

Strategic Planning Board

Agenda

Date: Wednesday, 24th May, 2017
Time: 10.30 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 19 April 2017 as a correct record.

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **16/0138M-Erection of retail and leisure development comprising Class A1 retail units, Class A3 cafes and restaurants, Class D2 gym and Class C1 Hotel, Land at Earl Road, Handforth for Martin Ridgway, CPD Development Projects Limited (Pages 11 - 58)**

To consider the above application.

6. **16/0802M-Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping, Land at Earl Road, Handforth for Martin Ridgway, CPG Development Projects Limited (Pages 59 - 88)**

To consider the above application.

7. **16/3284M-Erection of retail floorspace, Land at Earl Road, Handforth for Martin Ridgway, CPG Development Projects Ltd (Pages 89 - 106)**

To consider the above application.

8. **16/5678M-Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. (Resubmission 15/0400M), Land at Junction of Earl Road and, Epsom Avenue, Handforth for Orbit Investments (Properties) Ltd (Pages 107 - 140)**

To consider the above application.

9. **WITHDRAWN-16/5850C-Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road, Land South Of, Old Mill Road, Sandbach for W and S Sandbach Ltd**
(Pages 141 - 152)

To consider the above application.

10. **17/0510M-Delivery of watersports and outdoor activity centre on the north and south lake of the former mere farm quarry, including new vehicular access, car parking and multi use building, Former Mere Farm Quarry, Alderley Road, Chelford for Mr Tim Woodhead, Adventure Lakes Limited** (Pages 153 - 184)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 19th April, 2017 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, S Edgar (Substitute), T Fox, S Hogben, D Hough,
J Jackson, S Pochin, M Sewart, L Smetham and J Wray

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr D Hallam (Principal Conservation and Design
Officer), Mr N Jones (Principal Development Officer), Mr D Malcolm (Head of
Planning (Regulation)) and Mr G Taylerson (Principal Planning Officer)

109 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Macrae.

110 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/0195C, Councillor J
Hammond declared that he was a Director of ANSA who were a consultee
however he had not made any comments nor been in any discussions
relating to the application.

In the interest of openness in respect of application 17/0195C, Councillor
S Hogben declared that he was a Director of ANSA who were a consultee
however he had not made any comments nor been in any discussions
relating to the application.

111 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 22 March 2017 be approved as a
correct record and signed by the Chairman.

112 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

- 113 **WITHDRAWN 16/0138M LAND AT EARL ROAD, HANDFORTH - ERECTION OF RETAIL AND LEISURE DEVELOPMENT COMPRISING CLASS A1 RETAIL UNITS, CLASS A3 CAFES AND RESTAURANTS, CLASS D2 GYM AND CLASS C1 HOTEL FOR MARTIN RIDGEWAY, CPG DEVELOPMENTS LTD**

This application was withdrawn prior to the meeting.

- 114 **WITHDRAWN 16/0802M LAND AT EARL ROAD, HANDFORTH - ERECTION OF FOUR RESTAURANTS AND THREE DRIVE-THRU RESTAURANT/CAFE'S ALONG WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPING FOR MARTIN RIDGEWAY, CPG DEVELOPMENT PROJECTS LTD**

This application was withdrawn prior to the meeting.

- 115 **WITHDRAWN 16/3284M LAND AT EARL ROAD HANDFORTH - ERECTION OF RETAIL FLOORSPACE FOR MARTIN RIDGEWAY, CPG DEVELOPMENT PROJECTS LTD**

This application was withdrawn prior to the meeting.

- 116 **WITHDRAWN 16/5678M LAND AT JUNCTION OF EARL ROAD AND EPSOM AVENUE, HANDFORTH - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF FIVE UNITS TO BE USED FOR CLASS A1 (NON-FOOD RETAIL) PURPOSES AND TWO UNITS TO BE USED FOR USE CLASS A1 (NON-FOOD RETAIL OR SANDWICH SHOP) AND/OR USE CLASS A3 AND/OR USE CLASS A5. CREATION OF CAR PARK AND PROVISION OF NEW ACCESS FROM EARL ROAD, TOGETHER WITH LANDSCAPING AND ASSOCIATED WORKS. (RESUBMISSION 15/0400M) FOR ORBIT INVESTMENTS (PROPERTIES) LTD**

This application was withdrawn prior to the meeting.

- 117 **17/0195C LAND OFF WAGGS ROAD, CONGLETON - THE ERECTION OF 104 RESIDENTIAL DWELLINGS INCLUDING, INCLUDING OPEN SPACE, TOGETHER WITH ASSOCIATED WORKS INCLUDING LANDSCAPING, THE FORMATION OF ACCESS, SITE WORKS, NECESSARY ENGINEERING WORKS TO FACILITATE HIGHWAY AND FOOTWAY IMPROVEMENTS TO WAGGS ROAD AND OTHER NECESSARY WORKS FOR MR MIKE STONE, BELLWAY HOMES LTD (MANCHESTER DIVISION)**

Consideration was given to the above application.

(Councillor Paul Bates, the Ward Councillor, Town Councillor Amanda Martin, representing Congleton Town Council, Peter Minshull, an objector and Mike Stone, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1) The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PS8 (Open Countryside), GR1 (New Development), GR2 (Design), H6 (Residential Development in the Open Countryside and the Green Belt) of the Congleton Local Plan, Policies PG5 (Open Countryside) and SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2) The visibility of an existing access opposite the proposed site access has been affected by the revised access plans and the visibility has been reduced to an unacceptable distance, rendering the access unsafe and unsuitable for the existing residents. The reduced carriageway widths and on-street parking on Waggs Road and Fol Hollow are existing issues. However the inadequate infrastructure that provides access to the site and schools is considered not to be of a satisfactory standard to support further major development proposals whose generated traffic will have a direct impact on both Waggs Road and Fol Hollow. As a result the development would have a severe adverse impact on Waggs Road and Fol Hollow, due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme namely housing land supply. The development is therefore contrary to Policies GR1 (New Development), GR2 (Design), GR3, GR7, GR9 (New Development), GR10 and GR18 (Traffic Generation) of the adopted Congleton Borough Local Plan, Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SC3 (Health and Well-being), C01 (Sustainable Travel and Transport) of the Emerging Cheshire East Local Plan and the requirements of the NPPF

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, authority is delegated to Head of Planning (Regulation) to secure the following obligations as part of any S106 Agreement:-

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and NEAP.

3. Primary and Secondary School and SEN Education contribution of £513,063

118 13/3449C GLEBE FARM, BOOTH LANE MIDDLEWICH - UPDATE FOLLOWING THE RESOLUTION TO APPROVE THIS OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR APPROX 450 DWELLINGS.

Consideration was given to the above report.

RESOLVED

That for the reasons set out in the report the changes to the S106 Heads of Terms in relation to the MEB contribution as set out below be approved:-

‘A contribution towards Middlewich Eastern Bypass of £4,780,000. If the MEB is not delivered the sum will be spent on the following highway/sustainability measures: Bus Service/Facility Improvements; Town Bridge – Signal Junction Improvements; Cycle Lanes -Towpath: Middlewich to Glebe Farm; Cycle Lanes -Carriageway Modification: Middlewich to Glebe Farm; and Cycle Lanes -Towpath: Glebe Farm to Elworth. The sum is to be paid in 4 equal stages on the first occupation of 20%, 40%, 60% and 80% of the dwellings approved on the site at the Reserved Matters stage’.

(Councillor D Hough requested it be minuted that he voted against the decision to approve).

119 ITEM OF URGENT BUSINESS - CHESHIRE EAST DESIGN GUIDE

Consideration was given to the above report.

Members raised the following points:-

- (i) In respect of issue 43 on page 39 – the proposed modification should be reworded to make clear that proposals that do not meet the required quality of design should be refused or deferred to allow amendment.
- (ii) Issue 49 – was car pooling relevant to Cheshire East and how would it work?
- (iii) Modification ref. 57 should not specifically identify that 20mph signage is unnecessary and it should be encouraged in new development (especially given the initiatives to provide 20mph signage in proximity to schools)
- (iv) Why was there no guidance on bin storage, when guidance on cycle storage was provided?
- (v) Why was there no guidance on rural types of development given that large parts of the Borough were rural? Production of further guidance in relation to rural development was strongly advocated.
- (vi) Report made reference to Places Matter comments not being fully incorporated. What had been taken into account and what had been discounted?
- (vii) Why were Poynton and Holmes Chapel specifically chosen as additional sample settlements? It was recommended that all Key Service and Local Service Centres have sample settlement guidance.
- (viii) Updated snapshot vision of Cheshire East towns important to determine their capacity.
- (ix) Need to ensure that the raising of design standards did not deter brownfield development.
- (x) Wilmslow Parks SPDs currently 'saved' SPDs. How would continuity and joined up consideration of policy be secured?
- (xi) No specific mention of the provision of bungalows within housing developments, when there was an acknowledged shortage.
- (xii) Parking – garages tended to be too small to be usable and insufficient parking was provided causing unplanned parking on street – suggestion that bollards should be used to prevent fly parking on pavements.
- (xiii) No specific mention of special needs/end of life housing within the Design Guide.

RESOLVED

That for the reasons set out in the report the Planning and Housing Portfolio Holder be recommended to approve the incorporation of proposed amendments (set out in appendix A of the report) to the Cheshire East Residential Design Guide and its adoption as a Supplementary Planning Document subject to the Portfolio Holder taking into consideration the comments outlined above.

The meeting commenced at Time Not Specified and concluded at 1.10 pm

Councillor H Davenport (Chairman)

HANDFORTH RETAIL APPLICATIONS – Briefing Note

The agenda contains four planning application for retail developments on adjacent sites in Handforth. Each application must be determined on its own merits but given the close proximity of the sites it is appropriate for Members to be aware of all the applications and some of the key facts. The cumulative retail impact would become relevant if Members were supportive of the proposals.

NB: This does not substitute the full and detailed reports for each application.

Land off Earl Road – for CPG Development Projects Limited

16/0138M - Construction of 23,076sqm of class A1 retail floorspace and 2,274sqm of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping (Phase 2 and 3)

- Total floorspace 25,350sqm
- Jobs approximately 730FTE
- Retail impact – Adverse, but finely balanced and mitigation provided
- Loss of employment land

16/0802M - Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping (Phase 2)

- Total floor space of 2,274sqm
- Jobs approximately 126FTE
- Retail impact – Adverse
- Loss of employment land

16/3284M - Erection of retail floorspace – (Phase 1B)

- Total floorspace 2,320 sqm (additional over existing of 1,674sqm)
- Jobs approximately 40
- Retail Impact – Adverse
- Part loss of employment land

Land off Epsom Avenue – for Orbit Investments (Properties) Ltd

16/5678M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park, new access from Earl Road and landscaping

- Total floorspace of 5,130sqm
- Jobs approximately 207-213FTE
- Retail impact – Adverse
- Loss of employment land

Cumulative Retail Impact

The NPPF advises that where an application is likely to have a significant adverse impact then it should be refused.

Although individual applications are considered to be adverse, the cumulative impact of the CPG and Orbit schemes together is considered to have a significant adverse impact on the existing town centres of Macclesfield and Stockport. As a consequence mitigation would be required to reduce the impact to acceptable levels.

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Application No: 16/0138M

Location: LAND AT, EARL ROAD, HANDFORTH

Proposal: Erection of retail and leisure development comprising Class A1 retail units, Class A3 cafes and restaurants, Class D2 gym and Class C1 Hotel.

Applicant: Martin Ridgway, CPD Development Projects Limited

Expiry Date: 18-Apr-2016

SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. Policy EG3 of the emerging Local Plan Strategy also seeks to protect existing employment sites for employment use, unless premises are causing nuisance or environmental problems, or the site is no longer suitable or viable for employment use. 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".

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

There are very clear benefits arising from the proposal in that the development will bring a vacant site into active use and provide approximately 730 additional jobs when operational. Added to this will be the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East. These factors taken together, but particularly the creation of this number of jobs in the context of the local plan goal of creating 31,400 jobs to 2030, is a significant benefit of the proposal that does carry substantial weight.

It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can be afforded to this.

The ecological and tree impacts are considered to be appropriately mitigated through replacement woodland planting off site. The mitigation for this also feeds into the wider aspirations of the Council to create a Country Park on the land area identified as the mitigation site. This provides the potential for wider social benefits to be realised in terms of

future access to high quality open spaces. This should be acknowledged in the planning balance, but given that this is aspirational at this stage it is considered that it can only be considered as a neutral aspect of the proposal.

Whilst the comments from Stockport MBC Highways are acknowledged, the highways impact upon Cheshire East and Stockport highways has been found to be acceptable subject to appropriate improvement works. The impact upon residential amenity / noise / air quality and contaminated land is either acceptable or could be mitigated through the imposition of planning conditions.

There are no sequentially preferable sites to accommodate the proposed development. The retail impact upon existing centres as an individual development will result in an adverse impact on Stockport and Macclesfield, albeit at the higher end of the “adverse” spectrum. Appropriate mitigation can be secured to ensure that the impacts are no worse than those identified in the retail appraisal, and to ensure that the impact is no greater than adverse. Paragraph 27 of the Framework advises refusal when an application is likely to have significant adverse retail impacts, however in this case the impacts are adverse, and not significantly adverse. Accordingly the proposal is considered to have an acceptable retail impact. Added to this, the agreed financial contributions will provide for public realm improvements in the affected centres at a time when significant Council investment is taking place in these areas, which may help to stimulate further investment.

Weighing heavily against the benefits identified above is the loss of employment land. The justification for policy E2 of the local plan explains that retailing is not permitted (on existing employment sites) because it would reduce the amount of employment land available and provision is made elsewhere for retailing. It is acknowledged that the proposal would generate a significant number of jobs. Although it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates, the creation of 730 FTE jobs is a large number and must be given significant weight. Although as noted, this could be significantly less than the potential jobs an office scheme on the site could generate which could range from 600-2000 FTE.

Employment sites are allocated to create a range of good quality employment opportunities that will drive the future economic growth of the Borough, supporting business sectors that are key to the future economic success of the Borough. Employment uses are defined as the ‘B class’ employment uses, namely office, light industrial, general industrial and storage and distribution uses. It is accepted that within those uses, some sites and ‘B’ uses will result in fewer jobs than others. For example, B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use with a comparable floorspace. Employment allocations are important to provide land for substantial buildings (including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The Council’s economic strategy is about providing better jobs. Handforth is close to the airport and has a synergy with other sites within the locality and wider region. The Council is already under pressure to provide more high quality employment sites and are having to allocate Green Belt sites to achieve this. The removal of a good employment site that is not in the Green Belt makes no sense in terms of our economic strategy. However, the Framework and policy EG3 of the CELPS allow for alternative uses to be considered where there is no

reasonable prospect of the site being used for employment purposes, or it has been demonstrated that the site is no longer suitable or viable for employment use.

It is acknowledged that the marketing of the site and the viability assessment that has been carried out both suggest that the prospects of an employment use on this site are unlikely. There does however remain a concern that the viability appraisals submitted do not evidence that all employment uses are unviable and that this, coupled with the employment land position advanced for the CELPS, fail to demonstrate that there is no reasonable prospect of the site being used for employment purposes.

Despite the identified benefits, it is not considered that there are sufficient material considerations to indicate a move away from the Development Plan. The proposal is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the CELPS and paragraph 22 of the Framework.

SUMMARY RECOMMENDATION

Refuse

PROPOSAL

The application seeks outline planning permission for the construction of 23,076sqm of class A1 retail floorspace and 2,274sqm of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping. This application seeks approval for access, appearance, layout and scale, with landscaping reserved for subsequent approval.

The application has been amended and reduced in scale since the original submission in January 2016. The amendments include the removal of the originally proposed hotel.

It should be noted that there is a separate application for part of this site referred to as Phase 2 (application 16/0802M). However, the larger retail scheme (the subject of this application) encompasses both Phase 2 and Phase 3 as a single application.

SITE DESCRIPTION

The application site comprises 4.8 hectares of open employment land as identified in the Macclesfield Borough Local Plan. The site lies within the Stanley Green Business Park / Industrial Estate, to the east of the A34 Handforth bypass adjacent to the Handforth Dean Retail Park.

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:

83294P – Erection of retail warehousing – Refused 04.04.1996, Appeal dismissed 23.11.1998

The most recent planning permission on the site was:

04/1091P - Renewal of planning permission 01/2683P for use of land for car parking from 01/04/05 to 31/03/10 – Approved 17.06.2004

On the wider site

16/0802M - Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping – not yet determined (Phase 2)

16/3284M - Erection of retail floorspace – not yet determined (Phase 1B)

12/4562M - Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking – Approved 23.10.2014

On the adjacent site off Epsom Avenue

16/5678M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. (Resubmission 15/0400M) – not yet determined

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works – Refused (loss of employment land) 08.03.2016 – Appeal scheduled for 13 June 2017

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Of particular relevance are paragraphs:

22 (long term protection of employment sites)

24, 26 and 27 (town centres)

Local Plan Policy

Macclesfield Borough Local Plan (MBLP) -

NE9 (River corridors)

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

E1 (Employment land)

E2 (Retail development on employment land)

E3 (Employment land – business)
E4 (Employment land – industry)
T3 (Improving conditions for pedestrians)
T5 (Provision for cyclists)
IMP1 (Provision for infrastructure)
IMP2 (Need for transport measures)
DC1 (High quality design for new build)
DC2 (Design quality for extensions and alterations)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Natural surveillance)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Neighbourhood Plan policy

The Handforth Neighbourhood Plan is at the early stages of formulation and has had its Neighbourhood Area Designation confirmed (Regulation 7) but there are no policies material to the current application at this time.

Other Material Considerations

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG3 Existing and Allocated Employment Sites
EG5 Promoting a Town Centre First Approach to Retail and Commerce

CONSULTATIONS

United Utilities – No objections subject to conditions relating to drainage

Environment Agency – No objections subject to condition relating to drainage of hardstanding areas.

Natural England – No comments to make

Manchester Airport – No objections subject to condition relating to a waste management plan (to avoid attraction of birds)

Environmental Health – No objections subject to conditions relating to pile driving, floor floating, dust control, travel planning, electric vehicle infrastructure and contaminated land.

Head of Strategic Infrastructure – No objections subject to conditions relating to highways improvements and a planning obligation to fund the monitoring of the travel plan.

Flood Risk Manager – Comments awaited

Public Rights of Way – No objection subject to advice note on developer's obligations regarding public right of way.

Stockport MBC – Object on the following grounds:

- Other sites should be included in sequential assessment
- More flexibility of the scheme's format could be demonstrated
- Proposal will impact upon ongoing investment in Stockport at Redrock, Stockport Exchange, Merseyway, Market Place and the Underbanks
- Impact should be assessed up to ten years from the time the application is made.
- Retail assessment looks at impact on the comparison goods sector only
- Applicant does not consider the impact of the proposal on Stockport's District Centres
- Stockport Town Centre has a high vacancy rate
- Scope to significantly adversely impact on Bramhall, Cheadle and Cheadle Hulme District Centres
- Sales density for Next store very low
- Committed developments should be updated to include recent approvals in Stockport
- Impact of SEMMMS not taken into account
- Impact of phase 1b and 2 not taken into account
- Orbit and CPG schemes diverting trade from each other is a questionable approach.
- Applied weightings are misleading
- Errors in figures within retail addendum
- It is important to safeguard and strengthen town centres and this can only be achieved by focusing new retail development in the core retail area.
- The proposals do not support the vitality and viability of Stockport Town Centre
- Impacts will include investment decisions by existing multiple retailers to re-locate, close, or to downsize their existing store(s)
- The decision to allow significant retail on the A34 20 years ago significantly damaged Stockport and Macclesfield Town Centres with the result that both Cheshire East and SMBC are having to intervene directly into regenerating them.

Stockport MBC Highways – Object on the following grounds:

- Use of average trip rates for assessment purposes is a concern as there is clearly a 50% chance that they could be inaccurate
- No weekend traffic modelling provided
- The use of Temprow growth on the A34 corridor (aside from the Handforth traffic) is not appropriate as it is likely to underestimate the traffic impact of other possible development sites
- Scheme for the A34 / Stanley Road junction has not been subject to consultation with or agreement by Stockport Council.
- Unclear whether the submitted modelling exercises have been submitted to and/or verified by TfGM
- Site is remote from significant residential catchment areas and is effectively severed from the main residential areas by the presence of the A34 corridor
- Application includes little in terms of measures to promote sustainable access
- Development generates a significant numbers of trips and mitigation should be provided in a sustainable manner to sufficiently deal with this impact

- The impact on Stockport's roads of this proposal could be judged to be a severe adverse impact

Wilmslow Town Council - Expressed concerns about the likely increase in traffic congestion on neighbouring roads which would also be exacerbated by additional housing nearby as identified in the Cheshire East Local Plan.

Handforth Parish Council – Strongly support the application as it will provide welcome employment opportunities in Handforth, and with the discontinuation of the 378 bus service, provide employment within walking distance from the residential areas of the parish.

REPRESENTATIONS

9 letters of representation have been received objecting to the original plans on the following grounds:

- Impact on traffic levels
- Generic reference in transport assessment on cycle and pedestrian access
- Local footpaths could be upgraded
- Impact on local centres
- Need for co-ordinated and fully informed assessment of all out of centre retail applications
- Contrary to town centre first policy
- Proposal will not promote sustainable travel
- Scheme will simply relocate existing employment opportunities
- Inadequate parking and servicing
- Loss of wildlife habitat
- Additional landscaping required to Earl Road
- No evidence that catchment area takes account of SEMMMS link road, therefore catchment area incorrectly drawn
- If catchment is incorrect then sequential site assessment should be widened
- Flexibility of form not demonstrated
- Without identifying the need that a development seeks to serve it is impossible to demonstrate flexibility of form
- Need levels not identified
- Sequential assessment flawed and inadequate
- Risk of a diversion of investment by retailers to the proposed development, e.g. Debenhams in Macclesfield
- As anchor shopping centre for regional centre (Manchester) impact upon Arndale Centre should be quantified and examined
- Anomalies between the levels of trade draw felt by centres. Applicant does not appear to have followed a like-impacting like methodology as prescribed by NPPG.
- No assessment of how SEMMMS will affect trade draw rates
- Turnover rates appear to be incorrect, for example, the turnover levels for Stanley Green and Altrincham Retail Parks seem very low
- Proposal would have a material affect on the retail hierarchy of the area
- Total net comparison goods floorspace at Handforth Dean would be greater than that in Macclesfield and Altrincham town centres
- Emerging local plan only identifies local scale retail for this area

- No marketing information submitted to demonstrate site no longer required for employment purposes
- Residents of High Peak likely to choose proposed development over Stockport Town Centre following completion of SEMMMS (both are same distance from High Peak)
- Impact on planned investment in Stockport
- The floor space for Peel Centre has been double counted within applicant's assessment
- Impact on Peel Centre and Stockport Town Centre should be examined as a combined entity

44 letters of support have been received from local residents noting that the development will:

- Support local job creation
- Creates 1200 jobs when operational and 300 jobs during construction
- Create additional business revenue for the Council
- Traffic will be well managed / improvements to road network
- Provide a better range of shops locally
- Bring investment to the area
- People will not have to drive as far, e.g. to the Trafford Centre
- Suitable location with access to public transport links
- Provides enhanced wildlife environment
- Is a good plan for a brownfield site
- Will make a positive contribution to Handforth
- Encourages shoppers to stay local
- Currently £250m in local retail spend leaves Cheshire every year in places such as the Trafford Centre
- Developer will enter into partnerships with local colleges to ensure local people will benefit from the jobs.

A second round of public consultation has taken place following the receipt of revised plans. Three further letters have been received from interested parties (from or on behalf of Eskmuir, Intu and Peel) objecting to the proposals on the following grounds:

- Premature to go to SPB on 19 April
- Catchment Area continues to ignore the SEMMMS Link Road
- CPG continue to consider The Peel Centre and Stockport Town Centre separately
- Orbit and CPG schemes cannot draw trade from each other if they come forward and open for trade at the same time as neither has a customer base at the point of opening which can be drawn from.
- In the absence of public information about the occupiers of the development £10,000sqm should be used as a sales density
- The turnover of existing facilities does not necessarily marry up to some of the trade draw assumptions
- Some committed developments within the catchment area have not been included within HOW's assessment:
 - Lidl, Hempshaw Lane (Ref: DC/060961)
 - Aldi, London Road South, Poynton (Ref: 14/5368M)
 - Aldi, Offerton Precinct (Ref: DC050745)
 - Stockport Exchange (Ref: DC054978)
 - Brighton Road Industrial Estate, Stockport (Ref: DC/060607)

APPLICANTS SUBMISSION

The following documents accompany the planning application, and can be viewed in full on the application file:

- Marketing Activity Report
- Retail Impact Assessment Reports
- Design & Access Statement
- Surface Water Drainage Strategy
- Tree Survey Report
- Environmental Site Investigation Reports
- Biodiversity Offsetting Report
- Ecological Assessment
- Nesting Bird Survey
- Employment Land Market Report
- Flood Risk Assessment
- Transport Assessment
- Landscape Report

Additional information relating to the employment land situation in the local area, the viability of the site and the marketing if the site has also been submitted in response to the previously published committee report.

APPRAISAL

The key issues in the determination of this application are:

- Loss of employment land
- Retail impact
- Highways safety and traffic generation
- Ecological impact

ECONOMIC SUSTAINABILITY

ECONOMIC BENEFITS

The applicant has identified the following economic benefits arising from the proposal:

The Employment Densities Guide 3rd Edition has been used to estimate the likely number of full time equivalent (FTE) jobs that would be created by the proposed development.

The employment density for the main anchor unit has been based on the figures published by Next for their similarly sized store which has recently opened on the southern section of the wider site. To estimate the remainder of the retail units, an appropriate mid-point between high-street and retail warehousing has been used, which is considered to be a reasonable assumption given the nature of the proposed development and its likely tenant line-up. The figures for the restaurant and drive-thru units are based upon the standard A3 employment density figures provided.

On the basis of these assumptions, the development will generate approximately 730 FTE jobs in addition to the 200 created by Next. Overall, both developments will provide 930 FTE jobs which contribute significantly to the 31,400 jobs forecast to 2030 for Cheshire East.

The proposed development will bring the vacant site back into use and provide approximately 730 additional jobs when operational. Based on the revised jobs growth, the proposed development will generate approximately 2.3% of the borough's overall employment need to 2030 and 47% of the average annual forecast. The applicant has also indicated that they are willing to agree a local employment plan, in order to maximise employment opportunities for local people. A similar approach was adopted with the Next scheme.

As a substantial retail scheme, the proposed development would also make a significant contribution to the economy of Cheshire East, with more expenditure being retained in the Borough.

These are considered further, below, in the planning balance.

LOSS OF EMPLOYMENT LAND

The application site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan. The last use of the site was as airport parking, which ceased in 2010 and the site has since remained vacant.

Employment Areas are defined in the glossary to the Macclesfield Borough Local Plan as:

The existing and proposed areas which are intended to cater for a mix of employment development including general industry, business uses and storage and distribution (see elsewhere in Glossary for more detailed definitions of these classes of employment development). The primary purpose of an employment area remains employment. For the avoidance of doubt, retailing is excluded from the definition of employment.

Policy E1 of the Macclesfield Borough 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 therefore 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. Paragraph 14 states development proposals that accord with the development plan should be approved without delay, and; 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 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". Policy E1 does state that "both existing and proposed employment areas will normally be retained for employment purposes". Use of the word "normally" does suggest that there may be occasions when employment land could be used for alternative purposes, as with paragraph 22.

In the Cheshire East Local Plan Strategy, Employment Land is defined as:

Land identified for business, general industrial, and storage and distribution development as defined by Classes B1, B2 and B8 of the Employment Land Town and Country Planning (Use Classes) Order 1987. It does not include land for retail development nor 'owner specific' land.

Policy EG3 of the emerging local plan strategy also seeks to protect existing employment sites for employment use, unless there are environmental problems that cannot be mitigated or the site is no longer suitable or viable for employment use. For it to be no longer suitable or viable, there should be no potential for modernisation or alternate employment uses, and no other occupiers can be found. The footnote to this policy requires that to demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The emerging local plan is at an advanced stage and therefore this policy can be afforded significant weight.

With regard to the employment land issue, the applicant makes reference to the fact that the site has been allocated for employment purposes for 20 years and that within that time, not one planning application has been made for employment uses. The application is accompanied by a Marketing Activity Report prepared by Engine of the North, which looks at the marketing of the site between 2011 and 2015.

