimming pools*. The assessment states that pools *"which do not fit ANOG's criteria due to size or if they are in private use only are removed from the assessment"*.

The Council's Needs Assessment states that *"when looking at a very simplistic picture of the overall supply and demand across Cheshire East, the resident population is estimated to generate a demand for a minimum of 3,890 m2 of water space. This compares to a current available supply of 4,850m2 of water space, giving a supply/demand balance of 960m2 of water space"*. Therefore there is currently an oversupply of water space compared to demand in Cheshire East.

The provision of water space in Cheshire East amounts to 15.86sqm per 1000 population, which is significantly above the regional (12.91sqm) and national (12.675sqm) average. The Amateur Swimming Association (ASA) use a figure of 11sqm of water per population of 1000 as a benchmark guide to Local Authorities.

The application site lies between Handforth and Wilmslow. Other identified community accessible swimming pools in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth) and Wilmslow Leisure Centre (Wilmslow town centre). The main pools at these 3 locations have a collective pool size of 860sqm. Taking the population of Handforth and all Wilmslow Wards to be 32,310 (2011 census), this would equate to 26.6sqm of water space per 1000 population. If Alderley Edge was included this would reduce to 23.2sqm of water space per 1000 population, and if Poynton was included, this would still be at 16.14sqm per 1000 population, which is still above the average for Cheshire East (15.86sqm), which exceeds current demand.

Whilst there will be some cross boundary usage of swimming pools as people from Stockport or Manchester may use facilities within Cheshire East, and vice versa, the water space figures quoted above have not included David Lloyd or Life Leisure in Cheadle, which are both very accessible by car.

Having regard to the above information, there is considered to be more than sufficient water space per 1000 population to meet current demand and it is considered that the swimming pool at the application site is surplus to requirements in the context of Local Plan policies SE1 and SE2.

Fitness stations

The Council's Needs Assessment states that Energie has 73 community accessible fitness stations, with a total of 2,920 stations available across the Borough.

Over two thirds of the resident population (68.9%) of Cheshire East live within one mile of an accessible health and fitness suite. There are also 28 fitness gyms with 20 stations and above within 2 miles of the Cheshire East boundary, primarily to the north of the Borough boundary (within Manchester and Stockport administrative boundaries).

In terms of the application site, other identified community accessible fitness stations in the local area include Total Fitness (opposite Handforth Dean), Hallmark Health Club (Northern Handforth), Wilmslow Leisure Centre (Wilmslow town centre), and Lifestyle Fitness (Handforth), which provide approximately 555 fitness stations between them.

The applicant's Needs Assessment provides the location of local fitness suites within a 10 minute drivetime of the application site, which includes all of the above and Fit 4 Less Cheadle, Seashell Trust Centre Cheadle Hulme, Spindles - Airport Inn Wilmslow, David Lloyd Cheadle, Anytime Fitness Bramhall. Across all of these facilities there are approximately 978 fitness stations available (excluding Energie), and 585 of these are within the Borough. Planning permission has also been granted for another gym in Wilmslow town centre which could provide a further 75 stations, equivalent to that being lost at Energie.

There are no specific standards for the provision of health and fitness suites or individual stations, however, given that there are almost 1,000 fitness stations within a 10 minute drive time of the application site, compared to nearly 3,000 fitness stations across the whole of Cheshire East, it is considered that the Northern edge of the Borough is particularly well served by such facilities and the stations at the application site can be considered to be surplus to requirements.

In addition, the Council's Needs Assessment states that *"the provision of high quality health and fitness facilities underpin the financial operation of leisure centres"*. This being the case it can be expected that any gap or shortfall in provision would be addressed by another health and fitness operator if the market demand is found to exist at some point in the future.

Studios

The Council's Needs Assessment only highlights the quantity and quality of studio space available in the Borough.

The applicant notes that the majority of the health and fitness suites identified above also offer studio space in the form of exercise studios, dance studios and/or sports halls and multi-functional space. There are also two additional studio facilities at Barrecore in Alderley Edge and South Manchester Sports Club in Heald Green that offer regular classes.

The studio space at the Energie Fitness Club is primarily used to accommodate exercise classes run by freelance instructors. These classes / freelance instructors will relocate to the Fit 4 Less club in Cheadle, which is also operated under the Energie Fitness franchise.

The plans for the recently approved gym at Parsonage Green in Wilmslow (17/1784M) is also shown to accommodate studio space, and will compensate for the loss of the studio at Energie Fitness, if the development comes forward.