It should be noted that the land is owned by the Council and has been marketed by its own development company 'Engine of the North'. This is a separate entity to the Council acting as Local Planning Authority.

This Marketing Activity Report concludes that:

- Marketing Boards have been present on site since 2012 and have generated very limited end user interest for Employment Uses.
- In March 2012, the Council directly sought general expressions of interest as part of a soft marketing exercise. A wide variety of proposals from developers and occupiers were received.
- In 2014-2015 and in accordance with a Cabinet resolution, the site was marketed for a wide variety of potential land uses including employment, retail, leisure and sui generis uses such as car showrooms.
- This generated substantial interest and a large number of offers. No offers were received from any Employment occupiers either for part of the site or the whole.
- Only one offer was received to develop the whole site for Employment Use, but was not supported by named end users. This was also the lowest offer received, creating an issue for the Council in terms of its legal obligation to achieve best value. In addition, the offer was conditional on a site investigation. Ground conditions were known to be poor and the low residual value indicated by the offer limited the ability of the proposal to absorb abnormal costs whilst remaining financially viable. The developer who submitted this offer is no longer trading.
- Offers based on mixed use proposals were, for the most part, retail/leisure schemes with around 2-3 acres set aside for Employment Use.

- The option of selling the site in individual lots was not pursued beyond the first round of bids. It was initially believed that this approach might yield the highest overall value for the Site as a whole but on examination this proved not to be the case.
- A second round of bids was held in October 2014. 10 developers were shortlisted. In all instances, the offers submitted were based on a comprehensive retail/leisure scheme with no Employment Uses.

In addition to this, an Employment Land Market Report has also been submitted by the applicant, which notes that:

- NPPF discourages the retention of sites in an employment allocation if there is no reasonable prospect of it coming forward for that use
- Release of the application site would not only benefit Handforth but also Cheshire East's wider employment needs in the Borough
- Employment land review dated 2012 identifies a potential shortfall of employment land 51 hectares, however subsequent studies undertaken in 2015 and 2016 identify potential additional sites, which would provide up to 4 times the required land supply.
- Employment land take up has historically been 13.54 hectares per annum but only 3.28 hectares of this has been in the northern part of the borough, in which the site is located.
- There have been structural changes within the office market, meaning that the application site will never be brought forward for a flagship B1 office development. Out-of-town office development is now only likely to happen on the premier business parks in the area and there is an ample supply of these in the marketplace in which the site sits
- Speculative office development that has taken place on an adjacent plot to the application site which was constructed over seven years ago, has never been occupied.
- The application site is in the north of the borough where there is significantly less demand for industrial land. The industrial logistics market is concentrated in the south of the borough, a fact highlighted by both Arup and Ekosgen in their reports on Employment Land, and reflected in the employment land take-up figures
- Recent current and future demand for industrial and logistics premises is more than likely to be concentrated on the motorway corridors away from residential accommodation due to the requirements for excellent access and 24/7 usage.
- As demand increases for these prime sites there will be a resultant decrease in the take up of secondary sites, which are more suited to smaller local businesses. The application site has all the characteristics of a secondary site, in that it is in a mixed-use location near to retail and remote from the motorway network.
- Recently available existing industrial units closest to the application site have been taken up by leisure uses, including a gym and trampoline centre
- Due to the secondary nature of the site and the abnormal costs of development, the site is not a viable for continued employment use. The applicant has undertaken a viability analysis of the site for employment and their findings are that, due to the constraints of the site and the market for the location, it will never be delivered for employment use.
- The loss of this site from employment will not have a detrimental effect on the supply of existing employment land and there are still high quality office development sites in

preferential locations close by. Furthermore, there are development sites which are more suited for smaller industrial and warehouse uses, with an ample supply of existing buildings to meet any demand in the area in which the application site is located.

The applicant's overall conclusion is that having regard to all of the above information, demand does not exist for this type of floorspace in this location and there is therefore no reasonable prospect of the site being used for that purpose.

Following comments made in the previous Committee report (which was withdrawn from the 19 April Agenda) the applicant has responded to the issues raised. These issues and the applicant's further responses are discussed below. The responses from the applicant relating to the marketing of the site have been provided by Engine of the North.

The report on the marketing of the site covers a period from 2010 when the site was marketed on a short-term leasehold basis. This exercise did not lead to any short term lettings, but did generate interest from parties wishing to buy. This included interest from companies, some of them local, who were looking for employment floor space within the Borough. Within the original submission it was not explained why the site was marketed only on a short term leasehold basis at that time, and concerns were raised by officers in the previously withdrawn committee report that such a strategy may have deterred other interested parties, such as those looking for more long term commitments, pursuing their interest in the site any further.

The applicant has sought to clarify this with reference to a Report of the Strategic Director Places and Organisational Capacity to Cabinet on 28th November 2011 to consider the options for the development of this land to maximise employment opportunities and financial returns. This public report explains that the reason for the short term marketing was to secure an occupier and revenue stream from the site whilst, *"The Council investigates further the options for development of the site ... to maximise employment opportunities and financial returns"*.

The Cabinet report also explained that interest was shown in more long term commitments to the site. The report states that:

"Limited interest has been shown following the marketing of the site on a short term lease basis. Regular enquiries have been received however for the freehold interest of the site. Whilst the majority of these enquiries fall outside what would be classed as an employment type use there has been recent interest from a number of sources that would indicate there may be development opportunities including investment / expansion enquiries from existing Cheshire East companies."

For the purposes of assessing the marketing activity in the context of the current application, officers therefore do now accept that the marketing (on a short-term lease basis) did generate interest in longer term commitments to the site rather than deter it, and acknowledge that the *"majority of these enquiries fall outside what would be classed as an employment type use"*.

Further to this, again in the previously withdrawn committee report officers raised concern that rather than capitalising upon the interest that had been shown in 2010/2011 the marketing seems to have stalled until March 2012, which may have led to the loss of the previous interest shown in the site. However, the applicant has now responded to this by noting that,

“most of the interest shown in the site during this period was for non-employment uses, notably retail. This interest from this sector of the market was not pursued at that time because the Council had a very clear intention to see the site developed for Employment Use”.

These comments are consistent with the resolution of the Council’s Cabinet on 28 November 2011, which stated:

- 1. That the Council investigates further the options for development of the site, [including those options outlined in 10.3 - 10.5 of the report,] to maximise employment opportunities and financial returns.*
- 2. That a feasibility exercise be undertaken and expressions of interest sought from the market in order to better understand the current demand and occupier requirements.*
- 3. That the conclusions of the above investigations be considered by the Cabinet in Spring 2012.*

Concern was raised previously by Officers that no specific details of the 2012 marketing exercise have been provided. Therefore, whilst it is noted marketing boards were erected around the site it is not clear if these boards acknowledged the employment allocation of the land, whether the site offered a generic development opportunity or whether the site was being marketed at a price that reflected its employment status.

In response to this the applicant refers to a report to Cabinet by the Head of Development at that time (January 2013) which states that *“A recent soft market testing exercise to explore commercial interest suggests there is potential to bring this site forward as a high-quality employment led regeneration opportunity.”* This resulted in the resolution from the Cabinet meeting on 7 January 2013 being to:

- i) Take all necessary action to bring forward, through phased direct development, the Council’s landholding at Earl Road, Handforth for employment led uses in line with current planning policy.*
- ii) Invest up to £130,000 towards the cost of financial appraisal, site investigation and masterplanning work.*
- iii) Commence marketing of serviced plots in order to ensure timely delivery on site.*

As the applicant notes, *“The Council’s intention at this time could not have been stated more clearly. In spite of strong interest from retail and leisure uses, the Council remained committed to developing the Site for Employment Uses in line with planning policy.”*

Again for the purposes of assessing the likelihood of the site being used for employment purposes, officers do accept that none of the parties who expressed interest in employment uses on the site pursued their interest through to a formal offer.

The previously withdrawn committee report also suggested that limited interest during this time cannot have been entirely unexpected when the UK was gradually leaving a significant period of recession in 2008 and 2009. In response, the applicant points out that there has only been limited interest in the site for employment uses since it was allocated for such use in 1997. Short term market conditions do not appear to be a material factor. In addition the applicant has provided a letter from the marketing agents CBRE which states that, *“The*

economic crash was 2008/9 and therefore the soft marketing in 2012 took place 3/4 years after, and the national campaign took place 5/6 years post recession and within a period of stability and sustained low interest rates. Industrial deals were completed elsewhere during this period of relative strong market conditions. In contrast, the immediate future now looks uncertain with Brexit likely to impact the market."

A report commissioned by the Council (as landowner) and prepared by Deloitte in 2013/2014 apparently identified (the report has not been submitted with the application) that a development containing only offices and light industrial uses would be unviable in the current market. As a result of this, the formal marketing activity between 2014 and 2015 explicitly moved away from employment uses and the Council's cabinet approved the disposal of the site *"for a range of potential land uses, including employment, retail, leisure and sui generis use such as car showrooms"*, despite the allocation in the local plan remaining as employment land.

The incorporation of these wider uses within the marketing material for a site owned by the Council may have deterred other potential employment use occupiers from expressing an interest. Whilst this may still be the case, the applicant has again referred to a third Cabinet Report (from 4 March 2014), which seeks approval for disposal of the site potential land uses, including employment, retail, leisure and sui generis use such as car showrooms. This is clearly a shift from traditional employment uses, but given the steps taken previously to attract employment uses, and the lack of interest in preceding years, such a change in strategy is now understandable. Added to this, this shift occurred when Next received permission (or more accurately a resolution to grant permission at that time) on part of the site for a retail use, but at a time when no disposal agreement existed between the Council (as landowner) and Next Plc in relation to the plot in question. The marketing covered the whole site, including the Next plot, which did have an approved retail use.

The submitted letter from CBRE states that, *"It is worth reiterating that in the initial round of bids concluded in June 2014, we received 53 separate offers for the site, of which only 1 was for a wholly employment use scheme comprising two large distribution units"*. The higher offers that were received were based on exclusively retail / leisure schemes and concern was raised by officers in the previously withdrawn committee report regarding the Council's legal obligation to obtain best value from the sale. Typically, this obligation is discharged by accepting the highest price, which would inevitably be a retail / leisure use based on the offers received. However, the applicant has explained that the Council is permitted to sell at less than the highest price when there are social, economic or environmental benefits associated with under-bids. Added to this a further consideration is the likelihood of the sale completing, and it is relevant that all of the offers were conditional, with most being conditional on planning and site investigation.

Overall, in terms of the previous concerns raised by officers in the previously withdrawn committee report relating to the marketing of the site, it is now considered to be much clearer that the Council's aspirations for the use of this site have justifiably changed over time, as they would for any other landowner, due to the lack of interest in employment uses during the 20 years the site has been allocated as such, and particularly since 2010.

It should also be noted that as part of the consideration of the Next scheme between 2013 and 2015 on the adjacent site, the fact that previous marketing campaigns did not find anyone willing to develop the site for employment purposes, was material to the decision to approve.

Added to the unsuccessful marketing campaigns, the applicant maintains that the site is not viable for an employment use, notably due to the ground conditions, and the additional costs this incurs. A viability appraisal has been provided for small and mid-box industrial and warehouse uses, which results in a loss of just under £5.1 million rendering development for employment use unviable. The appraisal was previously dismissed by officers as being high level and appeared to adopt a broad brush approach to the assessment and figures included within it. However a further review of the evidence submitted has now been made, alongside evidence available to the Council through the Cheshire East Local Plan work which has questioned that previous approach. The applicants also point to recent experiences from the construction of the Next store which has highlighted those difficult ground conditions for construction which adds to costs.

It is considered that the submission follows an industry standard format and does demonstrate that there are viability issues associated with the development of this site. However, the applicants do not believe the site is likely to attract an office use so no viability appraisal has been submitted for this type of use. It is considered that the lower values associated with industrial and warehouse uses may not fully demonstrate that the site is unviable. An office based scheme could also create a significantly higher number of jobs across the site than those currently advanced for retail use. It is estimated that an office use on the site could generate between 600-2000 jobs depending upon the nature of the type of offices required.

The viability report also reflects the advice previously given to Engine of the North by Deloitte in 2014 which also concludes that *“an exclusively employment led scheme will be a significant challenge and potentially not viable given the competition from other more preferable/established sites in the area such as Cheadle Royal or ones with future potential for critical mass such as Airport City.”*

In addition the applicant's Employment Land Market Report notes that there is a relatively weak market and continued availability of significant amounts of high quality office space in the prime business parks of south Manchester, which makes the application site unattractive for potential office uses.

In terms of industrial and logistics uses, the applicant explains that there is a two-tier market. The first tier are those prime sites mainly comprising large greenfield areas close to motorway junctions and remote from retail and housing providing excellent accessibility. The second tier includes those sites catering for the local market and closer to historic industrial areas where there has been a decline in activity and some redevelopment for alternative uses, principally housing and retail or leisure. The take up of these sites is very slow and investment into many of these sites has been minimal for many years. The applicant considers that the application site sits very firmly in the second tier.

Whilst these comments are acknowledged, the applicant's marketing report does state that the site is widely acknowledged to occupy a prime location, prominent, adjacent to the A34 and next to Tesco / M&S. The site has excellent access into Manchester City Centre along the A34, the M60 is approximately 4 miles to the north of the site along the A34, and the

completions of the SEMMMS link road will also improve accessibility to the airport and the M56.

The employment land requirement in the emerging local plan, which was originally based upon the 2012 Employment Land Review (ELR) undertaken by Arup, has increased from the previously proposed 351ha within the submission version of the Local Plan Strategy to a gross requirement now of 378ha. This new higher figure is based on the latest (2014) Cheshire & Warrington Econometric Model (CWEM) employment projections, as opposed to the 2011 figures that the Council's 2012 ELR was based upon.

The employment evidence base collated by the Council to support the proposed quantum and distribution of land to meet employment requirements includes a report by Ekosgen called 'Alignment of Economic, Employment & Housing Strategy'. This report (July 2015) assesses levels of potential employment growth over the Local Plan period in light of the publication of updated economic projections; and the associated implications for employment land requirements, including Cheshire East's ability to capture such growth, based on the area's historic performance and the availability of employment land and associated infrastructure.

This report notes that with regard to the distribution of the additional 27ha of employment land, it is noted that the north of the Borough will continue to be attractive to businesses keen to be based in locations with easy access to Manchester City Centre. As such there is a strong case to allocate a substantial proportion of any additional land to the north of the Borough.

The proposed distribution of employment land across the Northern settlements of Cheshire East has been accordingly increased in the Proposed Changes Version of the Local Plan Strategy.

The proposed level identified for Handforth is 22ha, which includes 12ha within the proposed North Cheshire Growth Village, plus an additional 10ha. The latest iteration of the Local Plan Strategy notes that on 31 March 2013 there was a supply of 9.72ha (which includes the application site), leaving 0.28ha to be found via the site allocations process to meet the 10ha requirement. However, it should be noted that the potential supply also appears to include the site of the new Next store, and as such the area to be identified through the site allocations may in fact be higher.

The Local Plan Strategy is expected to be adopted later this year, and already the Council is faced with proposals that have implications upon the amount of employment land identified to be required from the period to 2030. The loss of this site to a non-employment use would require alternative allocations to be made, which given the constraints of the northern part of the Borough is likely to require the removal of land from the Green Belt, which should not be done except in exceptional circumstances. It is therefore very important that existing employment land allocations are not lost to alternative uses unless it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes.

Conclusion on loss of employment land

The applicant has provided additional details relating to the Council's strategy for the marketing of the site, which it is acknowledged has identified very little interest from potential

employment users of the site. The site has been an employment allocation in the various iterations of the development plan for approximately 20 years and remains undeveloped.

Added to this the applicant has completed a viability report, which is line with the RICS Guidance Note “Financial Viability in Planning” and is accepted practice. The report refers to known constraints on the site and some abnormal costs (notably ground conditions) which have resulted from experience in constructing the Next store on the site. The report concludes that a development for employment purposes is unviable.

However, balanced against this is the acknowledged prime location of the site in south Manchester and the increased employment land provision required as part of the CELPS. Viability work for office uses on the site also needs further exploration.

Therefore, it is not considered that the applicant has demonstrated that the site is no longer suitable or viable for employment use, in accordance with policy EG3 of the CELPS, or that there is no reasonable prospect of the site being used for employment purposes, in accordance with paragraph 22 of the Framework. Accordingly it is not considered that there is a case for alternative development at this time.

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.

Policy EG5 of the CELPS reflects the sequential approach and the impact tests set out within the Framework.

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 from White Young Green (WYG), and their comments are incorporated below.

SEQUENTIAL TEST

Planning applications for sites outside defined town centre boundaries are subject to a sequential test. The application to the sequential approach is described in Paragraph 24 of the NPPF (2012):

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require 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. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town

centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

The Tesco Stores Limited v Dundee City Council [2012] UKSC 13 Supreme Court Judgment gave specific consideration to the meaning of 'suitable' in respect of the application of the sequential test. Paragraph 38 of the Dundee Judgment finds that:

"...the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism...they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so."

Both the Courts and the Secretary of State have found the Dundee Judgment to be directly applicable to the English planning system. In this regard, the Judgment in the case of R (Zurich Assurance Limited) v North Lincolnshire Council [2012] EWHC 3708 (Admin) similarly identifies, at paragraph 61, that it is:

"...important to mark that developers, and planning authorities, work in the real world."

The interpretation of 'suitability' was also recently considered by the Inspector in his report commending the grant of planning permission for proposed retail development at Rushden Lakes (PINS reference APP/G2815/V/12/2190175) to the Secretary of State. With specific regard to disaggregation, paragraph 8.47 of the Inspector's report states that:

"There is no longer any such requirement stated in the NPPF... Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement then all that would have been required is the addition of the word "disaggregation" at the end of NPPF [24]."

In addition to the above, a recent Judgement (Aldergate v Mansfield District Council & Anor [2016] EWHC 1670 (Admin)) is also of assistance in confirming how the sequential test is to be applied in practice. In particular, it is noted at paragraph 35 of the Judgement that:

"...suitable and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content."

The Communities and Local Government (CLG) Select Committee published its report into the Operation of the National Planning Policy Framework on 9 December 2014. Paragraph 85 of the report identifies that the NPPF has removed the previous policy requirement to disaggregate parts of a retail or leisure proposal.

The Government Response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework was published on 27 February 2015. It does not challenge the Select Committee's stated view in respect of disaggregation. Indeed, paragraph 24 of the Government's response dismisses the Select Committee's

recommendation that disaggregation is restored to the sequential test as it considers “...*that this proposal is unnecessary.*”

Taken together, it is clear from the above that the Secretary of State does not consider disaggregation to form any part of the sequential test and, as a consequence, it is not considered that there is any requirement to consider whether any element of the application proposal could be disaggregated to another site.

Secondly, in order for an alternative site to be found to be sequentially preferable, there needs to be a realistic prospect that the site could support such a use in the ‘real world’. In other words, the refusal of planning permission at the subject application site should bring with it a realistic prospect that a materially similar development (allowing for some flexibility) could be accommodated at the alternative site.

The Government’s position in respect of ‘disaggregation’ (i.e. the need to consider whether constituent elements of an application proposal could be accommodated on separate sites) was clarified by the Secretary of State in granting planning permission for retail development at Rushden Lakes (PINS reference APP/G2815/V/12/2190175). The Rushden Lakes decision makes it abundantly clear that there is no NPPF policy requirement to disaggregate and this position has subsequently been maintained by both the Secretary of State and the Planning Inspectorate.

In relation to the sequential approach to development and noting the recent Judgments and appeal precedent in respect of the application of the test, it is not considered that any of the sites identified by the applicant, the Council’s retail consultant or third parties would be available and suitable to accommodate the proposed development, either in part or as a whole, even when applying a sufficient degree of flexibility.

WYG initially provided advice on the retail aspects of the proposal in 2016, and as part of that advice they considered a number (11) of sequential sites that were reviewed by the applicant. As part of that appraisal WYG raised a number of other sites that the applicant had not considered, and this was supported by third party objectors who also raised a number of alternatives.

The applicant has stated that the catchment area for the proposed development is based upon drivetime isochrones from the application site and that a 10 minute drivetime will equate to the primary catchment area (‘PCA’), with a secondary catchment area (‘SCA’) equating to a 20 minute drivetime to the north and 25 minute drivetime to the south. WYG accept that for the purposes of the sequential approach, the catchment area drawn by the applicant, as described above, covers the centres that should be assessed as part of the search for sites

In summary the following sites have been considered, and discounted, within the sequential approach:

Macclesfield

1. Silk Street

Town centre site in active use as two town centre car parks. The Council has now chosen a developer to take a redevelopment scheme forward for a mixed-use leisure led scheme

across two of the three available sites. Two of the sites are not available for the purposes of the sequential approach and the remaining site is not of a suitable size to accommodate the proposed development in its entirety, even when applying a sufficient degree of flexibility.

2. Royal Mail Depot

Approximately 1.6ha edge of centre site and is in current use as a Royal Mail Depot and Telephone Exchange Centre. Site is too small to accommodate all or even part of the proposed development.

3. Samuel Street/Park Lane

0.5ha edge of centre site is significantly smaller than the application site and is unsuitable for either the whole or even part of the proposed development

4. Barracks Mill, Black Lane

This site is considered to be sequentially superior to the proposed development as it is better located to Macclesfield town centre and with being located within the settlement has improved accessibility by pedestrian, vehicle and public transit than the proposed CGP site. Therefore, in location terms it does represent a more sustainable location to secure high activity land uses such as retail and leisure. However, it is accepted that the Barracks Mill site would not capture the level of likely customers as intended at the application scheme as the catchments are inherently different and the site can only accommodate approximately half of the proposed floorspace, and is therefore unsuitable.

Stockport

5. Redrock

The site measures approximately 3.1ha and is currently being redeveloped to form a leisure-led scheme with a cinema and restaurant units. Work has commenced on site and therefore, the site is not considered to be available for the proposed development at Earl Road.

6. Merseyway Shopping Centre

No units of a suitable size are currently available to accommodate the proposed development in its entirety within the Merseyway Shopping Centre. There are a limited number of larger scale units at the Shopping Centre and in any event, these already have well established tenants in place. The site is therefore not considered to be available for the proposed development at Earl Road.

7. Knightsbridge

The wider site comprises a multitude of smaller sites/plots accommodating a mix of retail, industrial and manufacturing uses around the streets of Richard Street, Brewery Street, Howard Street and Avenue Street. The majority of the site area retains active uses, with only a small parcel of land off Howard Street found to be vacant. The applicant notes, the ownership of the land is complex and therefore gaining the relevant land ownership consents could be a lengthy process. Due to the existing active uses and unknowns with regard to land ownership, the site is not currently available.

8. Peel Centre

There are two extant permissions at The Peel Centre, one for the extension, reconfiguration and redevelopment of Unit 6 (Ref. DC/052216) and the other for the clearance of the gas holders site and the creation of additional car parking spaces (Ref. DC/056977). Other than these two extant permissions, the remainder of the site is in active use and therefore is not available for redevelopment. The two sites subject to the extant permissions are not of a suitable size to accommodate the quantum of floorspace proposed at Earl Road and therefore cannot be considered to be sequentially preferable to the whole application site.

9. Water Street

The site has been approved (DC/061730) for non-food retail floorspace (5,574 sq.m). The site is therefore clearly available for the proposed uses, however, the site in isolation cannot accommodate the quantum of floorspace that is being proposed and would only be able to deliver over a quarter of the proposed development and therefore can be dismissed as being sequentially preferable.

10. Fletcher Street Car Park

The site at Fletcher Street measures approximately 0.2ha and is in current use as a car park. The site is significantly smaller than the application site at Earl Road and could not accommodate the level of floorspace proposed, even when apply a suitable degree of flexibility.

11. Former Royal Mail Sorting Office

The former Royal Mail sorting office site measures approximately 0.3ha and is situated in an edge-of- centre location in planning policy terms. The site is being currently marketed. However, it is considered that the site is unsuitable and unviable for the whole (or part) proposed development in light of it being significantly smaller than the application site.

12. Former BHS store, Merseyway

The applicant has considered the former BHS unit located within the Merseyway Shopping Centre. This vacant unit sits over five floors and collectively accommodates 6,269sq.m of floorspace, with varying internal floorplates across the levels within the building. It is not evident whether the unit is being actively marketed or not, and therefore is unclear whether the unit is available. Notwithstanding this, whilst the vacant floorspace could positively help to attract new retailers to the town centre, it only represents a small amount of the level of floorspace being proposed and is constrained in its configured which may not be conducive to multiple retailers, and this may be a reason why the premises have not been taken up since the vacation of BHS in mid to late 2016. Therefore, the unit can be dismissed as unsuitable for the proposed development.

Wilmslow

11. Alderley Road/Green Lane

The site at Alderley Road in Wilmslow is situated in an edge of centre location in policy terms and measures approximately 1.5ha. It is currently occupied by a mix of commercial and residential uses, plus a serving C of E Church. As the site is in current use and as there is no evidence available to confirm that a wholesale redevelopment would be suitable, it is not currently available for the proposed development. In any event, the site is not of a suitable size to accommodate the whole (or part) proposed development.

Conclusion on sequential approach

Having regard to the above details, it is considered that that there is not sufficient evidence to confirm that there are sequentially preferable sites (and buildings) which could adequately accommodate the proposed development and therefore the proposal complies with Policy S2 of the Macclesfield Borough Local Plan and paragraph 24 of the NPPF, as well as Policy EG5 iii of the CELPS.

IMPACT

Policy S2 of the Macclesfield Borough Local Plan provides guidance for new retail development outside established centres. In terms of impact, the policy states that the proposals will need to meet the following criteria:

- That there is no demonstrable harm to the vitality and viability of existing nearby centres;
- The likely cumulative effects together with recently completed developments and outstanding planning permissions, in the catchment areas of existing nearby centres.

Paragraph 27 of the NPPF indicates that application proposals for retail, leisure and office development may be refused planning permission where a significant adverse impact is likely to arise from the development. The key consideration is clearly not whether there is an impact as a result of development, but whether that impact could be deemed to be 'significantly adverse'.

In assessing the significance of impacts arising from development, it is necessary to reflect upon the advice set out in the Ensuring the Vitality of Town Centres Planning Practice Guidance ('NPPG'). In this regard, paragraph 017 states that:

"A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact."

It should also be recognised that impacts will arise with all retail developments, but that this is not by definition always a bad thing as development often enhances choice, competition and innovation. It is instead necessary to differentiate between those developments which will have an impact and those which will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.

The two key impact tests identified by paragraph 26 of the NPPF are considered below. The tests relate to

1. The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
2. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, usually up to five years from the time the application is made.

Impact on Investment

In terms of impact of the proposal upon existing, committed and planned private or public sector investment in a centre or centres in the catchment area of the proposal, four schemes have been identified which merit consideration with regard to the first part of the impact test:

1. Silk Street, Macclesfield

2. Redrock, Stockport
3. Stockport Exchange
4. Market Place and Underbanks, Stockport

Some concerns were raised during the course of the application with regard to the potential impact of the proposed development on the Silk Street scheme in Macclesfield and the Redrock scheme in Stockport. Additional justification has been submitted to address these concerns, which is considered below. The Market Place and Underbanks initiatives within Stockport as well as the Stockport Exchange are both considered to represent qualitatively different offers that would not be affected by the proposal at the application site.

1. Silk Street, Macclesfield

The Silk Street scheme is now centred on a new cinema (Use Class D2) anchor with associated restaurant (use Class A3 to A5) uses that will complement that proposed use. It is accepted that with no cinema being proposed at the application site it is unlikely to compete directly with the Silk Street scheme. Furthermore, the applicant considers that any restaurants uses would not compete but are likely to operate from both locations as they are both complimentary and ancillary to the main primary function of the respective developments. The applicant further suggests that they would both serve different catchment areas. This position is supported by two letters provided by McDonalds and Tasty Plc ('dim t' and Wildwood Restaurants) which confirm that they consider Macclesfield, Stockport, Parrswood and Handforth Dean as separate catchments. This is useful evidence, albeit limited in that it is focused to a single drive thru operator and a single chain restaurant operator (with limited (7) 'dim t' restaurant portfolio all in London and Wildwood Pizza which operate across major settlements across the UK). However, the duality trading position does marry with WYG's experience elsewhere whereby restaurant, food and beverage operators, especially those focused on more fast food related operations, do seek dual representation at various locations to help exploit footfall generated and varying retail formats, and this can be experienced across both town centre at retail park formats.

It is unlikely that the proposed level of A3/A5 uses at the proposed development would prejudice the ability of the Silk Street scheme coming forward as this is being driven by the Council's desire to facilitate a key leisure anchor in the form of the cinema, and address a key deficiency in the town's wider leisure offer. This intervention will increase overall footfall which will ultimately drive the need for complementary local food and beverage footfall in that locale. Furthermore, Silk Street is likely to be targeted towards a different end user such as families and high quality dining experience linked to enhanced evening pastime and wider leisure activities. Whereby the A3/A5 uses at the proposed development are likely to be more orientated to fast food and drive thru facilities and to enhance local dwell times at the application scheme linked to the shopping experience (typically involving quicker dining experiences as part of a wider shopping trip). Therefore, it is likely to represent a qualitative difference in the leisure offer aimed at differing audiences. Lastly, it should be noted that the Council is pursuing the Silk Street scheme in full acknowledgement of the application scheme being proposed (as the landowner of the site) and this does not appear to affecting the ability of the Council to facilitate a leisure based scheme, therefore there does not appear to be any prejudicial impact on the intended investment.

2. Redrock, Stockport

It is clear from representations by Stockport Council and from the marketing material for the Redrock development that a significant level of the proposed leisure floorspace has been pre-let in advance of the development opening later in 2017. These pre-lets have been agreed in the full knowledge of the proposals at Earl Road, although it is accepted that there is still further space to be occupied. As with the Silk Street scheme, it is clear that the leisure operators that are being secured at Redrock are taking advantage of the probable footfall to be created from the anchor Light cinema facility and all the restaurant units are focused towards family and high quality sit down experiences linked to wider evening activity that will be created. It is therefore accepted that the proposed restaurant and A3/A5 uses at the application site are likely to be different to those being promoted at Redrock and therefore the prejudicial impact is likely to be more limited. However, this is with an element of caution, as there will be some overlap and it is a material consideration that the initiative for Redrock (as well as others including Silk Street) is to diversify the wider offer of Stockport town centre in direct response to its declining retail role that has been quantified by the Council's Retail Study. However, given the relatively limited scale of the units (A1, A2, B and C) which are designed to cater for more family and sit down eating establishments it is unlikely that in isolation this would prejudice the investment in such space in Stockport given the wider initiatives that are being pursued. We also note that the promoters of Redrock have not formally objected to the current application. Overall, it is considered that the proposed Class A3/A5 units will not significantly impact on any planned or committed town centre investment.

Other investment

The other private sector investment in Macclesfield which merits consideration is Eskmuir Securities' plans to an additional 1,648 sq.m of comparison goods floorspace at the former Cheshire Building Society site. The construction works are now underway and will be completed in early 2018. It is acknowledged that both Eskmuir and CPG's retail proposals involve the provision of new comparison goods retail floorspace and accordingly there is the potential for direct competition. However, in terms of whether the scale and form of retail development proposed by CPG would prevent the Cheshire Building Society's conversion taking place, it would have to be concluded that given the progress made to date the prospects of this are extremely unlikely. Indeed, Eskmuir have brought forward their investment in the Grosvenor Centre over the past two years seemingly in the knowledge that further retail competition may be granted planning permission at Handforth. On this basis, it is considered that CPG's Earl Road application is unlikely to have a 'significant adverse' impact upon Eskmuir's existing investment in the former Cheshire Building Society

As noted above the Market Place and Underbanks initiatives within Stockport as well as the Stockport Exchange are both considered to represent qualitatively different offers that would not be affected by the proposal at the application site.

Stockport Borough Council has recently bought the Merseyway Shopping Centre in Stockport (April 2017), with it having been in receivership for the past seven years. As part of their representation to the applications, Stockport MBC states that the Council intends to invest some £40m on the refurbishment of the shopping centre over the next two to three years. It is understood that this will likely include improvements to Mersey Square, enhancements to the appearance of shops, and improvements to existing units, although we can find no evidence of a formal scheme of works being published by the Authority to date. Stockport's representations state that the Earl Road scheme will undermine this planned future investment in the Merseyway shopping centre.

In forming a view as to whether this will be the case, it is necessary to have regard to the wording of the Planning Practice Guidance and particularly paragraph 16 (ID: 2b-016-20140306). This states that a key consideration in assessing the impact of a planning application on future investment decisions is 'the progress made towards securing the investment'. In this regard, the improvements proposed to Merseyway are yet to be the subject of a planning application and indeed the final scope of works do not appear, as yet, to have been published or endorsed by the Council. Drawing upon the wording of paragraph 26 of the NPPF, it cannot therefore be said that the investment proposed in Merseyway is 'existing' or 'committed' and at best it can be described as 'planned' (albeit they do not benefit from planning permission). Given this position, it is not considered that at this point in time that it can be said with any certainty that the application proposals at Earl Road would undermine the Council's plans to invest in Merseyway – particularly when the scope of such works is yet to be finalised and the necessary permissions for them yet to be obtained. Furthermore, the Council now owns the Merseyway shopping centre and has aspirations to improve its future appearance and offer. Furthermore, a March 2017 press release by Marketing Stockport² suggested that following the recent opening of Trespass and Holland & Barrett stores at the shopping centre, its occupancy rate has now risen to in excess of 95% - indicating improvement in the centre. Accordingly, it is not considered that there would be any conflict with the 'impact on investment' test.

Impact on town centre vitality & viability

During the course of the application, the proposal has been amended to reduce the quantum of Class A1 floorspace and has also removed the gym and hotel elements from the scheme.

The applicant also submitted an updated retail impact assessment ('RIA') in March 2017 to support the revised proposals. The March 2017 RIA included an updated set of quantitative tables (both 'central case' and the 'sensitivity case'), supported by associated analysis within the report itself. The primary purpose of the March 2017 RIA was to set out the revised impact figures following the submission of a scheme with a reduced quantum of Class A1 floorspace and to address previous concerns with the applied methodology.

The revised impact figures submitted by the applicant have included the Class A1 floorspace proposed under their other application 16/3284M for the erection of two units in the place of the garden centre adjacent to Next. The increased turnover and trade diversion as a result of application 16/3284M has therefore been taken into account in considering the acceptability of the proposal. The proposals have been considered together in the likelihood that the applications will come forward together. If it was the case that the proposed two units adjacent to Next were to come forward separately to the wider scheme proposed under this application (16/0138M), it is unlikely that the solus diversion would have a significant adverse impact on any defined centre due to the limited scale and turnover of that application alone.

The revised scheme (16/0138M and 16/3284M) has a reduced net sales floorspace of 19,615sqm. This has been reduced by 5,325sqm from the original submission, which equates to a reduction in turnover of the proposed scheme by -£40.8m.

Based on existing shopping patterns as identified in the household survey supporting the planning application, it is evident that high proportions of shoppers are currently undertaking

their comparison goods shops in Stockport town centre in particular and therefore, a high proportion of diversion is likely to be from this destination.

Added to this Members should also be aware of the Peel Centre in Stockport, which is a retail park within the town centre and therefore the impact upon Stockport town centre should be considered together with the Peel Centre. If the size of the proposed retail floorspace at 24,519sqm (GIA) is compared to the existing floorspace at the Peel Centre which is approximately 21,832 sqm (GIA), it is evident that the two schemes offer a comparable quantum and quality of modern Class A1 floorspace both set around a retail park format. Furthermore, the format and layout of the two schemes is comparable, along with accessible surface level parking and visual locations on good transport networks. The two schemes will inevitably compete directly with each other, particularly when considering the NPPG guidance that 'like affects like'.

This is also probable due to its location in proximity to the application site, its current offer (both at the Peel Centre and in Stockport town centre itself) and the ease of accessibility off the M60.

It is important that the cumulative impact of the application proposal is considered having regard to other existing retail commitments in the catchment. It is vital that the cumulative impact of the application scheme and extant planning permission are considered together and accounted for when analysing the potential implications on the vitality and viability of defined centres. The table below provides a summary of the likely cumulative impact with the application proposals, which is estimated to have a turnover of £158.1m by 2022.

WYG's Cumulative Impact Considerations at 2022

	Estimated Turnover (£m) 2022	Cumulative Diversion (£m) 2022	Residual Turnover (£m) 2022	Cumulative Impact 2022 (%)
Macclesfield town centre	£206.4m	-£14.8m	£191.6m	-7.2%
Stockport town centre	£616.0m	£48.3m	£567.7m	-7.8%
Peel Centre	£100.4m	£15.8m	£84.6m	-15.8%
Combined <i>Stockport and Peel Centre</i>	716.4m	£64.2m	£652.2m	-9.0%
Congleton town centre	£53.1m	£1.2m	£51.9	-2.2%
Wilmslow town centre	£29.5m	£1.8m	£27.7	-6.2%
Nantwich town centre	£88.5m	-£0.0m	£88.5m	0.0%
Handforth District Centre	£11.8m	-£0.2m	£11.6m	-1.5%
Handforth Dean	£163.7m	£22.0m	£141.7m	-13.4%
Cheadle Royal	£232.7m	£30.5m	£202.2m	-13.1%
Stanley Green Retail Park	£71.2m	£11.1m	£60.2m	-15.6%
<i>Other Centres and facilities</i>		-£75.4m		

These cumulative results show that the trade diversion will be -£14.8m on Macclesfield town centre at 2022, this will represent a -7.2% impact which is considered to be an adverse impact, although it is noted that the town centre residual turnover will be £191.6m at 2022. The turnover of the town centre at 2020 is estimated at £191.3m, so the results show that there will be no turnover growth in the town centre between 2020 and 2022. WYG advise that the level of cumulative trade diversion at -£14.8m from the application scheme and other extant planning permissions compares to the cumulative trade diversion of £24.9m that WYG estimated for the Barracks Mill scheme (15/5676M refused by SPB due to the impact on Macclesfield town centre). This resulted in a cumulative impact of -11.4% at 2020.

Turning to Stockport town centre (including the Peel Centre), the analysis shows that the quantitative impact will be -9.0% at 2022. It is noted that the majority of the cumulative impact is a result of potentially -£46.5m diverted from extant planning permission already consented in the local area. These on their own would have an impact of -3.3% on the overall town centre. However, using WYG's interpretation of the applicant's trade diversion, they estimates that a further -£40.7m of turnover will be diverted by the proposed Earl Road scheme, resulting in the -9.0% impact at 2022.

Town centre health checks

Whilst the quantitative and monetary diversion figures are of use in considering the impact of a proposal on defined centres, the consideration of what implications such a diversion could have 'on the ground' is the key matter in determining the acceptability of a proposal. Considering matters such as whether retailers are likely to cease trading, whether developments are likely to reduce retailer demand in defined centres, or what impact a reduced footfall could have on existing operators are all important in determining applications of this nature.

In considering the potential implications of the identified trade diversion and impact on centres, it is considered that the two centres of particular relevance are Macclesfield and Stockport town centres, which have both experienced declining roles in recent years. The other destinations of relevance which are likely to compete directly with the two destinations are primarily out of centre destinations which do not benefit from any planning policy protection.

A summary is provided below in respect of the current health of the two key centres of relevance of Macclesfield in Cheshire East administrative area and Stockport in Stockport Borough's administrative area.

Macclesfield town centre

The key findings of the 2016 Cheshire East Retail Study (CERS) healthcheck for Macclesfield were:

1. Second largest town in Cheshire East in respect of its population and as a retail destination within the administrative area.
2. There are 514 units within the boundary, which together occupy 98,950sq.m of floorspace. Of the total, 186 units or 36.1% and 41,930sq.m or 42.3% are occupied by comparison retailers, which are both above the UK average. The figures demonstrate the relatively strong comparison offer of the town centre. However, in terms of number of units and amount of floorspace, the comparison offer has decreased by 10% in ten years since 2006.
3. Of the total units, at the time of the survey in August 2015, 70 units or 13.6% were vacant and 15,310sq.m of floorspace or 15.4% was vacant. Both in terms of proportion of units and floorspace, the vacancy rate is considerably above the UK average.
4. Notwithstanding this, the centre provides a wide ranging retail, leisure and service offering, with half of Experian Goad's top multiple retailers found within the Goad town centre boundary. Moreover, WYG understand that the largest vacancy within the centre is situated within the Castle Street redevelopment area and is therefore in the process of being redeveloped for a major retail led development. TK Maxx has been secured as the anchor tenant for that scheme.

5. The convenience sector continues to be under provided for in terms of units and floorspace when compared to the national average. Although the proportion of units has improved against the national average, the proportion of convenience goods floorspace within the town centre has declined compared to the national average.

Whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies, including a declining comparison goods role, if it is to be considered a vital and viable centre and that the improved leisure intervention at Churchill Way would act as a positive improvement to the day and evening economy.

Some of the vacancies within the centre are as a direct result of the Castle Street redevelopment and the previous Wilson Bowden scheme that has since been abandoned, and some past uncertainty as to whether the scheme will progress or not, led to the termination of leases and general uncertainty in the town centre, but we understand with the Churchill Way leisure scheme and Eskmuir's proposals (currently under construction) the overall vacancy level could improve over the short to medium term in recognition of these positive interventions.

Once retail commitments were taken account of, the 2016 CERS did not identify any capacity for additional comparison floorspace within the short term and by 2025 the CERS identified capacity for up to 12,700sq.m of additional floorspace within the administrative area as a whole. Whilst in the medium to long term there is some capacity for additional floorspace within Cheshire East, this is not at a level similar to the quantum of floorspace proposed at Earl Road under the CPG scheme. As such, whilst the consideration of need is no longer a policy test, it is relevant in considering the available expenditure to support additional floorspace within a catchment area and the potential for the likely impact on existing facilities. The Stockport Retail Study (2014) on the other hand, did identify a floorspace requirement of up to 29,102 sq.m between 2014 and 2024. This identified that within the Stockport Borough administrative area; there is substantial capacity to accommodate additional comparison floorspace.

Stockport town centre

The latest update on the occupancy levels and recent lettings in Stockport town centre, which was undertaken by Stockport Council in July 2016 was published in November 2016, and the key findings are summarised below:

- 20.2% of units in Stockport town centre are currently vacant; this compares with a national average of 10.1% and a North West average of 19.6%; the latter figure appears atypical as north west averages over the last couple of years have ranged between 12.3% and 13.5%.
- Within this average there is considerable variation, for example, only 10.8% of Merseyway units are vacant, whereas vacancies in some streets in the Market Place and Underbanks area are much higher. This level has remained fairly stable for several years, following a significant drop in occupancy between 2008-10 (which was a national trend reflective of the economic circumstances at that time).
- The town centre benefits from consistently high footfall, approximately 10 million per annum through Merseyway, which helps to support the centre
- Stockport town centre's position in national retail rankings continued to decline for some years, as other centres have seen major investment which has enabled them to

compete more effectively in the context of structural changes in retailing; this has seen some recovery since 2011.

- The health of the town centre is fragile but stable; Merseyway is the strongest area of the centre in terms of occupancy and footfall.
- Without Council intervention, it is likely that these measures and the health of the town centre would gradually decline further. This underpins and emphasises the importance of current initiatives to secure town centre lettings and attract new visitors, and the comprehensive strategy to regenerate and redevelop the town centre.

Whilst there are a series of positive indicators, particularly in light of the construction of Redrock (the leisure-led scheme), and the office-led development at Stockport Exchange adjacent to Stockport Railway Station, the overall retail offer within the Core Retail Area is suffering and the proportion of vacant units and floorspace is considerably above national average.

The Peel Centre appears to trade well and is typically very busy, which adds substantially to the overall retail offer within the wider Stockport town centre as a whole. There can be no dispute that the Peel Centre acts as an important part of the wider Stockport town centre and contributes substantially to the provision by providing a strong anchor to the wider town centre.

As noted above, there are also plans to invest £40m in the Merseyway Shopping Centre, but no formal schemes have yet been progressed. It is acknowledged that the regeneration or redevelopment of the shopping centre would substantially assist in revitalising the primary shopping area of the town centre, retaining retailers and attracting new operators to the centre.

Town centre implications

Turning firstly to Macclesfield, it is considered that although the centre has struggled in recent years, particularly with regard to vacancy rates, the cumulative impact of the application scheme and other extant planning consents on the centre are unlikely to have a significant adverse impact. The level of cumulative trade diversion is £10.1m lower than that which was to be diverted by the proposed Barracks Mill proposal last year. However, WYG has raised concern that the level of trade diversion as a result of the application proposals (at £8.1m at 2022) may be underestimated and if this was notably higher (like that considered as part of the Orbit scheme) then it will be comparable to the level found by committee members to be significantly adverse at Barracks Mill. The estimated trade draw does take account of current shopping patterns and the current nature of Macclesfield town centre. The application scheme is likely to compete directly with retail destinations which currently attract high proportions of comparison shopping trips of a similar nature to that which will be proposed at Earl Road. Existing shopping patterns demonstrate that high proportions of residents in the catchment area travel to Stockport, Manchester and the Trafford Centre rather than Macclesfield, to meet their comparison shopping needs, plus to other out of centre retail destinations such as Handforth Dean, Cheadle Royal, and Stanley Green Retail Park. It is therefore considered that the impact will be less on smaller centres such as Macclesfield, due to the qualitatively different nature of these centres and the evidence confirming that shoppers are less likely to undertake their comparison shopping trips at this centre presently. However, the identified impacts are finely balanced in the sense that if the impacts are under estimated by a relatively modest amount then the impact could easily be considered to be significant

adverse and therefore it will be necessary to consider controlling the proposed retail floorspace as well as measures that would seek to mitigate the potential impact if the estimates are found to be incorrect.

In terms of Stockport, the latest healthcheck indicators demonstrate that vacancy levels are high within the primary shopping area in particular and the centre is in a position of transition with significant qualitative and physical improvements being realised following a number of years of significant public and private investment. There is also a strategy in place to address concerns

with regard to the centre with the delivery of Redrock and Stockport Exchange, plus a wider range of town centre management initiatives such as the Stockport Market and an overall increase and support of a wider leisure offer.

Although the centre has suffered for a number of years, the positive signs of investment and wider town centre initiatives are substantial and should be taken account of in determining the acceptability of these proposals. Whilst there are some signs of the revitalisation of Stockport town centre, this is mainly predicated on the introduction of non-retail uses to drive footfall and activity to then help bolster retail sales and performance. These schemes will significantly help the centre once implemented but there is obvious concern that the impact of the schemes at Earl Road could add unnecessary pressure to a centre which is about to 'turn a corner' through these positive interventions which specifically seek to strengthen the overall wider offer. The diversion and impact from the town centre and the potential to reduce footfall as a result of the proposals, could have an adverse impact which could fall within that which is significantly adverse if unchecked and again is considered finely balanced.

Overall, the impact on Stockport town centre when taken account of alongside the impact on the Peel Centre, could have an adverse impact on the vitality and viability of Stockport as a whole at between -6.5% and circa -9.0%, with the higher quantified impact being more finely balanced and one which has the potential to have a significant adverse impact.

Consideration of SEMMMS

A number of the letters of representation refer to the impact of the SEMMMS route which is currently under construction, not having been adequately considered, and the impact of this road upon local drive times in the area and subsequently the likely trade draw of potential customers using the proposed Earl Road scheme.

It is unclear when exactly the benefits of the link road will be felt and if these would have any substantial benefits in terms of the accessibility of the scheme in particular. In any event, due to the infancy of the scheme and the adopted design year of 2032 it is not considered to be appropriate to consider these within the retail evidence at this point in time, which is only considered up to 2022 and therefore the full benefits of the highway infrastructure will have not have materialised.

Conclusions on retail impact

The overall cumulative impact of the application scheme together other existing retail commitments in the catchment is considered to have an adverse impact upon Stockport and Macclesfield town centres. This adverse impact is considered to be at the higher end of the "adverse impact" spectrum, and is finely balanced and as such caution is needed to ensure that the recorded impacts do not exceed those estimated by WYG or the applicant.

If appropriate safeguards could be put in place, then this is considered to be sufficient to ensure that the application scheme accords with retail and town centre planning policy on impact grounds. Without such safeguards and protection of existing town centres, and if the claw back and the trade diversions as indicated by the applicant do not materialise the potential for the development to have a significant adverse impact on Stockport and Macclesfield town centres could be enhanced.

This is made worse when considering the current health of Stockport town centre and the issues it has come up against in the last ten years. These conclusions are made on the basis of the cumulative impacts of both the current application and extant planning permissions.

Equally it has been found that the cumulative impact on Macclesfield is -7.2% which is adverse but below that found at Barracks Mill that was found to be significantly adverse (at -11.4%) by committee members. However, if the estimated trade diversions do not materialise and the level of claw back is not delivered then the impact on Macclesfield could be more finely balanced especially given the recorded decline of the town centre over the last decade and the diminishing comparison goods role of the town centre. Therefore, a number of sufficient safeguards are recommended to ensure that the estimated impact reflects that which has been estimated by WYG and the applicant.

The following are areas where mitigation could be secured:

1. Contributions towards certain town centre improvement schemes (public realm enhancement, shop front improvements etc); and
2. Agreements that certain 'anchor' national multiple retailers within Stockport and Macclesfield town centre could not relocate to the new proposed units at Handforth and close their stores within the centre for a period of five years.

Mitigations measures similar to the above have been accepted elsewhere across the country in determining applications for schemes of a similar size. Such schemes include Fosse Park, Five Towns at Castleford and Rushden Lakes. All three schemes involved the applicant signing up to appropriate mitigation measures which were deemed suitable and required to ensure that the impacts of the proposed developments were reduced satisfactorily to accord with planning policy.

The following mitigation has been agreed with the applicant:

- With regard to the suggested non-relocation agreement for anchor retailers, the applicant is happy to offer a "keep-open" clause that would prevent all first-letting occupiers closing existing stores in either Macclesfield or Stockport within 5 years of the development opening
- Financial contribution of £2m towards public realm improvement works in Macclesfield town centre. The proposed improvements to Castlegate, Castle Street and Exchange Street offer the greatest opportunity for significant improvements to Macclesfield town centre to be realised. These three scheme will link the ongoing investment in the Grosvenor Centre and the forthcoming investment on the Churchill Way car park site with the main town centre frontage along Mill Street.

Cumulative impact with 16/5678M (Orbit)

The impact of the application scheme together with other committed retail schemes within the catchment is considered to comply with paragraphs 24 and 26 of the Framework, subject to mitigation.

However, given that the application is to be considered at the same Committee as the Orbit application on the opposite side of Earl Road, it is necessary to be aware of the cumulative impact of both proposals, in the event that both applications are approved. (Members will be aware that this was one reason for deferral of the Orbit application).

The following table provides WYG's assessment of the cumulative impact of extant planning permissions, 16/5678M (Orbit) and 16/0138M (the current application).

	No Development Estimated Turnover (£m) 2022 (A)	Cumulativ e Diversion of Extant Planning Permission s (£m) 2022 (B)	Diversion of Orbit (£m) 2022	Diversion of CPG (£m) 2022	Residual Turnover (£m) 2022	Cumulative Impact 2022 (%)
Macclesfield town centre	£206.4m	-£6.7m	-£8.1m	-£8.1m	£183.6m	-11.1%
Stockport town centre	£616.0m	-£13.3m	-£8.1m	-£34.6m	£559.6m	-9.2%
Peel Centre	£100.4m	-£10.7m	-£1.6m	-£6.1m	£82.9m	-17.4%
Combined <i>Stockport and Peel Centre</i>	716.4m	-£23.1m	-£9.7m	-£40.7m	£642.6m	-10.3%
Congleton town centre	£53.1m	-£0.1m	-£0.8m	-£1.1m	£51.1m	-3.8%
Wilmslow town centre	£29.5m	-£0.4m	-£0.8m	-£1.4m	£26.8m	-9.0%
Nantwich town centre	£88.5m	-£0.0m	-£0.5m	£0.0m	£88.0m	-0.5%
Handforth District Centre	£11.8m	-£0.2m	-£0.0m	£0.0m	£11.6m	-1.5%
Handforth Dean	£163.7m	-£5.6m	£4.8m	-£16.4m	£136.9m	-16.4%
Cheadle Royal	£232.7m	-£7.8m	£1.6m	-£22.7m	£200.6m	-13.8%
Stanley Green Retail Park	£71.2m	-£8.5m	£1.6m	-£2.6m	£58.5m	-17.8%
<i>Other Centres and facilities</i>		-£15.6m		-£59.8m		
Total		-£98.6m	-£32.2m	-£152.8		

The cumulative results show that the trade diversion will be -£22.8m on Macclesfield town centre at 2022, and represent a -11.2% impact which is considered to be a significantly adverse impact given the indicators of the vitality and viability.

WYG advise that the level of cumulative trade diversion at -£22.8m from the Orbit and CPG scheme and other extant planning permissions compares to the cumulative trade diversion of £24.9m that WYG estimated for the Barracks Mill scheme (15/5676M) which would result in a cumulative impact of -11.4% at 2020.

The above cumulative impact analysis also shows that the associated impact on Wilmslow would be -9.0% at 2022, which is at the higher end of an adverse impact. However, this does need to be read in the context that Wilmslow, like Macclesfield has experienced its overall

comparison goods market share decline since 2010. Notwithstanding this, it is considered that the cumulative impact would be unlikely to result in a significant adverse impact given the relatively vibrant vitality of Wilmslow town centre which has remained resilient in recent years. Despite Wilmslow's comparison goods offer declining in recent years it has been replaced by retail services and a more independent sector and remains well served with key convenience good anchors and vacancies have remained relatively stable since 2009.

Turning to Stockport town centre (including the Peel Centre), the analysis shows that the quantitative impact will be -10.3% at 2022. At -10.3% this remains comparable to that found by the CPG scheme in isolation (9%). This cumulative impact needs to be interpreted in the context of the vitality and viability of the town centre (referred to above). It is considered that this level of cumulative trade diversion is likely to represent the tipping point to an impact that would be found to be finely balanced when considering the CPG scheme on its own to one that is significantly adverse when the Orbit scheme is also added to the future residual trading position. This is equally compounded by the vitality and viability position of Stockport which is considered to be vulnerable and therefore when considered together would represent a significant adverse impact on Stockport town centre as a whole.

In conclusion, the results demonstrate that when considering the Orbit and this current CPG application scheme together they would likely result in significant adverse impacts on both Macclesfield and Stockport town centres, and an adverse impact on Wilmslow if they were both approved.

However, appropriate safeguards such as those presented above could assist in reducing the potential impact of the two proposals together. The mitigation outlined above has been agreed with the applicant, however any mitigation proposals agreed with Orbit will be provided as an update.

ENVIRONMENTAL SUSTAINABILITY

Character and appearance

The application site is located within an Employment Area which is characterised by buildings built more for function than form. The proposed retail units adopt a similar form to the existing Next unit, but will have some variation in height and materials. The larger units will have a stone finish with substantial glazed elements and aluminium louvres to the upper sections of the front elevations. The smaller units are finished in brick with two-storey glazed frontages. The restaurant units in the centre of the site serve to break up the expanse of the car park, together with tree and shrub planting, and provide a public square with outdoor seating. Pedestrian connections are provided to the Public Right of Way to the north, to Earl Road to the west and to the wider Handforth Dean Retail Park to the south. The design is considered to be of a relatively high standard for a retail development, befitting this prominent site at the gateway to Cheshire East, and is in keeping with the local area. The proposal is therefore considered to comply with policies BE1 and DC1 of the local plan.

Amenity

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

Noise

Environmental Health initially recommended a condition requiring a noise impact assessment to be submitted due to the proximity of the hotel to the A34. The hotel has now been removed from the scheme and the noise assessment is therefore not necessary.

In addition due to there not being any residential properties within the vicinity of the site, conditions relating to pile foundations are not considered to be necessary.

Air Quality

Environmental Health also recommends conditions relating to the submission and implementation of a travel plan, electric vehicle infrastructure and dust control which are considered to be necessary to ensure that local air quality is not adversely affected.

Highways

The Head of Strategic Infrastructure has provided the following comments on the application:

Safe and suitable access

From the north, vehicular access will be taken via the dumbbell roundabouts beneath the A34, between the A34 / Coppice Way junction and the A555 grade-separated junction. From the south, vehicles will access via Coppice Way and Long Marl Drive. Access to the development will be via an existing five arm priority controlled roundabout junction with the A34 / Handforth Dean Retail Park. In order to accommodate the proposed development, improvements are proposed to the site access junction. Improvements will include the addition of a second circulatory lane, a left turn slip from the site access into the A34 northbound merge and the widening of the approach arm onto the roundabout from under the A34 resulting in an acceptable access strategy.