Conclusion on loss of leisure facility

The availability of alternative facilities to the existing Energie Fitness club within the local area is explained above. It is very clear that the existing gym is a valuable and convenient facility for many local people, and others from further afield. However, the facilities provided at Energie are available at several locations within the Wilmslow and Handforth area, and any additional demand arising from the loss of the Energie gym and pool can be accommodated within these alternative facilities. It is acknowledged that some of these alternative facilities might be more expensive, or not quite as convenient, but this is not a material planning consideration in this case. For those without a car, Wilmslow town centre is approximately 2kms from the application site, which is within walking or cycling distance, and the 130 bus provides access from outside of the application site to Wilmslow town centre approximately every 30 minutes between 7am and 8pm.

The Council's Leisure Services Manager has been consulted on the proposal and whilst they express disappointment at the closure of the facility, they note that the applicant's Leisure Needs Assessment has used the data in the Council's Assessment to demonstrate that even with its loss there is still sufficient supply within Cheshire East to take up the demand created, and therefore comply with relevant policies.

It is also important to note that unlike outdoor open space indoor facilities are not a finite resource, and their supply will be very much dependant upon demand and market forces.

It has been demonstrated that there is an adequate supply to meet demand without the facilities at Energie, which can therefore be identified as surplus to requirements. Accordingly, the proposal is considered to comply with policies SC1 and SC2 of the CELPS.

Environmental Sustainability

Design / Character

Policy SD2 of the CELPS expects all development to *"Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;"*

The area is characterised by a range of single, two and three-storey commercial and residential properties. The existing retail store is constructed in red brick under a red tile pitched roof, whilst the gym is rendered with a grey tile roof. The red brick is typical of surrounding buildings and the area in general, but the rendered gym and the adjacent nursery building indicate a range of materials and styles are also evident in the immediate area.

The new retail store will sit on a similar, albeit larger, footprint to the existing gym building. At 7 metres in height the new building will be approximately 2.5 metres lower than the existing gym building. The variety in building heights in the area means that the height of the new building will not be seen as a discordant feature. The remainder of the application site (to the

east of the replacement store) will provide the majority of the car parking and will relate well to the existing car park serving the wider shopping centre.

The proposal involves the construction of a building with rendered walls, silver cladding, glazing and a mono pitched roof. Whilst this approach differs to many of the surrounding buildings, the render and silver / grey cladding and detailing does reflect what is already present on the adjacent nursery building, and as such the proposal can be accommodated into this area without any significant harm to the character and appearance of the locality.

During the course of the application a number of small revisions have been made to the layout to provide the continuation of existing footway past the neighbouring parade of shops towards the Lidl entrance, thereby improving the links between the shops; a clearly defined pedestrian route across the car park to the store entrance; and an increased width of landscape buffer to the north of the disabled parking spaces to enhance the visual amenity of the space between Lidl and the shopping parade.

The boundaries to the north, south, east and west of the new building comprise relatively strong and mature landscape features which will be retained as part of the proposal which helps to maintain existing relationships with neighbouring buildings. The eastern boundaries of the site will retain the existing brick piers with timber infill panels and extend this feature between the car park and the shops to the east. To the north the existing vegetation along the boundary will remain, as will the palisade fence along the western boundary together with the vegetation on the landscaped verge on Colshaw Drive. In addition to this on the western boundary a 2.5m high close boarded acoustic timber fence is proposed on the car park side of the existing palisade fence. The existing vegetation will serve to significantly soften the appearance of this fence, and due to this and the set back from the road, it will not be a prominent feature from outside of the site. Within the site, space is provided for landscaping which will not hide the fence, but will again soften its appearance, and the fence will be seen in the context of this new planting and the much taller and established existing vegetation. The southern boundary will retain the existing trees and hedges. The overall visual impact of the boundary treatments will not be significantly different to that which currently exists and as such is considered to be acceptable.

The proposal is therefore considered to comply with policies SD2 and SE1 of the CELPS.

Energy Efficiency

The applicant's submission states that the proposed store seeks to maximise opportunities to reduce energy consumption, use energy efficient materials and equipment and enhance operational efficiency. Policy SE9 of the CELPS expects non-residential development over 1,000 square metres to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This can be secured by condition.

Living conditions

The site is bordered on its northern and eastern boundaries by residential properties on Tiverton Drive and Chamberlain Drive. The closest part of the gym building is currently located approximately 19.6 metres from the properties on Tiverton Drive. The nearest properties on Tiverton Drive will be approximately 20.5 metres from the eastern elevation of the new building, which has a maximum height of 7 metres. The building is single-storey, and

therefore the only windows in this elevation are at ground floor level and will look out onto the proposed car park. There is also intervening vegetation along this boundary up to 11m high which will be retained and will help to further reduce the impact upon these neighbours.