Service vehicle access to the proposed development will be via a dedicated service vehicle access off Earl Road as per planning application 12/4652m (the existing Next store's planning permission).

Servicing of the cafes and restaurants will take place, through the car park, via the customer access off A34 / Handforth Dean Retail Park northern access / egress.

The proposed development would be supported by the provision of 557 car parking spaces, including 39 disabled spaces and six electric charging spaces. In addition, 12 motorcycle parking spaces will also be provided and cycle parking for up to 60 cycles. The Head of Strategic Infrastructure raises no objections to this level of parking provision.

Network Capacity

Travel demand associated with the proposed uses has been estimated based on gross floor area (GFA) using trip rates derived from the TRICS database. These rates have been agreed and utilised in the VISSIM modelling work that has been undertaken to assess the impact of the vehicular traffic from the development on the operation of the surrounding public highway network at year of opening and five years in to the future. In addition standalone junction capacity assessments have taken place at the following junctions at Weekday PM and Saturday peak period using appropriate software (in brackets):

- Stanley Road/ Earl Road – LINSIG;
- A34/ B5094/ Stanley Road – ARCADY;

- A34/ A555 Manchester Airport Eastern Link Road – ARCADY;
- A34/ Handforth Dean Retail Park northern access/ egress – ARCADY;
- A34/ Handforth Dean Retail Park southern access – ARCADY.

As part of the assessment process it was imperative to ensure that the proposed retail development did not result in severe harm (NPPF context) to the operation of the highway network and did not prejudice the development of the North Cheshire Growth Village (NCGV) (site CS30 in the emerging Local Plan Strategy).

The VISSIM modelling illustrated that the development could be accommodated on the highway network and does not stymie the NCGV as mitigation in the form of widening at A555 interchange to provide 4 lanes on the northern and southern sides of the circulatory roundabout achieves this, accordingly it would be appropriate to require this mitigation to be brought forward as part of the NCGV proposals.

In order to accommodate the proposed development, and to ensure that any delays are within acceptable levels, demonstrated by being contained within acceptable modelled service levels, improvements are required to the site access junction and the Coppice Way roundabout. Improvements proposed include the addition of a second circulatory lane, a left turn slip from the site access into the A34 northbound merge and the widening of the approach arm onto the roundabout from under the A34. In addition mitigation at the Coppice Way roundabout is proposed involving the realignment and signalisation which will accommodate development traffic, future background growth and the North Cheshire Growth Village strategic plan site (CS30) at the future year assessment timeline.

The above mitigations assume that the Poynton Relief Road is in place however in the event that this is not the case a sensitivity test has been undertaken modelling the eventuality that this road is not delivered in the envisaged timeframe. These results have demonstrated that even without the relief road in place the proposed development can be accommodated on the highway network within acceptable network operational tolerances.

In summary the VISSIM traffic modelling has demonstrated that, with the proposed mitigations in place, the development is acceptable from a network capacity perspective.

Accessibility

The site is served by an hourly bus service along Earl Road (Mondays to Saturdays 0800-1800) linking the site to residential areas to the north of the site and Stockport town centre. Apart from this service the nearest are those along Wilmslow Road and Station Road in Handforth (together with the train station), about a kilometre away, which provide services to other destinations including Manchester and Wilmslow. However, pedestrian routes to these facilities are such that they may deter some people using these options during hours of darkness.

The transport assessment confirms that a travel plan will be prepared to encourage staff and customers to use of other forms of transport. However, without adequate provision for non-car modes, a travel plan will be largely ineffective.

To improve sustainable access obligations to enhance the existing bus service / infrastructure along Earl Road are contained within the 'Next' planning permission which will be payable given that this development has been implemented. In addition, it was identified as part of the Orbit proposals on the opposite side of Earl Road that contributions towards bus stops in the vicinity, improvements to provision for pedestrians and cyclists in the vicinity and a contribution towards public transport improvements were required. These measures were originally secured as part of the approved (and extant) office development on the Orbit site. In the event that all the current retail proposals are approved, careful consideration will need to be given to who is required to contribute what towards these improvements as part of a s106 agreement, given the limited public transport options that are currently available.

In addition to pedestrian and cycle access via the main vehicular access off the A34/ Handforth Dean Retail Park northern access/egress, the applicant has stated that they are proposing to provide an additional dedicated pedestrian/ cycle access off Earl Road, in the vicinity of the consented Next store and a connection to Spath Lane via the bridge under the A34. The applicant will also enhance the footway link at the southern end of Earl Road to facilitate access into the existing retail development to the south. However, further clarification is required on the specific details of this.

Stockport MBC Highways

Stockport MBC Highways have raised a number of concerns regarding the highways impact and sustainability of the proposal. In response to this objection the applicant has provide the following details:

- All trip rates and input parameters were agreed with both Cheshire East Council and Stockport Council in advance of the Transport Assessment being prepared.
- The submitted Transport Assessment included a Saturday assessment, which demonstrated that this was no more critical than the Friday peak periods.
- VISSIM modelling included an assessment of the network with all the proposed Local Plan allocations. On reviewing this model it was concluded that this approach was overly robust and that the proposed development at Handforth Dean Retail Park would not be required to
- address such a level of traffic impact. Accordingly, the assessment parameters were amended to take account of only the North Cheshire Growth Village and then account for some base line growth. This is considered to be representative of a reasonable approach to assessment.
- Stockport Council state that as part of the development proposals it is intended to remove the signals from the A34 / Stanley Road junction. This is however incorrect; no such proposal is linked with the planning application.
- The proposed development will not have a material impact on the operational performance of the A34 / Stanley Road roundabout.
- Cheshire East Council as Local Highway Authority are not required to submit development proposal to TfGM. However there would be no reason preventing Stockport Council seeking the advice of TfGM if they themselves considered it necessary to do so.
- Commitments to sustainable modes of travel under application reference 16/0138M include footway and cycle way improvement works to Footpath No 80 and have been agreed with the PROW Officer at Cheshire East Council.

Cheshire East Highways officers are satisfied with this response.

Highways conclusion

The results of the traffic modelling, along with the sustainable measures discussed above, demonstrate that the proposed development is acceptable from a network operational performance and connectivity perspective subject to conditions relating to the improvement of the Coppice way roundabout, the site access and footpath access to the wider retail park.

In terms of the impact upon the Cheshire East Highway network and the Stockport Highway network, for the reasons outlined above the proposal is considered to be acceptable.

Ecology

The nature conservation officer has provided the following comments on the application:

Woodland

The woodland towards the north of the site appears upon the national inventory of priority habitats. Woodlands of this type are a material consideration for planning. In addition woodland habitats are also present in the eastern half of the application site. These woodlands support a number of characteristic floral species.

A line of more mature trees is present on the eastern boundary of the site which appear to have been associated with a former historic hedgerow, whilst the bulk of the woodland appears to have started to become established in the 1980s.

With the exception of the more mature trees on the eastern boundary and a narrow strip of woodland along the stream to the north the bulk of the woodland habitats (covering approximately 1.6ha) would be lost as a result of the proposed development. Macclesfield Borough Local Plan policy NE7 seeks to retain and enhance existing woodlands. The loss of the woodland from the site is therefore clearly contrary to this policy

The nature conservation officer's initial recommendation was that the scheme should be amended to allow for the retention of the existing woodland in order to avoid a loss of biodiversity as a result of the development of this site. However, as an alternative mitigation options have been explored to compensate for the impact.

In order to inform the amount of compensatory habitat required as mitigation 'The Biodiversity Impact Assessment Calculator' has been used. This assessment calculator has been developed by Warwickshire County Council as part of the offsetting pilot project. The use of this calculator as a way to quantify the mitigation requirement was agreed with the nature conservation officer.

The nature conservation officer has confirmed that the offsetting calculation appears to be undertaken appropriately and the results of the assessment broadly reflect the nature conservation value of the woodland lost. A commuted sum £180,000 for the current application (phase 2 and 3 of the proposals combined) is required to mitigate for the impact.

Of course in order for the financial contribution to be of any use, a site needed to be identified that could accommodate the mitigation proposals. As woodland is being lost, albeit plantation woodland, this should be replaced with at least a proportion of new woodland planting. Woodland in the Cheshire East area is considered to be a rare habitat feature and therefore

its value for biodiversity is considered to be high. 9.6ha of replacement woodland habitat is required, and as noted above, the associated costs for this have been calculated to be £180,000. This allows for set up costs, woodland creation and for 30 years of management and maintenance costs.

Following discussions with the Council's Countryside and Ranger Service, an area of land known as Dean Valley has been identified as an appropriate mitigation site. The valley follows a section of the River Dean, which extends from Station Road in Styal to Styal Road in Wilmslow. The Council have aspirations to improve the biodiversity value of this area, with a long term goal of developing a Country Park connecting up Styal to the Wilmslow area.

The proposals outlined above do provide appropriate mitigation for the loss of the broad leaved plantation woodland on the application site.

Bats

The submitted ecological report identifies a number of trees with bat roosting potential. It appears likely that a number of these trees would be lost as a result of the proposed development. The applicants were asked to carry out and submit further bat surveys to assess the potential impacts of the proposed development upon roosting bats. Further surveys were carried out which confirmed that no bat roosts were present within any of the trees, and therefore there are no further implications with regard to roosting bats.

Nesting Birds

Protected and priority ground nesting bird species have been recorded as either breeding or attempting to breed on the application site. This includes 2 pairs of Lapwing (priority species) and 1 pair of Little Ringed Plover (protected). The proposed development will result in the total loss of the suitable habitat present on the site for these species.

An updated nesting bird survey has confirmed the continued presence of nesting Little Ringed Plover so if planning consent was granted compensatory habitat for this species would also be required. It is anticipated that this would take the form of an appropriately designed green roof, and a condition requiring details of this to be submitted for approval is therefore recommended.

Badgers

Badgers are known to occur in this broad locality, but no evidence of badgers was recorded during the submitted survey. Badgers are therefore not currently considered to present a constraint on the proposed development.

However, if planning permission is granted a condition is recommended requiring the undertaking and submission of an updated survey prior to the commencement of the development.

Trees and landscape

The submitted tree survey identified 66 individual trees and eight groups of trees and shrubs within the application site. Two strips of woodland are located within the site, one strip of woodland follows the eastern boundary of the site adjacent to planting that forms the embankment of the adjacent A34 bypass, and the second follows the northern boundary adjacent to Spath Brook.

Trees within the site are not protected by a Tree Preservation Order or lie within a Conservation Area. The northern woodland (part G2, G3, G4 and G5) adjacent to Spath Brook is identified as a priority habitat in the National Forest Inventory (NFI) – Spath Lane corridor.

Trees have been categorised in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations with four individual trees (3 Oak and 1 Beech; 13, 22, 38 and 33) of High quality and value (A category) and 24 individual trees and 7 groups of trees of moderate quality and value (B category).

The remaining low quality and value trees (C) category should not necessarily be a constraint but should however be considered for retention where development allows.

Eleven trees were identified as poor quality (U category), which are in such a condition that they cannot be retained in the context of the current land use including several Oak with significant dieback and poor quality Birch and Willow.

It is anticipated that most (if not all) high, moderate and low category trees including woodlands along the northern and eastern boundaries of the site will be directly lost to accommodate the development. The retention of optimal canopy cover is an integral part of the requirement to meet national climate change adaptation and resilience strategies and whilst the submitted landscape strategy identifies a proposed narrow strip of Oak and Beech planting within the site adjacent to the northern access road and specimen planting within proposed car parking areas and adjacent to internal roads it is unlikely to be sufficient to compensate for the loss of the woodland and local canopy cover.

Macclesfield Borough Local Plan policy NE7 seeks to retain and enhance existing woodlands. The loss of the woodland from the site is therefore clearly contrary to this policy. However, as noted above in the Ecology section of this report appropriate mitigation is provided on a much larger scale in a location where the future of new woodland planting can be secured into the future.

Flood Risk

The Environment Agency (EA) has noted that the layout for the proposed development shows woodland/screen planting and access vehicles adjacent to the southerly bank of Handforth Brook, which is acceptable in principle. The layout for the proposed development indicates a proposed crossing over Handforth Brook, just downstream of the A34 subway at the north-east corner of the site. This proposed crossing over the brook will require consent from the EA as will any proposed surface water outfall structure into Handforth Brook.

Surface water is being proposed to discharge directly to in Handforth Brook, and the EA recommend a condition requiring surface water draining from areas of hardstanding to be passed through an oil separator or series of oil separators.

The Flood Risk Manager has requested clarification on a number of points relating to drainage, which have now been provided, and further comments are awaited.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of depot and military use and therefore the land may be contaminated.
- Various reports have been submitted in support of the application. These reports make recommendations for further works to be undertaken prior to and during the development:
 - Areas of the site have potentially been used for waste disposal in the past (in particular around TP2 and evidence also in TP6-11 in the Terraforma investigation). We would expect these areas to be remediated so as to not pose an environmental or geotechnical risk to the proposed development. Evidence of free-phase hydrocarbon contamination was encountered in TP2 around an old fridge. Due to the unknown age of this fridge, coolants used in the past such as Freon may be present in these soils – this, and the potential for further buried wastes in this area, should be discussed further. If necessary, further investigations in this area should be undertaken to more fully understand the ground conditions and the potential risks to identified receptors.
 - Site investigations and assessments have demonstrated a low potential risk to the proposed development from ground gas risks. As such, no gas protection measures are considered necessary for this site.
 - A detailed methodology for dealing with asbestos impacted soils should be provided to us prior to development commencing.
 - A radiation method statement has been submitted previously and comments raised on the method statement have been addressed by the radiological consultant. This method statement and the results of the subsequent comments should be adhered to during site works.

In the event of approval, appropriate conditions would be required.

SOCIAL SUSTAINABILITY

Open space

Having regard to the Council's SPG on Planning Obligations the development does trigger the requirement for open space contributions in lieu of on site provision, as the development will create some demand for open space / recreation facilities. These contributions amount to £376,460 for open space and £376,460 for outdoor sport and recreation. Given the location of the site and its distance to existing facilities that would be utilised by staff and customers of the proposed development, the impact upon them is unlikely to be so significant that it would require mitigation amounting to the sums identified above.

However, given that no specific deficiencies in provision are known to exist in the local area, the nearest open space area is approximately 600 metres from the application site, the nature of the development as a shopping destination is unlikely to create significant pressure on existing open space facilities, and the fact that the contributions already being made towards the ecological mitigation tie in with the Council's aspirations of developing a Country Park connecting up Styal to the Wilmslow area, it is considered the contributions towards open space and recreation and outdoor sport are not considered to be necessary to make the

development acceptable in planning terms. The contributions would therefore not comply with the CIL regulations, and cannot be secured on that basis.

PLANNING BALANCE

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. Policy EG3 of the emerging Local Plan Strategy also seeks to protect existing employment sites for employment use, unless premises are causing nuisance or environmental problems, or the site is no longer suitable or viable for employment use.

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".

Paragraph 14 states development proposals that accord with the development plan should be approved without delay, and; 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.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

There are very clear benefits arising from the proposal in that the development will bring a vacant site into active use and provide approximately 730 additional jobs when operational. Added to this will be the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East. These factors taken together, but particularly the creation of this number of jobs in the context of the local plan goal of creating 31,400 jobs to 2030, is a significant benefit of the proposal that does carry substantial weight.

It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can be afforded to this.

The ecological and tree impacts are considered to be appropriately mitigated through replacement woodland planting off site. The mitigation for this also feeds into the wider aspirations of the Council to create a Country Park on the land area identified as the mitigation site. This provides the potential for wider social benefits to be realised in terms of future access to high quality open spaces. This should be acknowledged in the planning balance, but given that this is aspirational at this stage it is considered that it can only be considered as a neutral aspect of the proposal.

Whilst the comments from Stockport MBC Highways are acknowledged, the highways impact upon Cheshire East and Stockport highways has been found to be acceptable subject to appropriate improvement works. The impact upon residential amenity / noise / air quality and contaminated land is either acceptable or could be mitigated through the imposition of planning conditions.

Comments from the Flood Risk Manager are awaited, however it is not anticipated that there will be any significant drainage implications raised by this development.

There are no sequentially preferable sites to accommodate the proposed development. The retail impact upon existing centres as an individual development will result in an adverse impact on Stockport and Macclesfield, albeit at the higher end of the “adverse” spectrum. Appropriate mitigation can be secured to ensure that the impacts are no worse than those identified in the retail appraisal, and to ensure that the impact is no greater than adverse. Paragraph 27 of the Framework advises refusal when an application is likely to have significant adverse retail impacts, however in this case the impacts are adverse, and not significantly adverse. Accordingly the proposal is considered to have an acceptable retail impact. Added to this, the agreed mitigation will provide for public realm improvements in the affected centres at a time when significant Council investment is taking place in these areas, which may help to stimulate further investment.

Weighing heavily against the benefits identified above is the loss of employment land.

The justification for policy E2 of the local plan explains that retailing is not permitted (on existing employment sites) because it would reduce the amount of employment land available and provision is made elsewhere for retailing. It is acknowledged that the proposal would generate a significant number of jobs. Although it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates, the creation of 730 FTE jobs is a large number and must be given significant weight.

Employment sites are allocated to create a range of good quality employment opportunities that will drive the future economic growth of the Borough, supporting business sectors that are key to the future economic success of the Borough. Employment uses are defined as the ‘B class’ employment uses, namely office, light industrial, general industrial and storage and distribution uses. It is accepted that within those uses, some sites and ‘B’ uses will result in fewer jobs than others. For example, B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use with a comparable floorspace. Employment allocations are important to provide land for substantial buildings (including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The Council’s economic strategy is about providing better jobs. Handforth is close to the airport and has a synergy with other sites within the locality and wider region. The Council is already under pressure to provide more high quality employment sites and are having to allocate green belt sites to achieve this. The removal of a good employment site that is not in the green belt makes no sense in terms of our economic strategy. However, the Framework and policy EG3 of the CELPS allow for alternative uses to be considered where there is no reasonable prospect of the site being used for employment purposes.

It is acknowledged that the marketing of the site and the viability assessment that has been carried out both suggest that the prospects of a B8 employment use on this site is unlikely. There does however remain a concern that the viability appraisals submitted do not evidence that all employment uses are unviable and that this, coupled with the employment land position advanced for the CELPS, fail to demonstrate that there is no reasonable prospect of the site being used for employment purposes or that the site is not suitable or viable for employment use.

Despite the identified benefits, it is not considered that there are sufficient material considerations to indicate a move away from the Development Plan. The proposal is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the CELPS and paragraph 22 of the Framework.

RECOMMENDATION

It is recommended that the application is refused for the following reason:

- 1. The proposal will lead to a loss in the amount of employment land in the Borough, at a time when the Council is allocating Green Belt sites through the local plan process to provide adequate employment land to meet the needs of the Borough to 2030. This is considered to significantly and demonstrably outweigh the benefits of the proposal. It has not been satisfactorily demonstrated that there is no reasonable prospect of the site being used for employment purposes, or that the site is no longer suitable or viable for employment use, required by paragraph 22 of the NPPF and policy EG3 of the emerging Cheshire East Local Plan Strategy. The proposed development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy and paragraph 22 of the Framework.**

REFERRAL TO SECRETARY OF STATE

It should be noted that due to the scale and nature of the proposal, and its out of town location, the application will need to be referred to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009. Therefore any resolution to approve will be subject to the outcome of this process.

HEADS OF TERMS

Should this application be the subject of an appeal, the Head of Planning (Regulation) has delegated authority to enter into a S111/S106 Agreement to secure the following Heads of Terms:

- Financial contribution of £180,000 towards replacement woodland habitat planting (for set up costs, woodland creation and 30 years of management and maintenance costs).
- Financial contribution of £10,000 for travel plan monitoring
- Local Employment Agreement

- Financial contribution of £2m towards proposed improvements to Castlegate, Castle Street and Exchange Street (or other schemes identified by the Council)

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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.

In this case the proposed financial contribution for woodland planting is required to provide and manage 3.2ha of replacement woodland planting to mitigate for the loss of the woodland habitat on the application site in order to make the development acceptable in planning terms and is directly related to the development. Calculated using the 'The Biodiversity Impact Assessment Calculator', which has been developed by Warwickshire County Council as part of the offsetting pilot project, the contribution is considered to fairly and reasonably relate in scale and kind to the development.

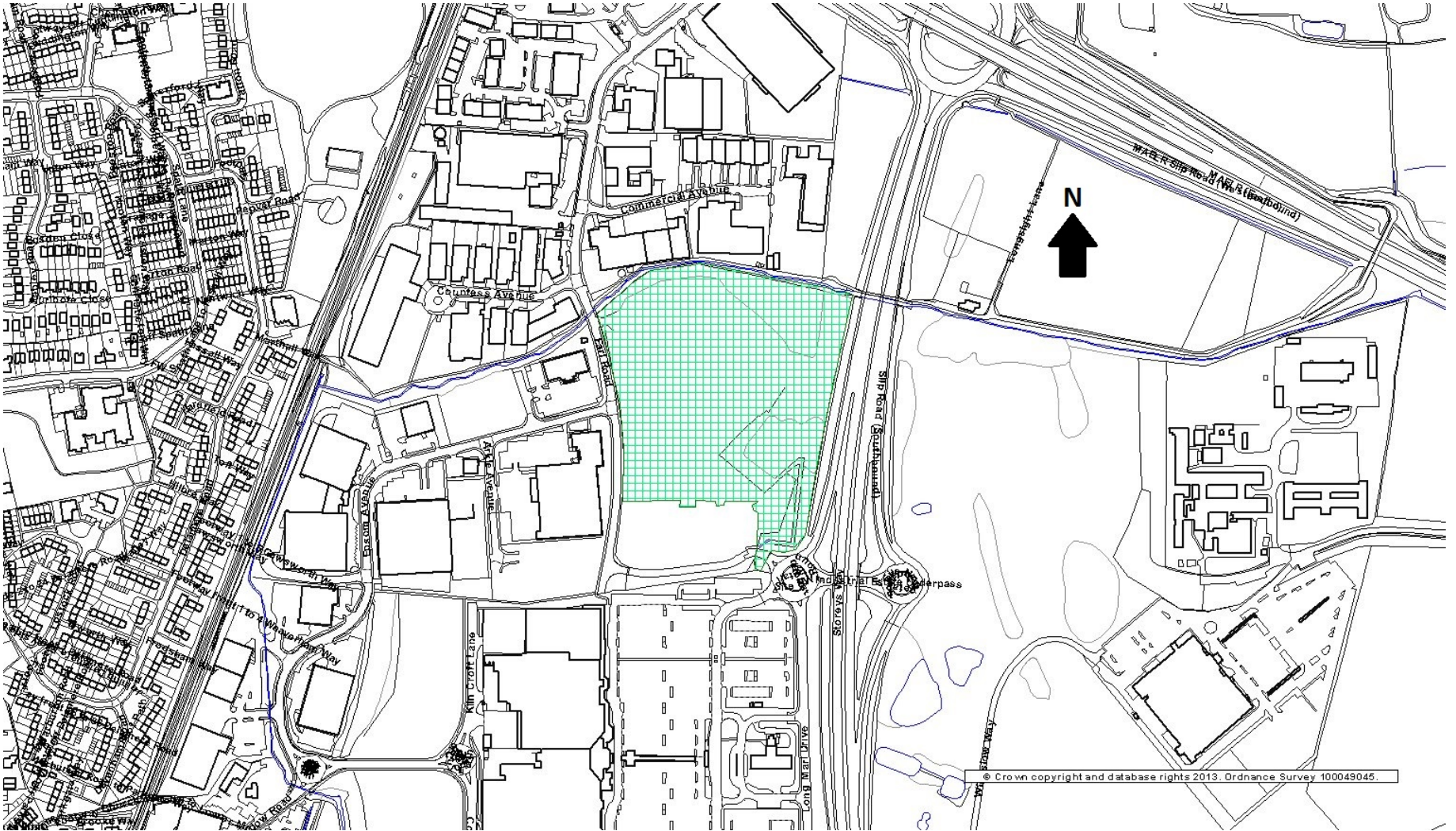
The travel plan contribution is required to ensure that sustainable transport measures that are put in place are effective and ensure the provision of a sustainable form of development.

The contribution towards town centre public realm improvements is required to ensure that the retail impact is no worse than that estimated within the retail impact assessments, and to minimise any potential impact upon the town centres.

The local employment agreement is considered to be necessary to mitigate for the loss of employment land and support sustainable local communities.

All aspects are fairly and reasonably related in scale and kind to the development.

In the event of any changes being needed to the wording of the Board'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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.



Application No: 16/0802M

Location: Land at Earl Road, Handforth

Proposal: Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping.

Applicant: Martin Ridgway, CPG Development Projects Limited

Expiry Date: 19-May-2016

SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. Policy EG3 of the emerging Local Plan Strategy also seeks to protect existing employment sites for employment use, unless premises are causing nuisance or environmental problems, or the site is no longer suitable or viable for employment use. 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".

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

There are very clear benefits arising from the proposal in that the development will bring a vacant site into active use and provide approximately 126 additional jobs when operational. Added to this will be the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East. These factors taken together is a significant benefit of the proposal that does carry substantial weight.

It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can be afforded to this.

The ecological and tree impacts are considered to be appropriately mitigated through replacement woodland planting off site. The mitigation for this also feeds into the wider aspirations of the Council to create a Country Park on the land area identified as the mitigation site. This provides the potential for wider social benefits to be realised in terms of future access to high quality open spaces. This should be acknowledged in the planning

balance, but given that this is aspirational at this stage it is considered that it can only be considered as a neutral aspect of the proposal.

Whilst the comments from Stockport MBC Highways are acknowledged, the highways impact upon Cheshire East and Stockport highways has been found to be acceptable subject to appropriate improvement works. The impact upon residential amenity / noise / air quality and contaminated land is either acceptable or could be mitigated through the imposition of planning conditions.

There are no sequentially preferable sites to accommodate the proposed development and the impact upon existing town centres, either as an individual development or cumulatively with other proposals, is considered to be acceptable.

Weighing heavily against the benefits identified above is the loss of employment land, and whilst the proposal would generate a significant number of jobs, it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates. In fact the number of jobs created by the proposal could be significantly less than the potential number an office scheme on the site could generate.

Employment sites are allocated to create a range of good quality employment opportunities that will drive the future economic growth of the Borough, supporting business sectors that are key to the future economic success of the Borough. Employment uses are defined as the 'B class' employment uses, namely office, light industrial, general industrial and storage and distribution uses. It is accepted that within those uses, some sites and 'B' uses will result in fewer jobs than others. For example, B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use with a comparable floorspace. Employment allocations are important to provide land for substantial buildings (including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The Council's economic strategy is about providing better jobs. Handforth is close to the airport and has a synergy with other sites within the locality and wider region. The Council is already under pressure to provide more high quality employment sites and are having to allocate Green Belt sites to achieve this. The removal of a good employment site that is not in the Green Belt makes no sense in terms of our economic strategy. However, the Framework and policy EG3 of the CELPS allow for alternative uses to be considered where there is no reasonable prospect of the site being used for employment purposes, or it has been demonstrated that the site is no longer suitable or viable for employment use.

It is acknowledged that the marketing of the site and the viability assessment that has been carried out both suggest that the prospects of an employment use on this site are unlikely. There does however remain a concern that the viability appraisals submitted do not evidence that all employment uses are unviable and that this, coupled with the employment land position advanced for the CELPS, fail to demonstrate that there is no reasonable prospect of the site being used for employment purposes.

Despite the identified benefits, it is not considered that there are sufficient material considerations to indicate a move away from the Development Plan. The proposal is

therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the CELPS and paragraph 22 of the Framework.

SUMMARY RECOMMENDATION

Refuse

PROPOSAL

The application seeks outline planning permission for the erection of four Class A3 restaurant units and three Class A3/A5 units with associated access, car parking, servicing and hard and soft landscaping. The units will provide a total floor area of 2,274sqm of class A3/A5 floorspace. This application seeks approval for access, appearance, layout and scale, with landscaping reserved for subsequent approval.

Amended plans that reduce the floorspace from 2,427sqm to 2,274sqm (measured internally) have been submitted during the course of the application together with additional supporting information.

It should be noted that although separate applications have been submitted, this application is part of a phased approach to development on the wider site and is referred to as Phase 2. However, the larger retail scheme (16/0138M) encompasses both Phase 2 and Phase 3 as a single application.

SITE DESCRIPTION

The application site comprises 1.25 hectares of open employment land as identified in the Macclesfield Borough Local Plan. The site lies within the Stanley Green Business Park / Industrial Estate, to the east of the A34 Handforth bypass adjacent to the Handforth Dean Retail Park.

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:

83294P – Erection of retail warehousing – Refused 04.04.1996, Appeal dismissed 23.11.1998

The most recent planning permission on the site was:

04/1091P - Renewal of planning permission 01/2683P for use of land for car parking from 01/04/05 to 31/03/10 – Approved 17.06.2004

On the wider site

16/0138M - Construction of 23,076sqm of class A1 retail floorspace and 2,274sqm of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping – not yet determined (Phase 2 & 3)

16/3284M - Erection of retail floorspace – not yet determined (Phase 1B)

12/4562M - Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking – Approved 23.10.2014

On the adjacent site off Epsom Avenue

16/5678M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. (Resubmission 15/0400M) – not yet determined

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works – Refused (loss of employment land) 08.03.2016 – Appeal scheduled for June 2017

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Of particular relevance are paragraphs:

22 (long term protection of employment sites)

24, 26 and 27 (town centres)

Local Plan Policy

Macclesfield Borough Local Plan (MBLP) -

NE9 (River corridors)

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

E1 (Employment land)

E2 (Retail development on Employment Land)

E3 (Employment land – business)

E4 (Employment land – industry)

T3 (Improving conditions for pedestrians)

T5 (Provision for cyclists)

IMP1 (Provision for infrastructure)

IMP2 (Need for transport measures)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)
DC3 (Protection of the amenities of nearby residential properties)
DC5 (Natural surveillance)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Neighbourhood Plan policy

The Handforth Neighbourhood Plan is at the early stages of formulation and has had its Neighbourhood Area Designation confirmed (Regulation 7) but there are no policies material to the current application at this time.

Other Material Considerations

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG3 Existing and Allocated Employment Sites
EG5 Promoting a Town Centre First Approach to Retail and Commerce

CONSULTATIONS

United Utilities – Not consulted but no objections subject to conditions raised to larger scheme comprising the same development (16/0138M)

Environment Agency – No requirement to consult the Environment Agency in this instance

Natural England – No comments to make

Environmental Health – No objections subject to conditions relating to odour control, pile driving, floor floating, dust control, electric vehicle infrastructure and contaminated land.

Head of Strategic Infrastructure – No objections subject to conditions and a planning obligation to secure financial contributions for the monitoring of a travel plan

Flood Risk Manager – Comments awaited

Stockport MBC – Object on the following grounds:

- The numerous A3 and A3/A5 units would need to serve a wider than ancillary function to be viable
- Applicant's catchment area is therefore too small
- Impact of SEMMMS should be assessed
- Impact of other retail schemes in area should be assessed
- Many sites in Stockport over which the proposal could be accommodated if disaggregated

- Proposal fails the sequential test
- Rushden Lakes decision not comparable with proposal
- More flexibility of the scheme's format could be demonstrated
- Proposal will impact upon ongoing investment in Stockport at Redrock, Stockport Exchange, Covent Garden Village, Merseyway, and Market Place and the Underbanks
- Impact should be assessed up to ten years from the time the application is made.
- Stockport has an identified shortage of quality restaurants
- Applicant does not consider the impact of the proposal on Stockport's District Centres
- Stockport Town Centre has a high vacancy rate
- Scope for further impacts than those identified above e.g. in the event that A1 use occupies the A3 use element via permitted change and by any unit sub-division
- A 20% decrease in the application site area site search should be applied (i.e. sites from 1.0ha) in applying flexibility in the sequential assessment for the development.
- Other sequentially preferable sites exist
- It is important to safeguard and strengthen town centres and this can only be achieved by focusing new retail development in the core retail area.
- The proposals do not support the vitality and viability of Stockport Town Centre
- Impacts will include investment decisions by existing multiple retailers to re-locate, close, or to downsize their existing store(s)
- The decision to allow significant retail on the A34 20 years ago significantly damaged Stockport and Macclesfield Town Centres with the result that both Cheshire East and SMBC are having to intervene directly into regenerating them.

Stockport MBC Highways - Object on the following grounds:

- Use of average trip rates for assessment purposes is a concern as there is clearly a 50% chance that they could be inaccurate
- No weekend traffic modelling provided
- The use of Temprow growth on the A34 corridor (aside from the Handforth traffic) is not appropriate as it is likely to underestimate the traffic impact of other possible development sites
- Scheme for the A34 / Stanley Road junction has not been subject to consultation with or agreement by Stockport Council.
- Unclear whether the submitted modelling exercises have been submitted to and/or verified by TfGM
- Site is remote from significant residential catchment areas and is effectively severed from the main residential areas by the presence of the A34 corridor
- Application includes little in terms of measures to promote sustainable access
- Development generates a significant numbers of trips and mitigation should be provided in a sustainable manner to sufficiently deal with this impact
- The impact on Stockport's roads of this proposal could be judged to be a severe adverse impact

Handforth Parish Council – Initially opposed the application due to the high levels of traffic such a development would generate in this area, and were concerned about the impact of this new development on existing retailers.

In the most recent comments from the Parish Council received on 12 April 2017 they raise no objections to the proposal but request that the developer provides a separate storage area for recyclable waste.

REPRESENTATIONS

3 letters of representation have been received from interested parties objecting to the original plans on the following grounds:

- Need for co-ordinated and fully informed assessment of all out of centre retail applications
- Site is unsustainable for delivery of additional town centre uses
- No evidence that catchment area takes account of SEMMMS link road, therefore catchment area incorrectly drawn
- Without identifying the need that a development seeks to serve it is impossible to demonstrate flexibility of form
- If catchment is incorrect then sequential site assessment should be widened
- Impact assessment flawed - Turnover rates appear to be incorrect
- Scale of the proposed development is at odds with the retail hierarchy of Cheshire East and the surrounding area.
- Premature given draft stage of Cheshire East Local Plan and it is at odds with the strategy for providing additional retail floorspace within the emerging plan
- The case for releasing the site from its employment allocation has not been adequately made.
- The delivery of the restaurants and drive-thrus cannot take place unless the main retail proposals (application 16/0138M) is also brought forward.
- A3 uses in this location would increase the attraction of the facility and ensure that Earl Road has a quantum of floorspace akin to a sub-regional centre

A second round of public consultation has taken place following the receipt of revised plans. Three further letters have been received from interested parties (from or on behalf of Eskmuir, Intu and Peel) objecting to the proposals on the following grounds:

- Catchment Area continues to ignore the SEMMMS Link Road
- CPG continue to consider The Peel Centre and Stockport Town Centre separately
- Orbit and CPG schemes cannot draw trade from each other if they come forward and open for trade at the same time as neither has a customer base at the point of opening which can be drawn from.
- In the absence of public information about the occupiers of the development £10,000sqm should be used as a sales density
- The turnover of existing facilities does not necessarily marry up to some of the trade draw assumptions
- Some committed developments within the catchment area have not been included within HOW's assessment:
 - Lidl, Hempshaw Lane (Ref: DC/060961)
 - Aldi, London Road South, Poynton (Ref: 14/5368M)
 - Aldi, Offerton Precinct (Ref: DC050745)
 - Stockport Exchange (Ref: DC054978)
 - Brighton Road Industrial Estate, Stockport (Ref: DC/060607)

APPLICANTS SUBMISSION

The following documents accompany the planning application, and can be viewed in full on the application file:

- Marketing Activity Report
- Retail Impact Assessment Reports
- Design & Access Statement
- Surface Water Drainage Strategy
- Tree Survey Report
- Environmental Site Investigation Reports
- Biodiversity Offsetting Report
- Ecological Assessment
- Nesting Bird Survey
- Employment Land Market Report
- Flood Risk Assessment
- Transport Assessment

Additional information relating to the employment land situation in the local area, the viability of the site and the marketing if the site has also been submitted in response to the previously published committee report.

APPRAISAL

The key issues in the determination of this application are:

- Loss of employment land
- Retail / town centre impact
- Highways safety and traffic generation
- Ecological impact

ECONOMIC SUSTAINABILITY

ECONOMIC BENEFITS

The applicant has identified the following economic benefits arising from the proposal:

The Employment Densities Guide 3rd Edition has been used to estimate the likely number of full time equivalent (FTE) jobs that would be created by the proposed development. The employment density for restaurant and drive-thru units are based upon the standard A3 employment density figures provided.

The proposed development will bring the vacant site back into use and provide approximately 126 additional FTE jobs when operational. The applicant has also indicated that they are willing to agree a local employment plan, in order to maximise employment opportunities for local people. A similar approach was adopted with the Next scheme.

This is considered further, below, in the planning balance.

LOSS OF EMPLOYMENT LAND

The application site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan. The last use of the site was as airport parking, which ceased in 2010 and the site has since remained vacant.

Employment Areas are defined in the glossary to the Macclesfield Borough Local Plan as:

The existing and proposed areas which are intended to cater for a mix of employment development including general industry, business uses and storage and distribution (see elsewhere in Glossary for more detailed definitions of these classes of employment development). The primary purpose of an employment area remains employment. For the avoidance of doubt, retailing is excluded from the definition of employment.

Policy E1 of the Macclesfield Borough 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 therefore 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. Paragraph 14 states development proposals that accord with the development plan should be approved without delay, and; 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 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”. Policy E1 does state that “both existing and proposed employment areas will normally be retained for employment purposes”. Use of the word “normally” does suggest that there may be occasions when employment land could be used for alternative purposes, as with paragraph 22.

In the Cheshire East Local Plan Strategy, Employment Land is defined as:

Land identified for business, general industrial, and storage and distribution development as defined by Classes B1, B2 and B8 of the Employment Land Town and Country Planning (Use Classes) Order 1987. It does not include land for retail development nor 'owner specific' land.

Policy EG3 of the emerging local plan strategy also seeks to protect existing employment sites for employment use, unless there are environmental problems that cannot be mitigated or the site is no longer suitable or viable for employment use. For it to be no longer suitable or viable, there should be no potential for modernisation or alternate employment uses, and no other occupiers can be found. The footnote to this policy requires that to demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its

employment status for a period of not less than 2 years. The emerging local plan is at an advanced stage and therefore this policy can be afforded significant weight.

With regard to the employment land issue, the applicant makes reference to the fact that the site has been allocated for employment purposes for 20 years and that within that time, not one planning application has been made for employment uses. The application is accompanied by a Marketing Activity Report prepared by Engine of the North, which looks at the marketing of the site between 2011 and 2015.

It should be noted that the land is owned by the Council and has been marketed by its own development company 'Engine of the North'. This is a separate entity to the Council acting as Local Planning Authority.

This Marketing Activity Report concludes that:

- Marketing Boards have been present on site since 2012 and have generated very limited end user interest for Employment Uses.
- In March 2012, the Council directly sought general expressions of interest as part of a soft marketing exercise. A wide variety of proposals from developers and occupiers were received.
- In 2014-2015 and in accordance with a Cabinet resolution, the site was marketed for a wide variety of potential land uses including employment, retail, leisure and sui generis uses such as car showrooms.
- This generated substantial interest and a large number of offers. No offers were received from any Employment occupiers either for part of the site or the whole.
- Only one offer was received to develop the whole site for Employment Use, but was not supported by named end users. This was also the lowest offer received, creating an issue for the Council in terms of its legal obligation to achieve best value. In addition, the offer was conditional on a site investigation. Ground conditions were known to be poor and the low residual value indicated by the offer limited the ability of the proposal to absorb abnormal costs whilst remaining financially viable. The developer who submitted this offer is no longer trading.
- Offers based on mixed use proposals were, for the most part, retail/leisure schemes with around 2-3 acres set aside for Employment Use.
- The option of selling the site in individual lots was not pursued beyond the first round of bids. It was initially believed that this approach might yield the highest overall value for the Site as a whole but on examination this proved not to be the case.
- A second round of bids was held in October 2014. 10 developers were shortlisted. In all instances, the offers submitted were based on a comprehensive retail/leisure scheme with no Employment Uses.

In addition to this, an Employment Land Market Report has also been submitted by the applicant, which notes that:

- NPPF discourages the retention of sites in an employment allocation if there is no reasonable prospect of it coming forward for that use
- Release of the application site would not only benefit Handforth but also Cheshire East's wider employment needs in the Borough

- Employment land review dated 2012 identifies a potential shortfall of employment land 51 hectares, however subsequent studies undertaken in 2015 and 2016 identify potential additional sites, which would provide up to 4 times the required land supply.
- Employment land take up has historically been 13.54 hectares per annum but only 3.28 hectares of this has been in the northern part of the borough, in which the site is located.
- There have been structural changes within the office market, meaning that the application site will never be brought forward for a flagship B1 office development. Out-of-town office development is now only likely to happen on the premier business parks in the area and there is an ample supply of these in the marketplace in which the site sits
- Speculative office development that has taken place on an adjacent plot to the application site which was constructed over seven years ago, has never been occupied.
- The application site is in the north of the borough where there is significantly less demand for industrial land. The industrial logistics market is concentrated in the south of the borough, a fact highlighted by both Arup and Ekosgen in their reports on Employment Land, and reflected in the employment land take-up figures
- Recent current and future demand for industrial and logistics premises is more than likely to be concentrated on the motorway corridors away from residential accommodation due to the requirements for excellent access and 24/7 usage.
- As demand increases for these prime sites there will be a resultant decrease in the take up of secondary sites, which are more suited to smaller local businesses. The application site has all the characteristics of a secondary site, in that it is in a mixed-use location near to retail and remote from the motorway network.
- Recently available existing industrial units closest to the application site have been taken up by leisure uses, including a gym and trampoline centre
- Due to the secondary nature of the site and the abnormal costs of development, the site is not a viable for continued employment use. The applicant has undertaken a viability analysis of the site for employment and their findings are that, due to the constraints of the site and the market for the location, it will never be delivered for employment use.
- The loss of this site from employment will not have a detrimental effect on the supply of existing employment land and there are still high quality office development sites in preferential locations close by. Furthermore, there are development sites which are more suited for smaller industrial and warehouse uses, with an ample supply of existing buildings to meet any demand in the area in which the application site is located.

The applicant's overall conclusion is that having regard to all of the above information, demand does not exist for this type of floorspace in this location and there is therefore no reasonable prospect of the site being used for that purpose.

Following comments made in the previous Committee report (which was withdrawn from the 19 April Agenda) the applicant has responded to the issues raised. These issues and the applicant's further responses are discussed below. The responses from the applicant relating to the marketing of the site have been provided by Engine of the North.

The report on the marketing of the site covers a period from 2010 when the site was marketed on a short-term leasehold basis. This exercise did not lead to any short term lettings, but did generate interest from parties wishing to buy. This included interest from companies, some of them local, who were looking for employment floor space within the Borough. Within the original submission it was not explained why the site was marketed only on a short term leasehold basis at that time, and concerns were raised by officers in the previously withdrawn committee report that such a strategy may have deterred other interested parties, such as those looking for more long term commitments, pursuing their interest in the site any further.

The applicant has sought to clarify this with reference to a Report of the Strategic Director Places and Organisational Capacity to Cabinet on 28th November 2011 to consider the options for the development of this land to maximise employment opportunities and financial returns. This public report explains that the reason for the short term marketing was to secure an occupier and revenue stream from the site whilst, *"The Council investigates further the options for development of the site ... to maximise employment opportunities and financial returns"*.

The Cabinet report also explained that interest was shown in more long term commitments to the site. The report states that:

"Limited interest has been shown following the marketing of the site on a short term lease basis. Regular enquiries have been received however for the freehold interest of the site. Whilst the majority of these enquiries fall outside what would be classed as an employment type use there has been recent interest from a number of sources that would indicate there may be development opportunities including investment / expansion enquiries from existing Cheshire East companies."

For the purposes of assessing the marketing activity in the context of the current application, officers therefore do now accept that the marketing (on a short-term lease basis) did generate interest in longer term commitments to the site rather than deter it, and acknowledge that the *"majority of these enquiries fall outside what would be classed as an employment type use"*.

Further to this, again in the previously withdrawn committee report officers raised concern that rather than capitalising upon the interest that had been shown in 2010/2011 the marketing seems to have stalled until March 2012, which may have led to the loss of the previous interest shown in the site. However, the applicant has now responded to this by noting that, *"most of the interest shown in the site during this period was for non-employment uses, notably retail. This interest from this sector of the market was not pursued at that time because the Council had a very clear intention to see the site developed for Employment Use"*.

These comments are consistent with the resolution of the Council's Cabinet on 28 November 2011, which stated:

1. *That the Council investigates further the options for development of the site, [including those options outlined in 10.3 - 10.5 of the report,] to maximise employment opportunities and financial returns.*
2. *That a feasibility exercise be undertaken and expressions of interest sought from the market in order to better understand the current demand and occupier requirements.*

3. *That the conclusions of the above investigations be considered by the Cabinet in Spring 2012.*

Concern was raised previously by Officers that no specific details of the 2012 marketing exercise have been provided. Therefore, whilst it is noted marketing boards were erected around the site it is not clear if these boards acknowledged the employment allocation of the land, whether the site offered a generic development opportunity or whether the site was being marketed at a price that reflected its employment status.

In response to this the applicant refers to a report to Cabinet by the Head of Development at that time (January 2013) which states that *"A recent soft market testing exercise to explore commercial interest suggests there is potential to bring this site forward as a high-quality employment led regeneration opportunity."* This resulted in the resolution from the Cabinet meeting on 7 January 2013 being to:

- i) *Take all necessary action to bring forward, through phased direct development, the Council's landholding at Earl Road, Handforth for employment led uses in line with current planning policy.*
- ii) *Invest up to £130,000 towards the cost of financial appraisal, site investigation and masterplanning work.*
- iii) *Commence marketing of serviced plots in order to ensure timely delivery on site.*

As the applicant notes, *"The Council's intention at this time could not have been stated more clearly. In spite of strong interest from retail and leisure uses, the Council remained committed to developing the Site for Employment Uses in line with planning policy."*

Again for the purposes of assessing the likelihood of the site being used for employment purposes, officers do accept that none of the parties who expressed interest in employment uses on the site pursued their interest through to a formal offer.

The previously withdrawn committee report also suggested that limited interest during this time cannot have been entirely unexpected when the UK was gradually leaving a significant period of recession in 2008 and 2009. In response, the applicant points out that there has only been limited interest in the site for employment uses since it was allocated for such use in 1997. Short term market conditions do not appear to be a material factor. In addition the applicant has provided a letter from the marketing agents CBRE which states that, *"The economic crash was 2008/9 and therefore the soft marketing in 2012 took place 3/4 years after, and the national campaign took place 5/6 years post recession and within a period of stability and sustained low interest rates. Industrial deals were completed elsewhere during this period of relative strong market conditions. In contrast, the immediate future now looks uncertain with Brexit likely to impact the market."*

A report commissioned by the Council (as landowner) and prepared by Deloitte in 2013/2014 apparently identified (the report has not been submitted with the application) that a development containing only offices and light industrial uses would be unviable in the current market. As a result of this, the formal marketing activity between 2014 and 2015 explicitly moved away from employment uses and the Council's cabinet approved the disposal of the site *"for a range of potential land uses, including employment, retail, leisure and sui generis"*

use such as car showrooms”, despite the allocation in the local plan remaining as employment land.

The incorporation of these wider uses within the marketing material for a site owned by the Council may have deterred other potential employment use occupiers from expressing an interest. Whilst this may still be the case, the applicant has again referred to a third Cabinet Report (from 4 March 2014), which seeks approval for disposal of the site potential land uses, including employment, retail, leisure and sui generis use such as car showrooms. This is clearly a shift from traditional employment uses, but given the steps taken previously to attract employment uses, and the lack of interest in preceding years, such a change in strategy is now understandable. Added to this, this shift occurred when Next received permission (or more accurately a resolution to grant permission at that time) on part of the site for a retail use, but at a time when no disposal agreement existed between the Council (as landowner) and Next Plc in relation to the plot in question. The marketing covered the whole site, including the Next plot, which did have an approved retail use.

The submitted letter from CBRE states that, *“It is worth reiterating that in the initial round of bids concluded in June 2014, we received 53 separate offers for the site, of which only 1 was for a wholly employment use scheme comprising two large distribution units”*. The higher offers that were received were based on exclusively retail / leisure schemes and concern was raised by officers in the previously withdrawn committee report regarding the Council’s legal obligation to obtain best value from the sale. Typically, this obligation is discharged by accepting the highest price, which would inevitably be a retail / leisure use based on the offers received. However, the applicant has explained that the Council is permitted to sell at less than the highest price when there are social, economic or environmental benefits associated with under-bids. Added to this a further consideration is the likelihood of the sale completing, and it is relevant that all of the offers were conditional, with most being conditional on planning and site investigation.

Overall, in terms of the concerns raised by officers in the previously withdrawn committee report relating to the marketing of the site, it is now considered to be much clearer. The Council’s aspirations for the use of this site have justifiably changed over time, as they would for any other landowner, due to the lack of interest in employment uses during the 20 years the site has been allocated as such, and particularly since 2010.

It should also be noted that as part of the consideration of the Next scheme between 2013 and 2015 on the adjacent site, the fact that previous marketing campaigns did not find anyone willing to develop the site for employment purposes, was material to the decision to approve.

Added to the unsuccessful marketing campaigns, the applicant maintains that the site is not viable for an employment use, notably due to the ground conditions, and the additional costs this incurs. A viability appraisal has been provided for small and mid-box industrial and warehouse uses, which results in a loss of just under £5.1 million rendering development for employment use unviable. The appraisal was previously dismissed by officers as being high level and appeared to adopt a broad brush approach to the assessment and figures included within it. However a further review of the evidence submitted has now been made, alongside evidence available to the Council through the Cheshire East Local Plan work which has questioned that previous approach. The applicants also point to recent experiences from the

construction of the Next store which has highlighted those difficult ground conditions for construction which adds to costs.

It is considered that the submission follows an industry standard format and does demonstrate that there are viability issues associated with the development of this site. However, the applicants do not believe the site is likely to attract an office use so no viability appraisal has been submitted for this type of use. It is considered that the lower values associated with industrial and warehouse uses may not fully demonstrate that the site is unviable. An office based scheme could also create a significantly higher number of jobs across the site than those currently advanced for retail use.

The viability report also reflects the advice previously given to the Council of the North by Deloitte in 2014 which also concludes that *“an exclusively employment led scheme will be a significant challenge and potentially not viable given the competition from other more preferable/established sites in the area such as Cheadle Royal or ones with future potential for critical mass such as Airport City.”*

In addition the applicant's Employment Land Market Report notes that there is a relatively weak market and continued availability of significant amounts of high quality office space in the prime business parks of south Manchester, which makes the application site unattractive for potential office uses.

In terms of industrial and logistics uses, the applicant explains that there is a two-tier market. The first tier are those prime sites mainly comprising large greenfield areas close to motorway junctions and remote from retail and housing providing excellent accessibility. The second tier includes those sites catering for the local market and closer to historic industrial areas where there has been a decline in activity and some redevelopment for alternative uses, principally housing and retail or leisure. The take up of these sites is very slow and investment into many of these sites has been minimal for many years. The applicant considers that the application site sits very firmly in the second tier.

Whilst these comments are acknowledged, the applicant's marketing report does state that the site is widely acknowledged to occupy a prime location, prominent, adjacent to the A34 and next to Tesco / M&S. The site has excellent access into Manchester City Centre along the A34, the M60 is approximately 4 miles to the north of the site along the A34, and the completions of the SEMMMS link road will also improve accessibility to the airport and the M56.

The employment land requirement in the emerging local plan, which was originally based upon the 2012 Employment Land Review (ELR) undertaken by Arup, has increased from the previously proposed 351ha within the submission version of the Local Plan Strategy to a gross requirement now of 378ha. This new higher figure is based on the latest (2014) Cheshire & Warrington Econometric Model (CWEM) employment projections, as opposed to the 2011 figures that the Council's 2012 ELR was based upon.

The employment evidence base collated by the Council to support the proposed quantum and distribution of land to meet employment requirements includes a report by Ekosgen called 'Alignment of Economic, Employment & Housing Strategy'. This report (July 2015) assesses levels of potential employment growth over the Local Plan period in light of the publication of

updated economic projections; and the associated implications for employment land requirements, including Cheshire East's ability to capture such growth, based on the area's historic performance and the availability of employment land and associated infrastructure.

This report notes that with regard to the distribution of the additional 27ha of employment land, it is noted that the north of the Borough will continue to be attractive to businesses keen to be based in locations with easy access to Manchester City Centre. As such there is a strong case to allocate a substantial proportion of any additional land to the north of the Borough.

The proposed distribution of employment land across the Northern settlements of Cheshire East has been accordingly increased in the Proposed Changes Version of the Local Plan Strategy.

The proposed level identified for Handforth is 22ha, which includes 12ha within the proposed North Cheshire Growth Village, plus an additional 10ha. The latest iteration of the Local Plan Strategy notes that on 31 March 2013 there was a supply of 9.72ha (which includes the application site), leaving 0.28ha to be found via the site allocations process to meet the 10ha requirement. However, it should be noted that the potential supply also appears to include the site of the new Next store, and as such the area to be identified through the site allocations may in fact be higher.

The Local Plan Strategy is expected to be adopted later this year, and already the Council is faced with proposals that have implications upon the amount of employment land identified to be required from the period to 2030. The loss of this site to a non-employment use would require alternative allocations to be made, which given the constraints of the northern part of the Borough is likely to require the removal of land from the Green Belt, which should not be done except in exceptional circumstances. It is therefore very important that existing employment land allocations are not lost to alternative uses unless it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes.

Conclusion on loss of employment land

The applicant has provided additional details relating to the Council's strategy for the marketing of the site, which it is acknowledged has identified very little interest from potential employment users of the site. The site has been an employment allocation in the various iterations of the development plan for approximately 20 years and remains undeveloped.

Added to this the applicant has completed a viability report, which is in line with the RICS Guidance Note "Financial Viability in Planning" and is accepted practice. The report refers to known constraints on the site and some abnormal costs (notably ground conditions) which have resulted from experience in constructing the Next store on the site. The report concludes that a development for employment purposes is unviable.

However, balanced against this is the acknowledged prime location of the site in south Manchester and the increased employment land provision required as part of the CELPS. Viability work for office uses on the site also needs further exploration.

Therefore, it is not considered that the applicant has demonstrated that the site is no longer suitable or viable for employment use, in accordance with policy EG3 of the CELPS, or that

there is no reasonable prospect of the site being used for employment purposes, in accordance with paragraph 22 of the Framework. Accordingly it is not considered that there is a case for alternative development at this time.

TOWN CENTRE 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 from White Young Green (WYG), and their comments are incorporated below.

SEQUENTIAL TEST

Planning applications for sites outside defined town centre boundaries are subject to a sequential test. The application to the sequential approach is described in Paragraph 24 of the NPPF (2012):

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require 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. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Relevant case law and appeal decisions regarding the sequential approach is set out in the report for application 16/0138M, and is therefore not repeated here.

The application site area is 1.3ha and the applicant has stated that the amount, layout and scale of the proposal is limited to the requirements and formats of potential occupiers, and in this case, the proposed drive-thru occupiers will have formats requiring food vehicular access, customer parking and space for the facility. The applicant has also stated that in order for the site to be able to suitably serve the same catchment as the proposed development, it must be located within the same primary catchment. The proposed development is an ancillary use to the existing and proposed Class A1 uses in the locality and therefore the search area for the proposed development extends to the primary catchment, which extends broadly as far north as Burnage, as far south as Nether Alderley / Chelford, as far east as Hazel Grove and as far west as Styal and Mobberley. As such the applicant has provided an assessment of seven identified sites within the primary catchment. The sites are:

1. Land off Daisy Bank Lane, Heald Green;

2. Land South-East of the junction of Styal Road and Finney Lane;
3. Metropolitan House, Cheadle Hulme;
4. Land at Medway, Bramhall;
5. Tatton Cinema, Gatley;
6. Massie Street Car Park, Cheadle; and
7. Cheshire East Car Park Leisure Centre, Wilmslow.
8. Water Street, Stockport
9. Barracks Mill, Macclesfield

Following WYG's consideration and advice on these sites, it is accepted that none of the sites identified by the applicant are available and suitable to accommodate the development proposed under this application.