To the north, there are residential properties on Chamberlain Drive, which are located approximately 17.3 metres from the rear elevation of the existing gym building. The blank north elevation of the new retail store will be approximately 14.1 metres from these dwellings. Whilst the new building will be closer than the existing the substantial vegetation to the north of the site will be largely retained and will adequately filter any views of the new building. The vegetation is currently the dominant aspect of the outlook from these properties, and will remain as such.

To the north west of the site, on the opposite side of Colshaw Drive there are residential properties on RossencloUGH Road, however, due to their positioning and distance to the new building, there will not be any significant impact upon the living conditions of these neighbours.

An acoustic report has been submitted which considers the impact of the noise from plant and equipment, noise from deliveries to the store and also customer vehicles on the store car parks. The report recommends mitigation designed to ensure that occupants of nearby dwellings are not adversely affected by operational noise from the development. The mitigation includes restricting deliveries to daytime hours (07:00 - 23:00 hours), a 2.4m high acoustic barrier around the plant compound and a 2.5m high acoustic barrier along the loading ramp and site boundary. Environmental Health advise that the proposed mitigation is acceptable to ensure that the occupants of nearby residencies are not adversely affected by operational noise from the development.

The proposal raises no significant amenity issues and is considered to comply with policies DC3 and DC13 of the MBLP, and the noise aspect of policy SE12 of the CELPS.

Air Quality

Policy SE12 of the emerging Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

As a major development the proposal does have the potential to have a negative impact on the local air quality. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce traffic associated with the development and safeguard future air quality in Wilmslow.

The applicant has already submitted a Travel Plan to identify alternative forms of transport and reduce the reliance on the private car. However, further mitigation requiring the provision of electric vehicle infrastructure is recommended and can be secured by condition.

Contaminated Land

This site is currently a food store with a car park and electricity sub-station and therefore there is the potential for contamination of the site to have occurred. The submitted Phase 1 Desk

Study report recommends that a shallow borehole investigation is undertaken. This is to determine the presence of potential contaminants in soils from the electricity sub-station and car parks. Appropriate contaminated land conditions are therefore recommended to ensure compliance with policy DC63 of the MBLP and SE12 of the CELPS.

Flood Risk

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. The proposed development is therefore acceptable from a flood risk perspective. The submitted Flood Risk Assessment (FRA) states that due to the tight site constraints, location and principally that the site is a brownfield site the use of site infiltration and other similar SUDS systems are not suitable for this development. The Flood Risk Manager and United Utilities raise no objection to the proposal subject to conditions relating to drainage and compliance with the submitted FRA.

Highways

The gross floor space of the replacement store will be 2480sqm, compared to 1130sqm of the existing store and 2,973sqm of the existing fitness club. There will be an increase in sales floor space of the retail unit from 861sqm (existing) to 1655sqm (proposed).

The recommended parking standards within the CELPS for food retail are 1 space per 14sqm and for non food retail it is 1 space per 20sqm. Using the gross floor area of 2480sqm, 177 spaces would be required for a food retail store, and if the proposed sales floor area was used 118 spaces would be required. 137 parking spaces are being provided within the site.

The existing Lidl store has a gross floor space of 1130sqm, which would require 80 parking spaces to be provided to be in accordance with the CELPS recommended parking standards, whereas only 68 are provided. However, there are additional parking spaces available which are shared with the other retail and food stores in the local area, which would also be available for the proposed store.

Added to this, the submitted Transport Assessment states that analysis of the estimated trips generated from the proposed development concludes that the highest combined number of vehicles visiting the discount food retail and the non-food retail elements of the site will be approximately 75 vehicles on a Saturday.

The proposed car parking spaces are 2.5m wide and 5.0m in length which comply with the size standards in the CELPS. Six spaces will be designated disabled and eight will be parent and child spaces. Cycle parking for 8 cycles is also provided close to the store entrance. The site is within walking distance of many residential properties and there are bus stops just outside the site.

The access to the store remains the same from Village Way although it is proposed to provide an exit only from the main car park to Village Way. Servicing will take place to the building from the western car park.

In terms of the traffic impact of the proposal, the main consideration is that there is an existing store at the site already which generates traffic to the site. Whilst there is an extension to the retail floor space, the Head of Strategic Infrastructure advises that this generally does not

translate into a high increase in new trips to the site over and above the customers already using the site. In addition, the removal of the gym trips from the site reduces the impact of the development.