IMPACT TEST

The impact test set out in paragraph 26 of the Framework relates to retail, leisure and office developments. However, as a restaurant / drive-thru use (Class A3/A5), the proposal does not qualify as a retail use (Class A1), leisure use (Class D2) or an office use (Class B1), and therefore an assessment of the impact is not strictly required.

However, the impact on investment assessment carried out for application 16/0138M is, to some extent, relevant to the current proposal, as the proposed restaurants and drive-thrus take the same form in this application and 16/0138M, and the details of this are provided below.

Silk Street, Macclesfield

The Silk Street scheme is now centred on a new cinema (Use Class D2) anchor with associated restaurant (use Class A3 to A5) uses that will complement that proposed use. It is accepted that with no cinema being proposed at the application site it is unlikely to compete directly with the Silk Street scheme. Furthermore, the applicant considers that any restaurants uses would not compete but are likely to operate from both locations as they are both complimentary and ancillary to the main primary function of the respective developments. The applicant further suggests that they would both serve different catchment areas. This position is supported by two letters provided by McDonalds and Tasty Plc ('dim t' and Wildwood Restaurants) which confirm that they consider Macclesfield, Stockport, Parrswood and Handforth Dean as separate catchments. This is useful evidence, albeit limited in that it is focused to a single drive thru operator and a single chain restaurant operator (with limited (7) 'dim t' restaurant portfolio all in London and Wildwood Pizza which operate across major settlements across the UK). However, the duality trading position does marry with WYG's experience elsewhere whereby restaurant, food and beverage operators, especially those focused on more fast food related operations, do seek dual representation at various locations to help exploit footfall generated and varying retail formats, and this can be experienced across both town centre at retail park formats.

It is unlikely that the proposed level of A3/A5 uses at the proposed development would prejudice the ability of the Silk Street scheme coming forward as this is being driven by the Council's desire to facilitate a key leisure anchor in the form of the cinema, and address a key deficiency in the town's wider leisure offer. This intervention will increase overall footfall which will ultimately drive the need for complementary local food and beverage footfall in that

locale. Furthermore, Silk Street is likely to be targeted towards a different end user such as families and high quality dining experience linked to enhanced evening pastime and wider leisure activities. Whereby the A3/A5 uses at the proposed development are likely to be more orientated to fast food and drive thru facilities and to enhance local dwell times at the application scheme linked to the shopping experience (typically involving quicker dining experiences as part of a wider shopping trip). Therefore, it is likely to represent a qualitative difference in the food offer aimed at differing audiences. Lastly, it should be noted that the Council is pursuing the Silk Street scheme in full acknowledgement of the application scheme being proposed (as the landowner of the site) and this does not appear to affecting the ability of the Council to facilitate a leisure based scheme, therefore there does not appear to be any prejudicial impact on the intended investment.

2. Redrock, Stockport

It is clear from representations by Stockport Council and from the marketing material for the Redrock development that a significant level of the proposed floorspace has been pre-let in advance of the development opening later in 2017. These pre-lets have been agreed in the full knowledge of the proposals at Earl Road, although it is accepted that there is still further space to be occupied. As with the Silk Street scheme, it is clear that the restaurant operators that are being secured at Redrock are taking advantage of the probable footfall to be created from the anchor Light cinema facility and all the restaurant units are focused towards family and high quality sit down experiences linked to wider evening activity that will be created. It is therefore accepted that the proposed restaurant and A3/A5 uses at the application site are likely to be different to those being promoted at Redrock and therefore the prejudicial impact is likely to be more limited. However, this is with an element of caution, as there will be some overlap and it is a material consideration that the initiative for Redrock (as well as others including Silk Street) is to diversify the wider offer of Stockport town centre in direct response to its declining retail role that has been quantified by the Council's Retail Study. However, given the relatively limited scale of the proposed units (A1, A2, B and C) which are designed to cater for more family and sit down eating establishments it is unlikely that in isolation this would prejudice the investment in such space in Stockport given the wider initiatives that are being pursued. The promoters of Redrock have also not formally objected to the current application. Overall, it is considered that the proposed Class A3/A5 units will not significantly impact on any planned or committed town centre investment.

Other investment

As noted above the Market Place and Underbanks initiatives within Stockport as well as the Stockport Exchange are both considered to represent qualitatively different offers that would not be affected by the proposal at the application site.

Stockport Borough Council has recently bought the Merseyway Shopping Centre in Stockport (April 2017), with it having been in receivership for the past seven years. As part of their representation to the applications, Stockport MBC states that the Council intends to invest some £40m on the refurbishment of the shopping centre over the next two to three years. It is understood that this will likely include improvements to Mersey Square, enhancements to the appearance of shops, and improvements to existing units, although we can find no evidence of a formal scheme of works being published by the Authority to date. Stockport's representations state that the Earl Road scheme will undermine this planned future investment in the Merseyway shopping centre.

In forming a view as to whether this will be the case, it is necessary to have regard to the wording of the Planning Practice Guidance and particularly paragraph 16 (ID: 2b-016-20140306). This states that a key consideration in assessing the impact of a planning application on future investment decisions is 'the progress made towards securing the investment'. In this regard, the improvements proposed to Merseyway are yet to be the subject of a planning application and indeed the final scope of works do not appear, as yet, to have been published or endorsed by the Council. Drawing upon the wording of paragraph 26 of the NPPF, it cannot therefore be said that the investment proposed in Merseyway is 'existing' or 'committed' and at best it can be described as 'planned' (albeit they do not benefit from planning permission). Given this position, it is not considered that at this point in time that it can be said with any certainty that the application proposals at Earl Road would undermine the Council's plans to invest in Merseyway – particularly when the scope of such works is yet to be finalised and the necessary permissions for them yet to be obtained. Furthermore, the Council now owns the Merseyway shopping centre and has aspirations to improve its future appearance and offer. Furthermore, a March 2017 press release by Marketing Stockport suggested that following the recent opening of Trespass and Holland & Barrett stores at the shopping centre, its occupancy rate has now risen to in excess of 95% - indicating improvement in the centre. Accordingly, it is not considered that there would be any significant 'impact on investment'.

The conclusion would be the same in the event that this proposal came forward with applications 16/3284M (extension to Next store) and 16/5678M (Orbit).

ENVIRONMENTAL SUSTAINABILITY

Character and appearance

The application site is located within an Employment Area which is characterised by buildings built more for function than form. The proposed restaurant and drive thru units adopt a similar form to the existing Next unit, and the proposed retail units on the wider site. The proposed buildings have been designed to relate to the wider retail proposal in terms of appearance, although on a smaller scale. The frontages of the restaurants are intended to relate directly to the frontages of the retail units, whereas the drive thru units have a slightly different design, tailored to individual occupiers, but use the same materials, to ensure a cohesive approach is adopted throughout the site.

The restaurants and drive-thru units sit to one side of the larger site and break up the views of the large park. The two restaurants echo the design of the retail units, although on a smaller scale. The rear elevations of these units which face onto the new access road step down the scale further and are finished in stone and brick, with a corner feature element for signage and branding. For the drive through units smaller expanses of stone, brick and glazing sit below single shallow pitched roofs. As with the larger retail proposal the design is considered to be of a relatively high standard, befitting this prominent site at the gateway to Cheshire East, and is in keeping with the local area. The proposal is therefore considered to comply with policies BE1 and DC1 of the local plan.

Amenity

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

Odour control

Environmental Health has stated that the seven proposed restaurants / drive thrus are adjacent to A34 and are a sufficient distance from sensitive residential receptors. Cooking odours may require further assessment in order to preserve the amenity of the shopping area for adjacent business operators in which case an odour mitigation condition can be recommended. However, given the nature of the surrounding uses this is not considered to be necessary.

Air Quality

Environmental Health also recommends conditions relating to the submission and implementation of a travel plan, electric vehicle infrastructure and dust control which are considered to be necessary to ensure that local air quality is not adversely affected.

Highways

The Head of Strategic Infrastructure has provided the following comments on the application:

Safe and suitable access

From the north, vehicular access will be taken via the dumbbell roundabouts beneath the A34, between the A34 / Coppice Way junction and the A555 grade-separated junction. From the south, vehicles will access via Coppice Way and Long Marl Drive. Access to the development will be via an existing five arm priority controlled roundabout junction with the A34 / Handforth Dean Retail Park.

Servicing of the Drive Thru's and restaurants will take place, through the car park, via the customer access off A34/ Handforth Dean Retail Park northern access / egress.

The development proposals also include the provision of 133 car parking spaces including 12 disabled parking spaces.

Network Capacity

Travel demand associated with the proposed uses has been estimated based on gross floor area (GFA) using trip rates derived from the TRICS database and these rates have been agreed. These trip rates have been utilised to assess the impact of the development on the operation of junctions within the vicinity of the site along the A34 corridor.

The majority of car trips to the development are not new to the network, but rather transferred, diverted, pass-by or linked trips and this is reflected in the results of the capacity assessments indicating that all junctions will continue to operate within acceptable capacity in a future year assessment.

It is therefore considered that in operational capacity terms, the proposed development will not have a material impact on the operational performance of the local highway network.

For information a VISSIM traffic model has been engaged to assess the traffic impact for application 16/0138M which is for a large retail scheme (phase 3) which also includes the same scheme under consideration of this application (phase 2). This modelling also includes the North Cheshire Growth Village proposal (site CS30). The results from this modelling show that subject to mitigation, which would be required as a result of phase 3, the larger scheme is acceptable in traffic terms.

Accessibility

The site is served by an hourly bus service along Earl Road (Mondays to Saturdays 0800-1800) linking the site to residential areas to the north of the site and Stockport town centre. Apart from this service the nearest are those along Wilmslow Road and Station Road in Handforth (together with the train station), about a kilometre away, which provide services to other destinations including Manchester and Wilmslow. However, pedestrian routes to these facilities are such that they may deter some people using these options during hours of darkness.

The transport assessment confirms that a travel plan will be prepared to encourage staff and customers to use of other forms of transport. However, without adequate provision for non-car modes, a travel plan will be largely ineffective.

To improve sustainable access obligations to enhance the existing bus service / infrastructure along Earl Road are contained within the 'Next' planning permission which will be payable given that this development has been implemented. In addition, it was identified as part of the Orbit proposals on the opposite side of Earl Road that contributions towards bus stops in the vicinity, improvements to provision for pedestrians and cyclists in the vicinity and a contribution towards public transport improvements were required. These measures were originally secured as part of the approved (and extant) office development on the Orbit site. In the event that all the current retail / leisure proposals are approved, careful consideration will need to be given to who is required to contribute what towards these improvements as part of a s106 agreement, given the limited public transport options that are currently available.

In addition to pedestrian and cycle access via the main vehicular access off Handforth Dean Retail Park northern access / egress, the applicant has stated that they are proposing to provide an additional dedicated pedestrian/ cycle access off Earl Road, in the vicinity of the consented Next store and a connection to Spath Lane via the bridge under the A34. The applicant will also enhance the footway link at the southern end of Earl Road to facilitate access into the existing retail development to the south. However, further clarification is required on the specific details of this.

Stockport MBC Highways

Stockport MBC Highways have raised a number of concerns regarding the highways impact and sustainability of the proposal. In response to this objection the applicant has provide the following details:

- All trip rates and input parameters were agreed with both Cheshire East Council and Stockport Council in advance of the Transport Assessment being prepared.
- The submitted Transport Assessment included a Saturday assessment, which demonstrated that this was no more critical than the Friday peak periods.
- VISSIM modelling included an assessment of the network with all the proposed Local Plan allocations. On reviewing this model it was concluded that this approach was overly robust and that the proposed development at Handforth Dean Retail Park would not be required to
- address such a level of traffic impact. Accordingly, the assessment parameters were amended to take account of only the North Cheshire Growth Village and then account

for some base line growth. This is considered to be representative of a reasonable approach to assessment.

- Stockport Council state that as part of the development proposals it is intended to remove the signals from the A34 / Stanley Road junction. This is however incorrect; no such proposal is linked with the planning application.
- The proposed development will not have a material impact on the operational performance of the A34 / Stanley Road roundabout.
- Cheshire East Council as Local Highway Authority are not required to submit development proposal to TfGM. However there would be no reason preventing Stockport Council seeking the advice of TfGM if they themselves considered it necessary to do so.
- Commitments to sustainable modes of travel under application reference 16/0138M include footway and cycle way improvement works to Footpath No 80 and have been agreed with the PROW Officer at Cheshire East Council.

Cheshire East Highways officers are satisfied with this response.

Highways conclusion

The results of the traffic modelling, along with the sustainable measures discussed above and supported by the submission of future individual occupiers Travel Plans, demonstrate that the proposed development is acceptable from a network operational performance and connectivity perspective in the context of current planning policy subject to the provision of a condition requiring improvements to be carried out to the footway at the southern end of Earl Road leading to the southern retail park, and a s106 agreement to secure a monitoring fee for a travel plan.

In terms of the impact upon the Cheshire East Highway network and the Stockport Highway network, for the reasons outlined above the proposal is considered to be acceptable.

Ecology

The nature conservation officer has provided the following comments on the application:

Woodland

The woodland towards the north of the site appears upon the national inventory of priority habitats. Woodlands of this type are a material consideration for planning. In addition woodland habitats are also present in the eastern half of the application site. These woodlands support a number of characteristic floral species.

A line of more mature trees is present on the eastern boundary of the site which appear to have been associated with a former historic hedgerow, whilst the bulk of the woodland appears to have started to become established in the 1980s.

A substantial amount of the woodland habitats (0.53ha) within the site would be lost as a result of the proposed development. Macclesfield Borough Local Plan policy NE7 seeks to retain and enhance existing woodlands. The loss of the woodland from the site is therefore clearly contrary to this policy

The nature conservation officer's initial recommendation was that the scheme should be amended to allow for the retention of the existing woodland in order to avoid a loss of

biodiversity as a result of the development of this site. However, as an alternative, mitigation options have been explored to compensate for the impact.

In order to inform the amount of compensatory habitat required as mitigation 'The Biodiversity Impact Assessment Calculator' has been used. This assessment calculator has been developed by Warwickshire County Council as part of the offsetting pilot project. The use of this calculator as a way to quantify the mitigation requirement was agreed with the nature conservation officer.

The nature conservation officer has confirmed that the offsetting calculation appears to be undertaken appropriately and the results of the assessment broadly reflect the nature conservation value of the woodland lost. A commuted sum £66,000 for the current application (phase 2 of the proposals) is required to mitigate for the impact.

Of course in order for the financial contribution to be of any use, a site needed to be identified that could accommodate the mitigation proposals. As woodland is being lost, albeit plantation woodland, this should be replaced with at least a proportion of new woodland planting. Woodland in the Cheshire East area is considered to be a rare habitat feature and therefore its value for biodiversity is considered to be high. 3.2ha of replacement woodland habitat is required, and as noted above, the associated costs for this to be provided off site have been calculated to be £66,000. This allows for set up costs, woodland creation and for 30 years of management and maintenance costs.

Following discussions with the Council's Countryside and Ranger Service, an area of land known as Dean Valley has been identified as an appropriate mitigation site. The valley follows a section of the River Dean, which extends from Station Road in Styal to Styal Road in Wilmslow. The Council have aspirations to improve the biodiversity value of this area, with a long term goal of developing a Country Park connecting up Styal to the Wilmslow area.

The proposals outlined above do provide appropriate mitigation for the loss of the broad leaved plantation woodland on the application site.

Bats

The submitted ecological report identifies a number of trees with bat roosting potential. It appears likely that a number of these trees would be lost as a result of the proposed development. The applicants were asked to carry out and submit further bat surveys to assess the potential impacts of the proposed development upon roosting bats. Further surveys were carried out which confirmed that no bat roosts were present within the any of the trees, and therefore there are no further implications with regard to roosting bats.

Nesting Birds

Protected and priority ground nesting bird species have been recorded as either breeding or attempting to breed on the application site. This includes 2 pairs of Lapwing (priority species) and 1 pair of Little Ringed Plover (protected). The proposed development will result in the total loss of the suitable habitat present on the site for these species.

An updated nesting bird survey has confirmed the continued presence of nesting Little Ringed Plover so if planning consent was granted compensatory habitat for this species would also be required. It is anticipated that this would take the form of an appropriately designed green

roof, and a condition requiring details of this to be submitted for approval is therefore recommended.

Badgers

Badgers are known to occur in this broad locality, but no evidence of badgers was recorded during the submitted survey. Badgers are therefore not currently considered to present a constraint on the proposed development.

However, if planning permission is granted a condition is recommended requiring the undertaking and submission of an updated survey prior to the commencement of the development.

Trees and landscape

A strip of woodland follows the eastern boundary of the site adjacent to planting that forms the embankment of the adjacent A34 bypass. Trees within the site are not protected by a Tree Preservation Order or lie within a Conservation Area. The northern woodland (part G2, G3, G4 and G5) adjacent to Spath Brook, which lies outside of this application site is identified as a priority habitat in the National Forest Inventory (NFI) – Spath Lane corridor.

It is anticipated that most (if not all) high, moderate and low category trees including woodland along the eastern boundary of the site will be directly lost to accommodate the development. The retention of optimal canopy cover is an integral part of the requirement to meet national climate change adaptation and resilience strategies and whilst some replacement planting is proposed around the site it is unlikely to be sufficient to compensate for the loss of the woodland and local canopy cover.

Macclesfield Borough Local Plan policy NE7 seeks to retain and enhance existing woodlands. The loss of the woodland from the site is therefore clearly contrary to this policy. However, as noted above in the Ecology section of this report appropriate mitigation is provided on a much larger scale in a location where the future of new woodland planting can be secured into the future.

Flood Risk

The Flood Risk Manager has requested clarification on a number of points relating to drainage, which have now been provided, and further comments are awaited.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of depot and military use and therefore the land may be contaminated.
- Various reports have been submitted in support of the application. These reports make recommendations for further works to be undertaken prior to and during the development:
 - Areas of the site have potentially been used for waste disposal in the past (in particular around TP2 and evidence also in TP6-11 in the Terrafirma investigation). These areas should be remediated so as to not pose an environmental or geotechnical risk to the proposed development. Evidence of free-phase hydrocarbon contamination was encountered in TP2 around

an old fridge. Due to the unknown age of this fridge, coolants used in the past such as Freon may be present in these soils – this, and the potential for further buried wastes in this area, should be discussed further. If necessary, further investigations in this area should be undertaken to more fully understand the ground conditions and the potential risks to identified receptors.

- Site investigations and assessments have demonstrated a low potential risk to the proposed development from ground gas risks. As such, no gas protection measures are considered necessary for this site.
- A detailed methodology for dealing with asbestos impacted soils should be provided to us prior to development commencing.
- A radiation method statement has been submitted previously and comments raised on the method statement have been addressed by the radiological consultant. This method statement and the results of the subsequent comments should be adhered to during site works.

In the event of approval, appropriate conditions would be required.

SOCIAL SUSTAINABILITY

Open space

Having regard to the Council's SPG on Planning Obligations the development does trigger the requirement for open space contributions in lieu of on site provision, as the development will create some demand for open space / recreation facilities. These contributions amount to £37,840 for open space and £37,840 for outdoor sport and recreation. Given the location of the site and its distance to existing facilities that would be utilised by staff and customers of the proposed development, the impact upon them unlikely to be so significant that it would require mitigation amounting to the sums identified above.

However, given that no specific deficiencies in provision are known to exist in the local area, the nearest open space area is approximately 600 metres from the application site, the nature of the development as a shopping destination is unlikely to create significant pressure on existing open space facilities, and the fact that the contributions already being made towards the ecological mitigation tie in with the Council's aspirations of developing a Country Park connecting up Styal to the Wilmslow area, it is considered the contributions towards open space and recreation and outdoor sport are not considered to be necessary to make the development acceptable in planning terms. The contributions would therefore not comply with the CIL regulations, and cannot be secured on that basis.

PLANNING BALANCE

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. Policy EG3 of the emerging Local Plan Strategy also seeks to protect existing employment sites for employment use, unless premises are causing nuisance or environmental problems, or the site is no longer suitable or viable for employment use.

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".

Paragraph 14 states development proposals that accord with the development plan should be approved without delay, and; 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.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

There are very clear benefits arising from the proposal in that the development will bring a vacant site into active use and provide approximately 126 additional jobs when operational. Added to this will be the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East. These factors taken together is a significant benefit of the proposal that does carry substantial weight.

It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can be afforded to this.

The ecological and tree impacts are considered to be appropriately mitigated through replacement woodland planting off site. The mitigation for this also feeds into the wider aspirations of the Council to create a Country Park on the land area identified as the mitigation site. This provides the potential for wider social benefits to be realised in terms of future access to high quality open spaces. This should be acknowledged in the planning balance, but given that this is aspirational at this stage it is considered that it can only be considered as a neutral aspect of the proposal.

Whilst the comments from Stockport MBC Highways are acknowledged, the highways impact upon Cheshire East and Stockport highways has been found to be acceptable subject to appropriate improvement works. The impact upon residential amenity / noise / air quality and contaminated land is either acceptable or could be mitigated through the imposition of planning conditions.

Comments from the Flood Risk Manager are awaited, however it is not anticipated that there will be any significant drainage implications raised by this development.

There are no sequentially preferable sites to accommodate the proposed development and the impact upon existing town centres, either as an individual development or cumulatively with other proposals, is considered to be acceptable.

Weighing heavily against the benefits identified above is the loss of employment land, and whilst the proposal would generate a significant number of jobs, it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates.

Employment sites are allocated to create a range of good quality employment opportunities that will drive the future economic growth of the Borough, supporting business sectors that are key to the future economic success of the Borough. Employment uses are defined as the 'B class' employment uses, namely office, light industrial, general industrial and storage and distribution uses. It is accepted that within those uses, some sites and 'B' uses will result in fewer jobs than others. For example, B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use with a comparable floorspace. Employment allocations are important to provide land for substantial buildings (including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The Council's economic strategy is about providing better jobs. Handforth is close to the airport and has a synergy with other sites within the locality and wider region. The Council is already under pressure to provide more high quality employment sites and are having to allocate green belt sites to achieve this. The removal of a good employment site that is not in the Green Belt makes no sense in terms of our economic strategy. However, the Framework and policy EG3 of the CELPS allow for alternative uses to be considered where there is no reasonable prospect of the site being used for employment purposes.

It is acknowledged that the marketing of the site and the viability assessment that has been carried out both suggest that the prospects of an employment use on this site are unlikely. There does however remain a concern that the viability appraisal submitted does not evidence that all employment uses are unviable and that this, coupled with the employment land position advanced for the CELPS, fail to demonstrate that there is no reasonable prospect of the site being used for employment purposes.

Despite the identified benefits, it is not considered that there are sufficient material considerations to indicate a move away from the Development Plan. The proposal is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the CELPS and paragraph 22 of the Framework.

RECOMMENDATION

It is recommended that the application is refused for the following reason:

- 1. The proposal will lead to a loss in the amount of employment land in the Borough, at a time when the Council is allocating Green Belt sites through the local plan process to provide adequate employment land to meet the needs of the Borough to 2030. This is considered to significantly and demonstrably outweigh the benefits of the proposal. It has not been satisfactorily demonstrated that there is no reasonable prospect of the site being used for employment purposes, or that the site is no longer suitable or viable for employment use, as required by paragraph 22 of the NPPF and policy EG3 of the emerging Cheshire East Local Plan Strategy. The proposed development is**

therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy and paragraph 22 of the Framework.

REFERRAL TO SECRETARY OF STATE

It should be noted that whilst the application is of a scale that is not automatically referred to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009, the Secretary of State has received a request to intervene from a third party. Therefore any resolution to approve will be subject to referral to the Secretary of State, and dependent upon the outcome of this process.

HEADS OF TERMS

Should this application be the subject of an appeal, the Head of Planning (Regulation) has delegated authority to enter into a S106 Agreement to secure the following Heads of Terms:

- Financial contribution of £66,000 towards replacement woodland habitat planting (for set up costs, woodland creation and 30 years of management and maintenance costs).
- Financial contribution of £5,000 for travel plan monitoring

Community Infrastructure Levy (CIL) Regulations

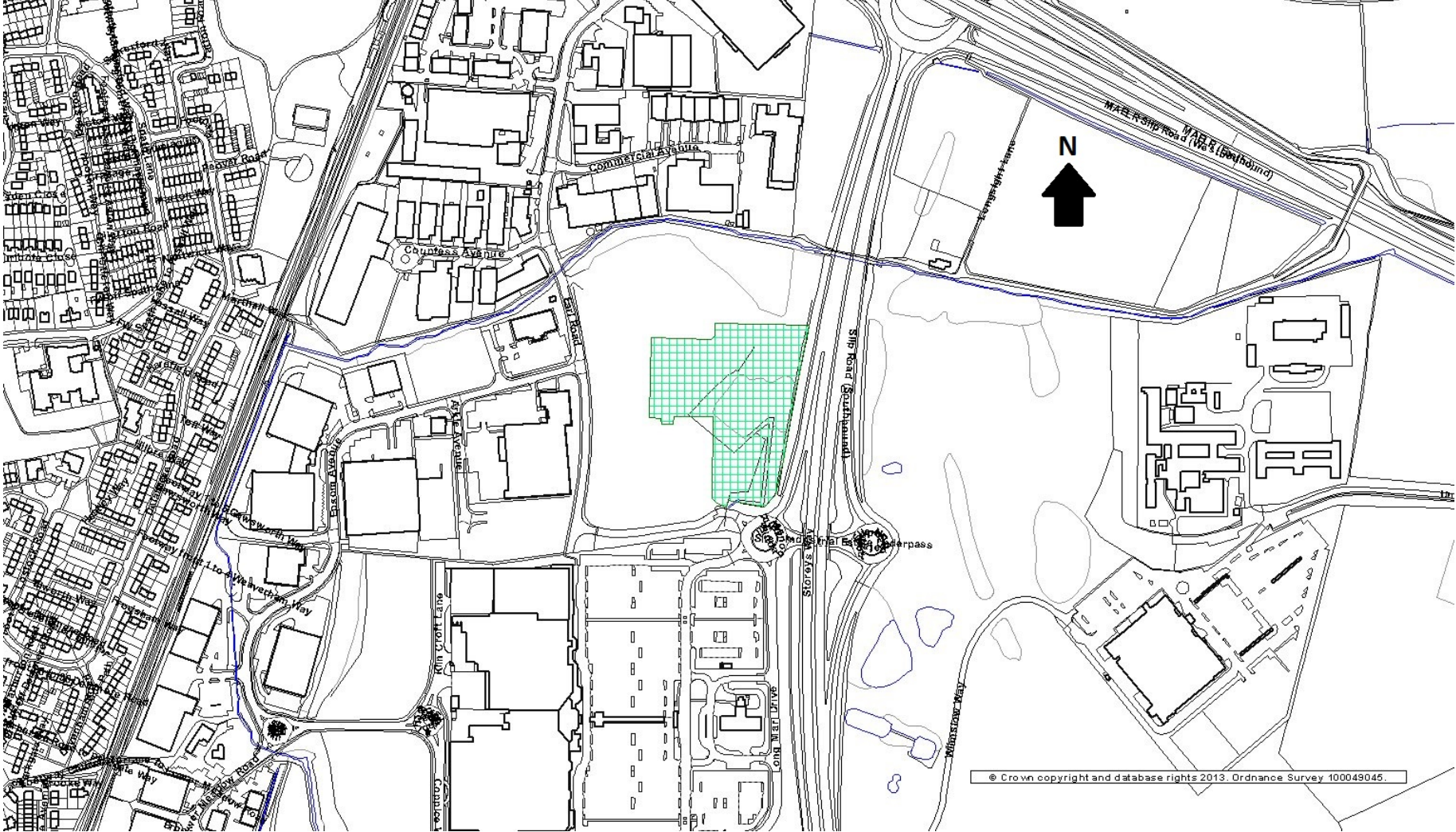
In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (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.

In this case the proposed financial contribution for woodland planting is required to provide and manage 3.2ha of replacement woodland planting to mitigate for the loss of the woodland habitat on the application site in order to make the development acceptable in planning terms and is directly related to the development. Calculated using the 'The Biodiversity Impact Assessment Calculator', which has been developed by Warwickshire County Council as part of the offsetting pilot project, the contribution is considered to fairly and reasonably relate in scale and kind to the development.

The travel plan contribution is required to ensure that sustainable transport measures that are put in place are effective and ensure the provision of a sustainable form of development.

In the event of any changes being needed to the wording of the Board'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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.