No highway safety issues are raised and the Head of Strategic Infrastructure raises no objections to the proposal, subject to a condition requiring details to be submitted showing how the exit only from the main car park is to be controlled. The proposal is therefore considered to comply with policy DC6 of the MBLP.

Trees / landscape

The submitted Arboricultural Report and Impact Assessment identify 32 individual trees and six groups of trees or shrubs within or immediately adjacent to the application site. Three trees have been assessed as Moderate (B) category specimens with the remaining trees have been categorised as low value (C) category specimens.

The Assessment of the development proposals identifies a direct loss of 13 individual trees (comprising of various Maple, Birch, Portuguese Laurel and Plane) to accommodate the proposed new building and access arrangements. A Laurel hedge (G18) and a semi mature group of Ash (G25) also identified as low value specimens will require pruning to accommodate a proposed fence to the rear of the building.

Whilst there will be tree losses, these are considered to be acceptable, and in addition the development provides opportunities for new tree planting as part of a soft landscaping scheme that will provide mitigation for the loss of trees. The landscape plan does show that there some scope for new planting and this should incorporate high canopy species where appropriate. Insufficient details of the planting are provided on the landscape plan, and it is therefore recommended that further landscaping details are secured by condition.

There are a number of areas where there are indirect impacts on retained trees where new hard standing slightly encroaches into root protection areas (RPA's). These areas where retained trees are located to the north, north west and eastern site boundaries are to facilitate car parking and a footpath around the edge of the proposed building. The arboricultural officer accepts that the minor encroachment can be minimised in this instance by utilising site specific no dig construction using three dimensional cellular confinement systems with porous surfacing.

The proposal is therefore considered to comply with policies DC8 and DC9 of the MBLP and policy SE5 of the CELPS.

It should also be noted that following the submission of this application the Council received a request to consider protecting trees within the site. As a result of this, an amenity evaluation of the trees was carried out by the Council's arboricultural officer to assess whether they are of sufficient value to warrant formal protection. The conclusions of the assessment confirmed that the majority of the trees present either a poor social relationship to adjacent properties, have poor clonal form or are of no outstanding merit and do not make a significant contribution to the wider amenity of the area. Consequently, a Tree Preservation Order was not considered to be appropriate.

Ecology

The application site falls within Natural England's SSSI impact risk zones for Lindow Common, but the proposal is not a type of development which Natural England wish to be consulted on at this location. No further action in respect of the SSSI is required.

The submitted ecological surveys focus on the potential of the on site buildings and trees to support roosting bats. No evidence of roosting bats was recorded during the submitted surveys and therefore roosting bats are unlikely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, small numbers of common bat species were recorded commuting around the site. To avoid any localised adverse impacts on bats resulting from any lighting associated with the development, a condition is recommended requiring any additional lighting to be agreed with the LPA. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK - bats and the built environment series (Bat Conservation Trust, 2009). A further condition is also recommended to safeguard breeding birds. Subject to these conditions the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

Other matters

With regard to the comments received in representation not addressed above, it is confirmed that the site is not a designated asset of community value. In addition, the disruption during construction which will be a temporary manifestation of the development process, the use of the car park by the car showroom, and the impact on property values are not material planning considerations in this case and cannot be afforded any weight in the determination of this application.

CONCLUSION

The proposal seeks to provide a replacement retail store on a site allocated for shopping purposes in the local plan. The proposal is compliant with local and national planning policies for retail development. The comments received in representation have been given due consideration in the preceding text, however, the existing gym is considered to be surplus to requirements, given the availability of other indoor leisure facilities in the local area. The proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. In accordance with policy MP1 of the CELPS, the application should therefore be approved without delay.

RECOMMENDATION

For the reasons set out above, the application recommended for approval, subject to conditions.

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

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A03TR - Construction specification/method statement (trees)
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. Nesting birds survey to be submitted
10. External lighting details to be submitted
11. Measures to ensure that the exit only from the main car park is controlled to be submitted.
12. Development to be carried out in accordance with FRA
13. Drainage strategy with detailed calculations to be submitted
14. Foul and surface water shall be drained on separate systems.
15. Noise mitigation measures to be implemented
16. Method statement for piling and floor floating to be submitted
17. Method statement for minimising dust emissions during demolition / construction
18. Electric Vehicle Infrastructure to be provided
19. Travel plan implementation
20. Phase II ground investigation and risk assessment to be submitted
21. Imported soil to be tested for contamination
22. Unforeseen contamination to be reported to LPA
23. 10% of energy from decentralised and renewable or low carbon sources
24. No deliveries outside of the hours of 07:00 and 23:00 hours

25. Details of phasing to be submitted