Application No: 16/3284M

Location: LAND AT, EARL ROAD, HANDFORTH

Proposal: Erection of retail floorspace

Applicant: Martin Ridgway, CPG Development Projects Ltd

Expiry Date: 01-Mar-2017

SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. However the majority of the site is already used for retail purposes, which is considered to be a significant material consideration that outweighs the normal policy presumption against retail use in Existing Employment Areas. Therefore the principle of the development is largely accepted. The area of employment land lost to the current proposal (over and above that already lost from the Next permission) is relatively small scale, will still retain a significant proportion of the wider site for employment uses and there has been very little interest from employment users for the site. As such it is not considered that its loss will have a significant impact upon the Council's employment land policy position in the emerging local plan or its supply of such land. It is therefore concluded that the use of the site for retail purposes can be accepted.

The benefits in this case are the provision of approximately 40 jobs when operational, and the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East, all of which carry moderate weight given the scale of the development. It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can again be afforded to this.

The development would have a neutral impact upon drainage, ecology, residential amenity, noise, air quality subject to any appropriate conditions. The highways impact would also be broadly neutral due to the scale of the development having regard to the existing use, relationship with neighbouring sites and appropriate mitigation. Similarly the retail impact on existing centres is also considered to be acceptable, and neutral in the planning balance.

The adverse impacts of the development would be the loss of additional employment land, which is not currently used for employment purposes. However, as noted above, this modest loss is acceptable in this case. Consequently, there are no adverse impacts associated with the proposal that would significantly and demonstrably outweigh the benefits.

SUMMARY RECOMMENDATION

Approve subject to conditions

The Secretary of State has received a request to intervene; therefore any resolution will be subject to the outcome of this process.

PROPOSAL

The application seeks outline planning permission, with all matters reserved except for access, for the erection of retail floorspace as an extension to the recently constructed Next store. The proposal includes the demolition of the existing conservatory and garden centre. Two independent retail units will be created within the proposed extension.

The application has been amended and reduced in scale since the original submission in July 2016.

It should be noted there are two other applications on the 'wider site' which are referred to as Phase 2 and 3 (applications 16/0802M and 16/0138M respectively). This particular application is referred to as Phase 1B.

SITE DESCRIPTION

The application site comprises the existing garden centre and conservatory of the recently constructed Next retail store. The site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan.

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 are:

12/4652M - Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking – Approved 23.10.2014

04/1091P - Renewal of planning permission 01/2683P for use of land for car parking from 01/04/05 to 31/03/10 – Approved 17.06.2004

83294P – Erection of retail warehousing – Refused 04.04.1996, Appeal dismissed 23.11.1998

On the wider site

16/0138M - Construction of 23,076sqm of class A1 retail floorspace and 2,274sqm of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping – not yet determined (Phase 2 & 3)

16/0802M - Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping – not yet determined (Phase 2)

On the adjacent site off Epsom Avenue

16/5678M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. (Resubmission 15/0400M) – not yet determined

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works – Refused (loss of employment land) 08.03.2016 – Appeal scheduled for June 2017

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Of particular relevance are paragraphs:

22 (long term protection of employment sites)

24, 26 and 27 (town centres)

Local Plan Policy

Macclesfield Borough Local Plan -

NE9 (River corridors)

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

E1 (Employment land)

E2 (Retail development on employment land)

E3 (Employment land – business)

E4 (Employment land – industry)

T3 (Improving conditions for pedestrians)

T5 (Provision for cyclists)

IMP1 (Provision for infrastructure)

IMP2 (Need for transport measures)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC5 (Natural surveillance)

DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC63 (Contaminated land)

Other Material Considerations

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG3 Existing and Allocated Employment Sites

EG5 Promoting a Town Centre First Approach to Retail and Commerce

CONSULTATIONS

Flood Risk Manager – No objections subject to conditions relating to drainage

United Utilities – No objections subject to conditions relating to drainage

Manchester Airport – No objections subject to informative relating to cranes

Head of Strategic Infrastructure – No objections subject to conditions

Stockport MBC – Object on the following grounds:

- Inconsistent floorspace figures quoted within the application
- Sequentially preferable sites in Stockport
- No evidence to suggest the catchment takes account of SEMMMS
- Not demonstrated the need they seek to serve, therefore not possible to determine whether appropriate degree of flexibility has been applied
- Impact assessment does not sufficiently address the impact of the development on investment in Stockport Town and its vitality and viability
- Health assessment of Stockport should be updated
- Conflict with town centre first approach in Cheshire East Local Plan
- Sequential assessment should consider whether each Phase of the development could separately be accommodated at sequentially preferable sites.
- Cumulative retail impact of Phases 1b, 2 and 3 would have a significantly adverse impact on the vitality and viability of Stockport Town Centre and investment within it
- Catchment not combined with catchment for phases 2 and 3, which is a flawed approach
- Too early to conclude garden centre element is not successful
- Insufficient justification for the scale and format of the proposal has been provided.
- Different Catchment Areas have been used for the sequential test and the Retail Impact Assessment without an associated justification or explanation, which deviates from the NPPG.

- Sales density for Phase 1b should potentially be higher because WYG indicate the tenants targeted for the development as a whole include clothing and footwear retailers
- Cumulative impact will have significant adverse impact upon vitality and viability of Stockport Town Centre and upon investment within it.
- It is important to safeguard and strengthen town centres and this can only be achieved by focusing new retail development in the core retail area.
- The proposals do not support the vitality and viability of Stockport Town Centre
- Impacts will include investment decisions by existing multiple retailers to re-locate, close, or to downsize their existing store(s)
- The decision to allow significant retail on the A34 20 years ago significantly damaged Stockport and Macclesfield Town Centres with the result that both Cheshire East and SMBC are having to intervene directly into regenerating them.

Handforth Parish Council – No objections

REPRESENTATIONS

6 letters of representation have been received objecting to the proposal on the following grounds:

- Contrary to development plan.
- Compelling need for the careful, co-ordinated and fully informed assessment of all out of centre retail applications to ensure town centres remain the focus for retail development.
- Inadequate parking provision
- Inadequate servicing / manoeuvring provision
- Insufficient justification for loss of garden centre has been provided
- Setting out the need that a development seeks to serve and justification for its format are a key component of the sequential test to site selection
- Inconsistency in floorspace figures quoted for existing garden centre
- No mention of any local planning policies relating to retail/town centre uses
- No justification for the catchment area nor an explanation about how it has been formed.
- Applicant has used the Next Catchment Area for the Sequential Test they have used the Phase 3 Catchment Area for the Impact Assessment – should be the same
- Methodology for setting the Catchment Area and Study Period does not follow best practice guidance as set out by NPPG
- Stated uplift in turnover may be greater due to inconsistencies in floorspace, therefore impact may be greater
- No explanation is provided about why they have used the sales density that they have
- No correlating map to show zones and associated trade draw assumptions
- Trade draw figures do not add up to total turnover of the proposed development
- Applicant has incorrectly treated Peel Centre as a separate entity to Stockport Town Centre
- Solus impact of the proposed development shows monetary diversion of £34.4m at 2019 and £35.9m at 2021 – more than double the turnover of the proposed development. This cannot be correct and calls into question the robustness of the assessment.
- No assessment of impact on planned or committed development as required by NPPF

- Premature to go to SPB on 19 April
- Catchment Area continues to ignore the SEMMMS Link Road
- CPG continue to consider The Peel Centre and Stockport Town Centre separately
- Orbit and CPG schemes cannot draw trade from each other if they come forward and open for trade at the same time as neither has a customer base at the point of opening which can be drawn from.
- In the absence of public information about the occupiers of the development £10,000sqm should be used as a sales density
- The turnover of existing facilities does not necessarily marry up to some of the trade draw assumptions
- Some committed developments within the catchment area have not been included within HOW's assessment:
 - Lidl, Hempshaw Lane (Ref: DC/060961)
 - Aldi, London Road South, Poynton (Ref: 14/5368M)
 - Aldi, Offerton Precinct (Ref: DC050745)
 - Stockport Exchange (Ref: DC054978)
 - Brighton Road Industrial Estate, Stockport (Ref: DC/060607)

APPLICANTS SUBMISSION

The following documents accompany the planning application, and can be viewed in full on the application file:

- Planning and retail statement
- Transport Assessment
- Design & Access Statement
- Retail responses to comments from WYG and Stockport MBC

The retail responses outline the following points:

- Floorspace will come forward even if wider scheme is not delivered due to existing concentration of retail floorspace
- Assessment of the sequential test should only be made in respect of the development applied for
- Barracks Mill and Water Street serve different catchment areas
- Neither site is sequentially preferable, and neither is suitable
- Application seeks the demolition of 646 sq.m. of existing retail floorspace
- References throughout the objection by Stockport Council to phases 2 and 3 are not relevant to the determination of this application
- WYG advised that a 20% increase or decrease in site area should be applied when considering whether an alternative site may be suitable. Therefore, the assessment considered sites between 0.44ha and 0.66ha.
- There is no requirement to disaggregate one of the proposed units. Redrock is therefore unsuitable.
- Former BHS unit cannot realistically be subdivided and does not appear to be actively marketed
- Royal Mail Sorting Office is no longer available
- Unit 6 at the Peel Centre is still occupied and is therefore unavailable
- Mersey Street requires significant remediation and is not currently available. Site is also too large for proposed development.

- Knightsbridge is neither available for redevelopment nor is it likely to be viable for redevelopment of the scale proposed given previous failed attempts
- Former Peter Carlson Retail Showroom is too small to accommodate the proposed development
- The proposed floorspace falls well below the 2,500sqm. threshold for impact assessments set out at Paragraph 26 of the NPPF
- Cumulative impact of this proposal along with the rest of the retail floorspace proposed as part of the wider development scheme is considered in the assessment submitted in respect of that scheme

APPRAISAL

The key issues in the determination of this application are:

- Use of employment land
- Retail impact
- Highways safety and traffic generation

ECONOMIC SUSTAINABILITY

Employment Land

The application site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan. However, the majority of the site is already occupied by an approved retail use; the exception being an area of 190sqm at the north-west corner of the application site. This area is currently vacant and remains vacant as part of the proposed development. The applicant has advised that the area is to provide a turning area in the event the development of the wider site (as proposed under application 16/0138M) does not come forward.

Employment Areas are defined in the glossary to the Macclesfield Borough Local Plan as:

The existing and proposed areas which are intended to cater for a mix of employment development including general industry, business uses and storage and distribution (see elsewhere in Glossary for more detailed definitions of these classes of employment development). The primary purpose of an employment area remains employment. For the avoidance of doubt, retailing is excluded from the definition of employment.

Policy E1 of the Macclesfield Borough 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 therefore 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. Paragraph 14 states development proposals that accord with the development plan should be approved without delay, and; 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 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". Policy E1 does state that "both existing and proposed employment areas will normally be retained for employment purposes". Use of the word "normally" does suggest that there may be occasions when employment land could be used for alternative purposes, as with paragraph 22.

In the Cheshire East Local Plan Strategy, Employment Land is defined as:

Land identified for business, general industrial, and storage and distribution development as defined by Classes B1, B2 and B8 of the Employment Land Town and Country Planning (Use Classes) Order 1987. It does not include land for retail development nor 'owner specific' land.

Policy EG3 of the emerging local plan strategy also seeks to protect existing employment sites for employment use, unless there are environmental problems that cannot be mitigated or the site is no longer suitable or viable for employment use. For it to be no longer suitable or viable, there should be no potential for modernisation or alternate employment uses, and no other occupiers can be found. The footnote to this policy states to demonstrate that no other occupiers can be found, the site should be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The emerging local plan is at an advanced stage and therefore this policy can be afforded significant weight.

Whilst the retail use of the majority of the site can be accepted given that it already is in retail use, and the use of the same area previously proposed would not have any greater impact upon the current employment land allocations and supply than the existing development, the use of any new employment land needs to be carefully considered.

An area of approximately 160 square metres of additional employment land (compared to the previous approval for Next) adjacent to Earl Road is shown to be taken up by the proposal. The additional area projects northwards from the site towards the site area for application 16/0138M. Indeed the area will function as a service yard for unit 14 in the event that that 16/0138M is approved. It will also provide a turning area for the units proposed to be created under the current application (units 15 and 16) if both schemes are approved. Under the current application it is required solely to provide a turning area for proposed units 15 and 16. The area of employment land lost to the current proposal (over and above that already lost from the Next permission) is relatively small. However despite its limited scale there is still conflict with Council's adopted and emerging local plan policies which seek to retain a range of employment land in order to facilitate sustainable economic growth. The previous approval for the Next store was accepted on the basis of a lack of interest from employment users in response to previous marketing campaigns and the fact that a significant proportion of the land still remained for employment uses. There is still very little interest from potential employment users and given the small scale of the additional land involved it is still considered that almost the same "significant proportion" will remain. As such it is not considered that its loss will have a significant impact upon the Council's employment land policy position in the emerging local plan or its supply of such land. It is therefore concluded that the use of the site for retail purposes can be accepted.

Retail Impact

THE SEQUENTIAL APPROACH

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 site is allocated as an Existing Employment Area under policies E1, E2 and E3 of the MBLP. The site sits to the north of Handforth Dean Shopping Centre which is not a designated retail shopping area.

Wilmslow and Handforth are the nearest centres to the site, which are identified as Key Service Centres in the emerging CELPS, which are approximately 2.5km and 1km from the site respectively. Therefore, the site is located in an out of centre location. Policy EG5 of the CELPS promotes a town centre first approach to retail and commerce, and reflects the sequential and impact tests of the Framework.

The Framework states that the application of the sequential test should be proportionate and appropriate for the given proposal. The test also requires a demonstration of flexibility for the proposed development. If no town centre sites are found, preference should be given to accessible sites in an edge of centre or out of centre location that are well connected to the town centre. Only if there are no suitable sequentially preferable locations, the sequential test is passed. The NPPG also mentions that robust justification must be provided to show if certain main town centre uses have particular market and locational requirements that may only be accommodated in specific locations.

The applicant has referred to a number of appeal cases and judgements to give an appropriate and informed context to the sequential test. These cases together with the Framework identify two important points. Firstly, the Secretary of State does not consider disaggregation to form any part of the sequential test and, as a consequence, there is no requirement to consider whether any element of the application proposal could be disaggregated to another site. Secondly that in order for an alternative site to be found to be sequentially preferable, there needs to be a realistic prospect that the site could support such a use in the ‘real world’. In other words, the refusal of planning permission at the subject application site should bring with it a realistic prospect that a materially similar development (allowing for some flexibility) could be accommodated at the alternative site.

The applicant has undertaken a site search for sites of approximately 0.55ha and includes an analysis of six sites from within their adopted primary catchment area. It is accepted that none of the sites identified by the applicant are available and suitable to accommodate the proposed development, either in part or in full. The applicant was subsequently asked to consider sites at Barracks Mill on Black Lane in Macclesfield and at Water Street in Stockport. Again neither of these sites is considered to be available and suitable to accommodate the proposed development. The applicant has also considered the sites raised by Stockport and none were found to be suitable.

The proposal is therefore considered to satisfy the sequential test.

TOWN CENTRE IMPACT

Paragraph 26 of the Framework states that local authorities should require an impact assessment to be submitted in support of planning applications for main town centre uses over 2,500sqm on sites outside of town centres that are not in accordance with an up to date development plan. The impact assessment should include a assessment of:

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

Whilst the application proposes a main town centre use outside of a centre and is not in accordance with the development plan, the floorspace proposed is below the 2,500sqm threshold (within the Framework and the CELPS) for an impact assessment to be carried out. An impact assessment is not therefore necessary for this application as a stand alone proposal.

However as the proposed floorspace will be part of a larger retail development which is currently being considered by the Council, an assessment of impact has been undertaken by the applicant to understand the effect of this additional retail floorspace on the impact on trade and turnover.

The impact assessment has been reviewed by the Council's retail consultant and no significant impact upon existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal has been identified. Similarly, no significant impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made has been identified.

Cumulative Impact with other applications (16/5678M and 16/0138M)

However, as noted within other application reports on this agenda it is necessary to consider the cumulative retail impact of the current proposal together with these other applications.

As noted above, if it was the case that the proposed two units adjacent to Next were to come forward separately to the wider scheme proposed under this application, it is unlikely that the solus diversion would have a significant adverse impact on any defined centre due to the limited scale and turnover of that application alone.

16/3284M and 16/0138M

The retail impact work carried out by the applicant as well as the assessment by WYG on behalf of the Council take account of the impact of the increased turnover and trade diversion as a result of the current application combined with application 16/0138M. The findings are summarised in the report for 16/0138M, and the conclusions are outlined below.

The overall cumulative impact of 16/3284M and 16/0138M together with other existing retail commitments in the catchment is considered to have an adverse impact upon Stockport and Macclesfield town centres. This adverse impact is considered to be at the higher end of the “adverse impact” spectrum, and is finely balanced and as such caution is needed to ensure that the recorded impacts do not exceed those estimated. This is made worse when considering the current health of Stockport town centre and the issues it has come up against in the last ten years.

If appropriate safeguards are put in place, then this is considered to be sufficient to ensure that these two applications together accord with retail and town centre planning policy on impact grounds.

Similarly the cumulative impact on Macclesfield is -7.2% which is adverse but below that found at Barracks Mill that was found to be significantly adverse (at -11.4%) by committee members. However, if the estimated trade diversions do not materialise and the level of claw back is not delivered then the impact on Macclesfield could be more finely balanced especially given the recorded decline of the town centre over the last decade and the diminishing comparison goods role of the town centre. Therefore, a number of sufficient safeguards are recommended to ensure that the estimated impact reflects that which has been estimated by WYG and the applicant.

The following are areas where mitigation could be secured:

1. Contributions towards certain town centre improvement schemes (public realm enhancement, shop front improvements etc); and
2. Agreements that certain ‘anchor’ national multiple retailers within Stockport and Macclesfield town centre could not relocate to the new proposed units at Handforth and close their stores within the centre for a period of five years.

Mitigation measures similar to the above have been accepted elsewhere across the country in determining applications for schemes of a similar size. Such schemes include Fosse Park, Five Towns at Castleford and Rushden Lakes. All three schemes involved the applicant signing up to appropriate mitigation measures which were deemed suitable and required to ensure that the impacts of the proposed developments were reduced satisfactorily to accord with planning policy.

16/3284M, 16/0138M and 16/5678M

The following table provides WYG’s assessment of the cumulative impact of extant planning permissions, 16/3284M, 16/0138M and 16/5678M.

	No Development Estimated Turnover (£m) 2022 (A)	Cumulative Diversion of Extant Planning Permissions (£m) 2022 (B)	Diversion of Orbit (£m) 2022	Diversion of CPG (£m) 2022	Residual Turnover (£m) 2022	Cumulative Impact 2022 (%)
Macclesfield town centre	£206.4m	-£6.7m	-£8.1m	-£8.1m	£183.6m	-11.1%
Stockport town centre	£616.0m	-£13.3m	-£8.1m	-£34.6m	£559.6m	-9.2%
Peel Centre	£100.4m	-£10.7m	-£1.6m	-£6.1m	£82.9m	-17.4%
Combined <i>Stockport and Peel Centre</i>	716.4m	-£23.1m	-£9.7m	-£40.7m	£642.6m	-10.3%
Congleton town centre	£53.1m	-£0.1m	-£0.8m	-£1.1m	£51.1m	-3.8%
Wilmslow town centre	£29.5m	-£0.4m	-£0.8m	-£1.4m	£26.8m	-9.0%
Nantwich town centre	£88.5m	-£0.0m	-£0.5m	£0.0m	£88.0m	-0.5%
Handforth District Centre	£11.8m	-£0.2m	-£0.0m	£0.0m	£11.6m	-1.5%
Handforth Dean	£163.7m	-£5.6m	£4.8m	-£16.4m	£136.9m	-16.4%
Cheadle Royal	£232.7m	-£7.8m	£1.6m	-£22.7m	£200.6m	-13.8%
Stanley Green Retail Park	£71.2m	-£8.5m	£1.6m	-£2.6m	£58.5m	-17.8%
<i>Other Centres and facilities</i>		-£15.6m		-£59.8m		
<i>Total</i>		-£98.6m	-£32.2m	-£152.8		

The cumulative results show that the trade diversion will be -£22.8m on Macclesfield town centre at 2022, and represent a -11.2% impact which is considered to be a significantly adverse impact given the indicators of the vitality and viability.

WYG advise that the level of cumulative trade diversion at -£22.8m from the Orbit and CPG schemes and other extant planning permissions compares to the cumulative trade diversion of £24.9m that WYG estimated for the Barracks Mill scheme (15/5676M) which would result in a cumulative impact of -11.4% at 2020.

The above cumulative impact analysis also shows that the associated impact on Wilmslow would be -9.0% at 2022, which is at the higher end of an adverse impact. However, this does need to be read in the context that Wilmslow, like Macclesfield has experienced its overall comparison goods market share decline since 2010. Notwithstanding this, it is considered that the cumulative impact would be unlikely to result in a significant adverse impact given the relatively vibrant vitality of Wilmslow town centre which has remained resilient in recent years. Despite Wilmslow's comparison goods offer declining in recent years it has been replaced by retail services and a more independent sector and remains well served with key convenience good anchors and vacancies have remained relatively stable since 2009.

Turning to Stockport town centre (including the Peel Centre), the analysis shows that the quantitative impact will be -10.3% at 2022. At -10.3% this remains comparable to that found by the CPG schemes in isolation (9%). This cumulative impact needs to be interpreted in the context of the vitality and viability of the town centre (referred to above). It is considered that

his level of cumulative trade diversion is likely to represent the tipping point to an impact that would be found to be finely balanced when considering the CPG scheme on its own to one that is significantly adverse when the Orbit scheme is also added to the future residual trading position. This is equally compounded by the vitality and viability position of Stockport which is considered to be vulnerable and therefore when considered together would represent a significant adverse impact on Stockport town centre as a whole.

16/3284M and 16/5678M

If the current proposal (16/3284M) and the Orbit application (16/5678M) are taken together, the retail impact would not be significantly adverse due to the substantially lower quantum of floorspace proposed and lower turnover of that proposal on its own.

Cumulative conclusion

In conclusion, the results demonstrate that when considering the all three of the Orbit and the CPG schemes together they would likely result in significant adverse impacts on both Macclesfield and Stockport town centres, and an adverse impact on Wilmslow if they were both approved.

However, appropriate safeguards such as those presented above could assist in reducing the potential impact of the proposals together. It is proposed that this mitigation is secured under applications 16/5678M and 16/0138M in the event that these applications are approved.

ENVIRONMENTAL SUSTAINABILITY

Character and appearance

The application site is located within an Employment Area which is characterised by buildings built more for function than form. The proposed retail units adopt a similar form to the existing Next unit with a stone finish with substantial glazed elements and aluminium louvres to the upper sections of the front elevations. The design is considered to be of a relatively high standard for a retail development, befitting this prominent site at the gateway to Cheshire East, and is in keeping with the local area. The proposal is therefore considered to comply with policies BE1 and DC1 of the local plan.

Amenity

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

Similarly, due to the scale of the development no significant noise or air quality issues are raised.

The proposal therefore complies with policy DC3 of the Local Plan.

Highways

The Head of Strategic Infrastructure has provided the following comments on the application:

Safe and suitable access

The current vehicular access arrangements serving the consented site will serve this proposal.

Network Capacity

While the development is not ancillary to the adjacent retail unit (Next) it is envisaged that travel patterns will be closely linked and the quantity of new vehicular trips attracted to the surrounding network will be low and within the daily fluctuation of existing traffic flows. The majority of vehicular trips attracted to the development will be currently passing by the development or already entering the site by means of a linked trip.

Car Parking

There will be a small reduction in the number of on site car parking spaces even though the net total floor area to be served is increasing by 1,443sqm. Accordingly this results in parking provision below the Cheshire East Council car parking standards. However the applicant has undertaken to upgrade foot links to the retail development immediately to the south of the development proposal hence encouraging the undertaking of linked trips resulting in the potential for reduced demand for on-site parking. In addition monies have been secured from the previous application to enhance public transport provision to and from the site; accordingly the proposed level of car parking is considered to be acceptable.

Accessibility

The site is served by an hourly bus service along Earl Road (Mondays to Saturdays 0800-1800) linking the site to residential areas to the north of the site and Stockport town centre. Apart from this service the nearest are those along Wilmslow Road and Station Road in Handforth (together with the train station), about a kilometre away, which provide services to other destinations including Manchester and Wilmslow. However, pedestrian routes to these facilities are such that they may deter some people using these options during hours of darkness.

To improve sustainable access obligations to enhance the existing bus service / infrastructure along Earl Road are contained within the 'Next' planning permission which will be payable given that this development has been implemented.

Highways conclusion

Having regard to the quantum of retail floor space proposed and the low level of transport implications arising, the proposal raises no significant highways or transport concerns.

No comments from Stockport MBC Highways have been received on this application.

Ecology and trees

No significant ecological or tree issues are anticipated from the proposed development. The nature conservation officer has raised no objections.

Flood Risk

The Flood Risk manager had reviewed the proposals and confirms that there are no objections on flood risk grounds.

SOCIAL SUSTAINABILITY

Having regard to the Council's SPG on Planning Obligations the development does trigger the requirement for open space contributions in lieu of on site provision, as the development will create some demand for open space / recreation facilities. These contributions amount to

£31,335 for open space and £31,335 for outdoor sport and recreation. Given the location of the site and its distance to existing facilities that would be utilised by staff and customers of the proposed development, the impact upon them is unlikely to be so significant that it would require mitigation amounting to the sums identified above.

However, given that no specific deficiencies in provision are known to exist in the local area, the nearest open space area is approximately 600 metres from the application site, the nature of the development as a shopping destination is unlikely to create significant pressure on existing open space facilities, and the fact that contributions are already being made towards improvements for pedestrians and cyclists in the local area from other schemes it is considered the contributions towards open space and recreation and outdoor sport are not considered to be necessary to make the development acceptable in planning terms. The contributions would therefore not comply with the CIL regulations, and cannot be secured on that basis.

PLANNING BALANCE

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. However the majority of the site is already used for retail purposes, which is considered to be a significant material consideration that outweighs the normal policy presumption against retail use in Existing Employment Areas. Therefore the principle of the development is largely accepted. The area of employment land lost to the current proposal (over and above that already lost from the Next permission) is relatively small scale, will still retain a significant proportion of the wider site for employment uses and there has been very little interest from employment users for the site. As such it is not considered that its loss will have a significant impact upon the Council's employment land policy position in the emerging local plan or its supply of such land. In this case the use of the site for retail purposes can be accepted on this basis.

The benefits in this case are the provision of approximately 40 jobs when operational, and the benefits arising from construction jobs, benefits to the construction industry supply chain, potential for increased trade for local businesses, and higher levels of economic activity within Cheshire East, all of which carry moderate weight given the scale of the development. It should also be acknowledged that the standard of design and materials to be adopted is above that, which is normally expected for a retail development, and the scheme would provide a development that is appropriate to its position at the northern gateway of the Borough. Moderate weight can again be afforded to this.

The development would have a neutral impact upon drainage, ecology, residential amenity, noise, air quality subject to any appropriate conditions. The highways impact would also be broadly neutral due to the scale of the development having regard to the existing use, relationship with neighbouring sites and appropriate mitigation. Similarly the retail impact on existing centres is also considered to be acceptable, and neutral in the planning balance.

The adverse impacts of the development would be the loss of additional employment land, which is not currently used for employment purposes. However, as noted above, this modest loss is acceptable in this case. Consequently, there are no adverse impacts associated with the proposal that would significantly and demonstrably outweigh the benefits.

RECOMMENDATION

Accordingly the application is recommended for approval subject to conditions.

REFERRAL TO SECRETARY OF STATE

It should be noted that whilst the application is of a scale that is not automatically referred to the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009, the Secretary of State has received a request to intervene from a third party. Therefore any resolution to approve will be subject to referral to the Secretary of State, and dependent upon the outcome of this process.

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

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Submission of reserved matters
2. Time limit for submission of reserved matters
3. Commencement of development
4. Development in accord with approved plans
5. Materials as application
6. No subdivision of retail units
7. Footway link improvements to south to be submitted
8. Sustainable drainage management and maintenance plan to be submitted
9. Scheme for the management of overland flow to be submitted
10. Floorspace not to exceed that shown on plans



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Application No: 16/5678M

Location: Land At Junction Of Earl Road And, EPSOM AVENUE, HANDFORTH

Proposal: Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. (Resubmission 15/0400M).

Applicant: Orbit Investments (Properties) Ltd

Expiry Date: 17-Feb-2017

SUMMARY

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth. Policy EG3 of the emerging Local Plan Strategy also seeks to protect existing employment sites for employment use, unless premises are causing nuisance or environmental problems, or the site is no longer suitable or viable for employment use. 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".

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

There are very clear benefits arising from the proposal, most notably it will provide 10 FTE jobs in construction, assuming a 12 month build programme, 15 FTE jobs could be supported over the 12 month programme through linkages with construction programme and 207 – 213 net additional jobs when operational. This is a significant benefit of the proposal that does carry substantial weight.

Turning to other impacts of the proposal, the impact upon residential amenity, noise, air quality, landscape, trees, ecology, drainage and contaminated land could be mitigated through the imposition of planning conditions, where necessary. The highway impact would be broadly neutral due to the scale of the development having regard to the previous permission and appropriate mitigation. Whilst there would be an adverse retail impact, the scale and form of comparison goods retail development proposed at Earl Road is not considered to undermine the vitality and viability of nearby centres, and therefore complies

with the tests within national and local policy, which advise that developments that have significant adverse impacts should be refused.

The dis-benefits of the application proposal are that it would result in a loss of employment land, notably at a time when the Council is actively making additional employment land allocations in the Green Belt as part of its emerging local plan in order to provide adequate employment land to 2030. The loss of the application site would exacerbate this situation and place further pressure to locate sites within the Green Belt.

The justification for policy E2 of the local plans explains that retailing is not permitted (on existing employment sites) because it would reduce the amount of employment land available and provision is made elsewhere for retailing. It is acknowledged that the proposal would generate a significant number of jobs, however it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates. Furthermore, alternative employment uses (B1, B2 and B8 uses) could potentially create more jobs than those which currently exist on the site. B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use, or a retail use, with a comparable floorspace. However, employment allocations are important to provide land for substantial buildings (including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The additional information submitted by the applicant since the previous application relating to the employment land situation in Cheshire East, the economic benefits of the proposal, details of the marketing of Epsom House (the office building constructed in 2007), a summary of the warehouse and office market in south Manchester, and a letter from the current occupant of the warehouse building (Gradus) is acknowledged; however, the fact that the warehouse building is currently occupied indicates that there is some demand from businesses for the site in its current form. It cannot therefore be concluded that there is no reasonable prospect of the site being used for employment purposes, in accordance with paragraph 22 of the Framework, or that there is a relative need for different land uses to support sustainable communities. Added to this the application site has not been marketed in order to identify any absence of demand.

The proposal will lead to a loss in the amount of employment land in the Borough, which is considered to significantly and demonstrably outweigh the benefits of the proposal. The proposed development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy and paragraph 22 of the Framework.

SUMMARY RECOMMENDATION

Refuse

PROPOSAL

The application seeks full planning permission for the demolition of existing warehouse building and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3

and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works. The existing office building in the north east corner of the site will be retained.

The submitted planning & retail statement explains that the class A1 retail floorspace would be devoted to the sale of comparison (non-food) rather than convenience (food) goods.

The application is a resubmission of application 15/0400M which was refused in March 2016 due to the loss of employment land.

Members may also recall that the application was deferred from the SPB meeting on 22 March 2017 *in order to allow the application to be considered by the Strategic Planning Board at the same time as other live applications for retail development in the local area.*

These other live retail applications (16/0138M, 16/0802M and 16/3284M) appear elsewhere on the agenda.

SITE DESCRIPTION

The application site comprises existing warehouse and office buildings on the corner of Earl Road and Epsom Avenue. The site is located within an Existing Employment Area as identified in the Macclesfield Borough Local Plan.

RELEVANT HISTORY

On the application site:

15/0400M - Demolition of existing buildings and erection of five units to be used for Class A1 (Non-food retail) purposes and two units to be used for Use Class A1 (Non-food retail or sandwich shop) and/or Use Class A3 and/or Use Class A5. Creation of car park and provision of new access from Earl Road, together with landscaping and associated works – Refused 08.03.16

13/3041M – Extension to time limit of 03/2155P – Approved 08.06.2016

03/2155P - erection of 2no. Three/ four storey office blocks – Approved 04.08.2008

83294P – Erection of retail warehousing – Refused 04.04.1996, Appeal dismissed 23.11.1998

On Adjacent land:

16/0138M - Construction of 23,076sqm of class A1 retail floorspace and 2,274sqm of class A3/A5 floorspace along with associated car parking, access and servicing arrangements and landscaping – not yet determined (Phase 2 & 3)

16/0802M - Erection of four restaurants and three drive-thru restaurant/cafe's along with associated car parking, servicing and landscaping – not yet determined (Phase 2)

16/3284M - Erection of retail floorspace – not yet determined (Phase 1B)

12/4562M - Erection of Class A1 retail store with conservatory, garden centre, ancillary coffee shop and associated car parking – Approved 23.10.2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Of particular relevance are paragraphs:

22 (long term protection of employment sites)

24, 26 and 27 (town centres)

Local Plan Policy

Macclesfield Borough Local Plan -

NE9 (River corridors)

NE11 (Nature conservation interests)

BE1 (Design principles for new developments)

E1 (Employment land)

E2 (Retail development on Employment Land)

E3 (Employment land – business)

E4 (Employment land – industry)

T3 (Improving conditions for pedestrians)

T5 (Provision for cyclists)

IMP1 (Provision for infrastructure)

IMP2 (Need for transport measures)

DC1 (High quality design for new build)

DC2 (Design quality for extensions and alterations)

DC3 (Protection of the amenities of nearby residential properties)

DC5 (Natural surveillance)

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

DC8 (Requirements to provide and maintain landscape schemes for new development)

DC9 (Tree protection)

DC63 (Contaminated land)

Other Material Considerations

National Planning Practice Guidance

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

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

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG3 Existing and Allocated Employment Sites

EG5 Promoting a Town Centre First Approach to Retail and Commerce

CONSULTATIONS

United Utilities – No objections subject to conditions relating to drainage

Environmental Health – No objections subject to conditions relating to pile driving, floor floating, dust control, travel planning, electric vehicle infrastructure and contaminated land.

Head of Strategic Infrastructure – No objections subject to financial contribution to improve accessibility of the site.

Flood Risk Manager – No objections subject to conditions

Public Rights of Way – No objection subject to advice note on developer's obligations regarding public right of way.

Stockport MBC – Object on the following grounds:

- There are sequentially preferable sites in Stockport that have not been considered
- Not evidenced whether the boundary of the catchment area takes account of the A6MARR
- proposal has scope to significantly adversely impact on the vitality and viability of Bramhall, Cheadle and Cheadle Hulme District Centres
- application has not adequately set out the need that the development seeks to serve nor adequately justified its scale and format
- conflicts with the town centre first approach to retail and commerce in Policy EG 5 of the emerging Cheshire East Local Plan
- Commentary on the health of Stockport town centre is needed
- Impact on investment at Redrock, Merseyway or Great Portwood Street not addressed
- RIA should take account of recent permissions in Stockport
- Cumulative impact with other proposals in Handforth should be considered
- Assessment of the impact of the development should take account of the scope for a break-down of the high proportion of linked trips from the Peel Centre to Stockport town centre
- It is important to safeguard and strengthen town centres and this can only be achieved by focusing new retail development in the core retail area.
- The proposals do not support the vitality and viability of Stockport Town Centre
- Impacts will include investment decisions by existing multiple retailers to re-locate, close, or to downsize their existing store(s)
- The decision to allow significant retail on the A34 20 years ago significantly damaged Stockport and Macclesfield Town Centres with the result that both Cheshire East and SMBC are having to intervene directly into regenerating them.

Stockport MBC Highways – Object on grounds that the proposed development will have an unacceptable and demonstrably severe impact on the operation of the Earl Road/Stanley Road junction unless the impact can be mitigated by bringing forward the delivery of improvements to the junction.

Handforth Parish Council – No objection

REPRESENTATIONS

Two letters of representation have been received on behalf of Intu and Peel Holdings, objecting to the proposal on the following grounds:

- taking the application to 19 April SPB is premature
- catchment area does not take account of SEMMMS
- Need for the development not identified
- Stockport town centre includes the Peel Centre
- Stated turnovers of other retail locations do not appear realistic
- All applications together would materially affect the retail hierarchy of the area

APPLICANTS SUBMISSION

The following documents accompany the planning application, and can be viewed in full on the application file:

- Planning & Retail Statement
- Design & Access Statement
- GCN Appraisal
- Bat Roost Potential Appraisal
- Energy Assessment
- Tree Survey and Arboricultural Implications Report
- Environmental Site Investigation Report
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment
- Transport Assessment
- Ecological walkover assessment
- Employment land and economic benefits assessment
- Letter from occupant of building
- Letter from applicant's letting agent
- Handforth Dean Business Park Marketing Report
- South Manchester Market Analysis

APPRAISAL

The key issues in the determination of this application are:

- Loss of employment land
- Retail impact
- Highways safety and traffic generation

ECONOMIC SUSTAINABILITY

Loss of Employment Land

The application site is located within an area of Existing Employment Land as identified in the Macclesfield Borough Local Plan. The existing warehouse building, which is to be demolished, is occupied by Gradus Carpets, and the existing office building, which is to be retained, is occupied by Pets at Home and Hotchief.

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 therefore 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 are considered to be broadly 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. It should be noted that a blanket restriction on retail uses on employment land is not replicated within the Framework; however the acknowledgement in the reasoning of policy E2 that “provision is made elsewhere for retailing” is reflective of the town centre first approach of the Framework. Policy E1 uses the phrase “*normally be retained*” which suggests alternative uses may be considered. This is broadly consistent with paragraph 22 of the Framework which 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”.

Policy EG3 of the emerging local plan also seeks to protect existing employment sites for employment use, unless there are environmental problems that cannot be mitigated or the site is no longer suitable or viable for employment use. For it to be no longer suitable or viable, there should be no potential for modernisation or alternate employment uses, and no other occupiers can be found.

With regard to the employment land issue, the applicant makes reference to the permission for Next store on the opposite side of Earl Road. They maintain that similar to the Next site, the application site has experienced very low market demand for the approved office buildings since permission was granted in 2008, evidenced by the fact the units have never been constructed. Furthermore, another building owned by the applicants of 2407sqm on the opposite side of Epsom Avenue to the application site that was speculatively constructed following planning permission granted in October 2001 has never been occupied and remains vacant over 10 years after being built. The same permission also approved a second office building of the same size, which has not been constructed due to the absence of demand.

As part of the current application submission, the applicant has submitted additional information (compared to the previously refused application) seeking to address the loss of employment land reason for refusal. This range of documents outline the employment land situation in Cheshire East, the economic benefits of the proposal, details of the marketing of Epsom House (the office building constructed in 2007), a summary of the warehouse and office market in south Manchester, and a letter from the current occupant of the warehouse building (Gradus).

These documents include the following details:

Background information

- Gradus occupy warehouse employing 7 people.
- Occupied on a short term lease basis (4 month) – does not benefit from security of tenure as would be expected from an ordinary commercial lease.
- Level of rent is significantly below the standard market rate necessary for its long term viability
- Gradus has new owner and their requirements are changing

Employment land policy context

- Policy E1 of local plan out of date – inconsistent with NPPF
- Emerging plan makes provision for 380ha of employment land across the Borough to 2030.
- 22ha allocated for Handforth of which Handforth East will provide 12ha.
- Council's Employment Land Review (2012) (ELR) suggested need for between 1.74ha and 1.98ha of employment land between 2009 and 2030. Losses likely to come from small sites totalling 0.81ha. Resultant gross requirement is 2.79ha.
- 3 sites identified in ELR as having potential to contribute to employment land portfolio in Handforth totalling 10.7ha including application site.
- Results in an oversupply of at least 7.91ha within the area.
- Approval granted for demolition of warehouse and erection of office blocks. Loss of warehouse considered acceptable by CEC and no justification for citing retention of warehouse as reason to refuse.
- Proposal is mixed use development because offices are being retained.
- Policy E2 is out of date and in conflict with NPPF
- Proposal complies with up to date MBLP policies
- Proposal complies with definition of economic development in glossary to NPPF
- MBLP out of date – limited weight should be afforded to policies E1, E2, E3 and E4
- Emerging local plan makes allowance for employment land losses of 144ha to 2030
- Land loss would amount to 1.03ha, less than 1% of total loss CEC has made provision for.
- Focus for employment land in local plan is very much on the larger towns of Macclesfield and Wilmslow

Over supply of Employment Land in Handforth

- ELR recommendation of up to 1.98ha of employment land in Handforth at odds with CEC allocation of 22ha of employment land for the same area.
- In quantitative terms loss of site is covered by availability of other sites in Handforth.

Conflicting approaches to employment land loss in Handforth

- Loss of employment land accepted at Next site opposite
- No clear prospect of current site being used for employment purposes when permission exists for two office blocks totalling 11,333sqm and Epsom House (on opposite side of Epsom Avenue) never been used since construction began in 2007.
- Trampoline Park granted elsewhere on same business park, where officers concluded that there was no reasonable prospect of B use class coming forward, and the proposal still provided employment.

Market attractiveness of the proposed development site

- Site suited to offices rather than B2/B8 uses
- Established office locations Wilmslow town centre, Stockport town centre, Cheadle Royal and Manchester Airport account for over 40% of total take up of office space in south Manchester in recent years
- Site has limited scope to attract occupiers
- Current demand for warehousing is along motorway corridors
- B8 uses can also be met at Airport City part of Manchester Enterprise Zone with associated financial incentives
- Far from ideal access to motorway network
- Area known as a retail destination
- Vacant units –
 - 4 Brooke Park vacant for 4 years before being let to leisure operator
 - Epsom House vacant since 2007
- Rents at Handforth Dean offered below market
- Units 1 and 4 Brooke Park are most recent lettings on business park and both went to leisure operators

Market demand for application site

- Sustained marketing for Epsom House and Ascot House since 2008
- Access does not meet expectations; surrounding environment is retail; no exposure to A34; location main reason for interest not being progressed.
- Since 2008, 600,000sq.ft of office space has been transacted – no interest in Epsom House or other approved buildings
- Existing warehouse buildings would not attract new occupiers because:
 - Internal layout with level change is unusual
 - Building is approximately 40 years old and unsuitable for modern occupiers
 - Poor motorway access
 - Internal layout poor
 - Eaves height too low
 - Building has 50% site coverage which is higher than ideal 35-40% to allow for turning, loading etc.
- Not commercially viable to bring building up to modern day standards

Economic benefits

- 10 FTE jobs in construction, assuming a 12 month build programme
- 15 FTE jobs could be supported over the 12 month programme through linkages with construction programme
- Supply chain expenditure
- Contribution to local economic output
- 207-213 net FTE jobs when operational
- Business rate contributions
- S106 contributions offered towards employment generation and investment in people and skills development, apprenticeships and / or infrastructure works at employment sites in the Handforth area.

The applicant concludes that, having regard to all of the above information, demand does not exist for this type of floorspace in this location and there is therefore no reasonable prospect of the site being used for that purpose.

However, it should be noted that the employment land requirement in the emerging local plan, which was based upon the 2012 Employment Land Review (ELR) undertaken by Arup, has increased from the previously proposed 351ha within the submission version of the Local Plan Strategy to a gross requirement now of 378ha. This new higher figure is based on the latest (2014) Cheshire & Warrington Econometric Model (CWEM) employment projections, as opposed to the 2011 figures that the Council's 2012 ELR was based upon.

The employment evidence base collated by the Council to support the proposed quantum and distribution of land to meet employment requirements includes a report by Ekosgen called '*Alignment of Economic, Employment & Housing Strategy*'. This report (July 2015) assesses levels of potential employment growth over the Local Plan period in light of the publication of updated economic projections; and the associated implications for employment land requirements, including Cheshire East's ability to capture such growth, based on the area's historic performance and the availability of employment land and associated infrastructure.

This report notes that with regard to the distribution of the additional 27ha of employment land, it is noted that the north of the Borough will continue to be attractive to businesses keen to be based in locations with easy access to Manchester City Centre. As such there is a strong case to allocate a substantial proportion of any additional land to the north of the Borough.

The proposed distribution of employment land across the Northern settlements of Cheshire East has been accordingly increased in the Proposed Changes Version of the Local Plan Strategy. The figures quoted by the applicant in their submission which they suggest lead to an over supply of employment land in Handforth relate to the 2012 Employment Land Reviews rather than the more up to date Ekosgen report.

The proposed level identified for Handforth is 22ha, which includes 12ha within the proposed North Cheshire Growth Village, plus an additional 10ha. The latest iteration of the Local Plan Strategy notes that on 31 March 2013 there was a supply of 9.72ha, leaving 0.28ha to be found via the site allocations process to meet the 10ha requirement. However, it should be noted that the potential supply also includes the site of the new Next store, and as such the area to be identified through the site allocations will be higher (approximately 1.26ha higher) due to the loss of this site.

Added to this, whilst the applicant's comments regarding the absence of any interest in their existing office developments / permissions are noted, the fact still remains that the buildings on the site are currently occupied for employment uses, and have not been marketed. It is therefore impossible to conclude that there is no "*reasonable prospect of a site being used for that purpose*". The land allocation is currently being reviewed as highlighted above through the local plan process and as noted there is a requirement for more employment land provision, particularly in the north of the Borough.

Consequently there is not considered to be any material planning considerations to justify the loss of the employment land. The proposal is therefore contrary to policies E1 and E2 of the Local Plan.

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 from White Young Green (WYG), as they did for the previous application (15/0400M) and the issues raised by them are incorporated below.

THE SEQUENTIAL APPROACH

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 site is allocated as an Existing Employment Area under policies E1, E2 and E3 of the MBLP. The site sits to the north of Handforth Dean Shopping Centre which is not a designated retail shopping area. The nearest centre is Wilmslow town centre which is approximately 2.5km to the south. Therefore, the site is located in an out of centre location. There are a number of site and application specific factors relevant to consideration of the site at Earl Road under the sequential test. These are summarised as follows:

- The proposed site is 1.87 ha;
- The proposed car park consists of 240 spaces (including 17 disabled spaces) 40 cycle parking spaces and 10 motorcycle spaces;
- There is a total floorspace of 6035sqm and a net sales area of 5,130sqm;
- The development is divided into seven units, five are for non-food retail and two are for non-food retail, cafe/restaurant or sandwich;

The Framework states that the application of the sequential test should be proportionate and appropriate for the given proposal. The test also requires a demonstration of flexibility for the proposed development. If no town centre sites are found, preference should be given to accessible sites in an edge of centre or out of centre location that are well connected to the town centre. Only if there are no suitable sequentially preferable locations, the sequential test is passed. The NPPG also mentions that robust justification must be provided to show if certain main town centre uses have particular market and locational requirements that may only be accommodated in specific locations.

The applicant's retail submission in terms of the sequential assessment relies mainly on the details submitted as part of the previously refused application. The applicant has re-visited the same sites considered previously in and on the edge of Handforth District Centre, Macclesfield Town Centre, Stockport Town Centre and Wilmslow Town Centre.

Handforth district centre

Handforth accommodates local shopping requirements on a limited scale. Some of the smaller units would be able to accommodate the A3/A5 units proposed by the application. However, in relation to the sequential approach to development, it should be assessed whether the whole scheme (with flexibility) could realistically be moved to another location. Any potential sites in Handforth are too small to accommodate the whole scheme and therefore there are no known sequential sites that could be considered available or suitable for the proposed development in Handforth district centre

Macclesfield town centre

"Silk Street", Macclesfield (Duke Street Car Park, Exchange Street Car Park and Churchill Way)

In late 2015, the Council selected a developer (Ask Real Estate) to take forward a mixed-use leisure led scheme across two of the three available town centre redevelopment opportunity sites (Exchange Street car park and Churchill Way car park). Accordingly, these sites can be dismissed as no longer available to accommodate the scale and form of retail development proposed. This leaves Duke Street car park as the only remaining town centre redevelopment opportunity site identified in the Macclesfield Local Plan.

Duke Street car park is not considered suitable for the scale and form of retail development proposed at Earl Road, given its more limited size. The car park extends to just under one hectare and, with the Earl Road site almost double its size (1.87ha), it would be unrealistic to suggest that an equivalent large format retail park could be accommodated, even allowing for considerable flexibility on the applicant's part. On this basis Duke Street can be dismissed as unsuitable to accommodate the development.

Former TJ Hughes, Roe Street

The site is too small for the proposed development and is not available as it is now occupied by B&M since September 2014.

Macclesfield Train Station

The site is currently used as town's train station and therefore the site is unsuitable for the proposed development. There is no information suggesting that it is available in short term and therefore can be discounted as a sequentially preferable site.

Craven House, Churchill Way

The site extends to 0.05ha which is too small for the proposed development and therefore can be discounted as a sequentially preferable site.

Former Cheshire Building Society

The site located in the Primary Shopping Area extends to 0.4ha which is too small for the proposed development. Therefore it is not suitable for the proposed development.

Macclesfield Town Centre Vacant Units

None large enough to accommodate the proposed development. It should be emphasised that there is no longer a requirement for applicants to give consideration to 'disaggregating' the various components of a retail development across a range of more sequentially preferable sites.

Barracks Mill, Black Lane, Macclesfield

This site is considered to be in a more sustainable location than the application site, particularly with the inclusion of a bridge across the River Bollin as part of the outline application proposals (15/5676M). However, this application for retail development on this site was refused in September 2016 due to its impact upon Macclesfield Town Centre.

WYG's conclusion on the Barracks Mill scheme from the perspective of the sequential approach was that whilst it was evidently 'available' and 'suitable' for retail development in principle, it was not necessarily suitable for the retail development proposed – given the site's much larger size and differing scale and the form of retail floorspace planned upon it. In addition, WYG also found that the Earl Road and Barracks Mill schemes would each serve a different catchment and that, as such, granting permission for the Earl Road scheme would not necessarily result in the loss of the same market opportunity that the sequentially superior Barracks Mill site was targeting. Given that a development in a sequentially preferable location in Macclesfield would not be delayed, stalled or otherwise impaired by the approval of Orbit's proposals on the Earl Road site, WYG's overall conclusion was that the existence of the Barrack's Mill site did not merit the refusal of the Earl Road retail scheme on sequential grounds – given their markedly different catchments.

The circumstances have changed somewhat following WYG's advice of January 2016, with the Barracks Mill scheme having been refused by Cheshire East Council on retail policy grounds in September 2016, and retail impact the main issue of policy conflict identified. This relatively recent decision is considered to be of material relevance to the interpretation of the sequential approach, as it raises serious questions over the suitability of the Barracks Mill site to deliver large format retail units in the future. This identified policy conflict, in conjunction with the fact that the Earl Road scheme would evidently serve a different catchment to that of Barracks Mill, again leads to the conclusion that this out-of-centre Macclesfield site does not represent a sequentially preferable alternative to the planning application site.

Stockport town centre

Redrock

Located directly to the north of the Merseyway Shopping Centre and to the south of the M60, it is located within the defined Core Retail Area of Stockport town centre. Whilst at 3.1ha this site is theoretically large enough to accommodate the scale and form of retail development proposed, it is currently being redeveloped to provide a leisure-led scheme comprising a cinema and restaurant units. On this basis WYG is satisfied that the site is neither available nor suitable to accommodate the scale and form of retail development planned at the Earl Road site. Stockport MBC have stated that unlet units 2, 3 and 4 of Redrock (comprising 1,755 sq.m of retail floorspace) are capable of accommodating some of the floorspace proposed as part of the Earl Road scheme. However, even showing flexibility, this would amount to the disaggregation of the proposal, which is no longer a requirement of applicants.

Merseyway

None large enough to accommodate the proposed development. However, it is accepted that the unit 22-34 of the shopping centre, which was previously occupied by BHS, has now become vacant. This unit extends to 6,268 sq.m, comprising basement (1,775 sq.m), ground floor (1,751 sq.m), mezzanine (187 sq.m), first floor (2,025 sq.m) and second floor (530 sq.m). Whilst the total available floorspace within this building is theoretically commensurate with the amount proposed on the Earl Road site, it evidently takes an entirely different form as a 'department store'. This is not considered to be a suitable alternative.

Former Royal Mail Sorting Office, Exchange Street

The former Royal Mail sorting office site extends to 0.25ha, located at an edge of centre location. The site is still owned by Royal Mail and is not being actively marketed; therefore it appears that it will not be available in the short term. In any event, the site is too small for the proposed development and therefore is not suitable and should be dismissed as a sequentially preferable site as it is unlikely to be able to accommodate the level of proposed development or even a reduced form after reasonable flexibility has been applied.

This site has been raised again as part of this application by Stockport MBC, who suggest that adjacent surface level car parks could supplement the sorting office site to provide a bigger opportunity. Whilst these sites appear to be 'available' for redevelopment, the land involved appears to extend to little more than 0.5ha. Accordingly, the sorting office and surrounding land is unsuitable for the scale and form of retail development proposed. The fact that the busy A6 bisects the site represents a further issue, and renders it largely unviable and unsuitable to accommodate a comprehensive retail scheme in any case.

Fletcher Street Car Park

The site extends to 0.5ha and therefore the site is considered to be too small for the proposed development (even after significant flexibility) and therefore unsuitable.

Knightsbridge

The Knightsbridge area, which has also been raised by Stockport MBC, is located to the north of the Peel Centre and south of the M60. The area is situated to the west of Stockport's Core Retail Area and forms part of the Secondary Retail Area. In August 2011, Sainsbury's submitted an application for a 11,987 sq.m GIA foodstore (ref: DC/047669). It was withdrawn because the abnormal development costs had reached a threshold which allowed Sainsbury's to withdraw from its development agreement with the Council, emphasising the viability constraints associated with this site (even for retail development of a significant scale). The land is not being actively marketed at present and is understood to be within a number of ownerships (including Sainsbury's). It would therefore likely require the use of compulsory purchase powers if the regeneration of this area is to be achieved. Given the absence of even a resolution for such a process to commence, it is considered that the Knightsbridge site is not 'currently available'. It must therefore be regarded as unavailable in the context of the sequential approach, and is also likely to be unviable (having regard to 'suitability') for the scale and form of retail floorspace proposed bearing in mind the site's planning history.

Gas Holder site to rear of Peel Centre

Whilst the site is large enough to accommodate the proposals, it remains in the ownership of National Grid and substantial works would need to be undertaken in relation to decontamination/remediation (as well as the relocation of a high pressure gas main) before

the site can be made available for redevelopment for retail purposes. Accordingly, there is no possibility of the land being considered 'currently available' for retail development and we are therefore satisfied that it does not presently represent a sequentially preferable alternative to the Earl Road site on this basis

Water Street

This 1.1ha edge-of-centre site was granted outline planning permission in January 2017 for a two-storey Class A1 non-food 'bulky goods' retail development of 5,574sq.m gross. Whilst Water Street can be considered suitable in principle for Class A1 retail development, it is evidently too small to accommodate the scale and form of development proposed at Earl Road, in terms of both retail floorspace and supporting infrastructure (car parking, etc.) given that it is just over half the size. However, Stockport BC state that the Satnam / Cemex site which lies adjacent to land at Water Street could be added to this in order to provide a combined development plot of 2.3ha. This land, which extends to some 1.2ha, has historically benefitted from planning permission for non-food retail and hotel development, although this has now lapsed.

The Satnam / Cemex site is of an irregular, elongated shape given that the River Tame constrains it to the west and land in a separate ownership to the east prevents visibility from Water Street. Its narrow nature means that whilst it is comparable in size to the Earl Road planning application site when combined with Water Street, we would question whether it would be able to accommodate an equivalent scale and form of development. Even if this was the case, the arrangement (encompassing the Satnam / Cemex site) is unlikely to be commercially viable, with the retail park essentially stretched in a 'L' shape around Water Street. Notwithstanding this, there is no evidence of the Satnam / Cemex site being marketed for sale and it would not therefore be reasonable to treat it as 'currently available' for redevelopment.

Stockport Town Centre Vacant Units

None large enough to accommodate the proposed development.

Other sites raised in the representations to the previous application include:

- Unit 6 Peel Centre
- Peter Carlson showroom site
- Stockport Exchange area within the town centre
- Small units within district and local centres, including Bramhall, Cheadle Heath, Cheadle, Gatley and Heald Green.

None of which were previously found to be sequentially preferable, and there are no known change in circumstances that would lead to a different conclusion now.

Wilmslow town centre

Alderley Road, Wilmslow

The Site extends to 0.2ha and is allocated for mixed use development, and is too small to accommodate the proposed development in its entirety or even with a degree of flexibility; the proposed development would not be able to be accommodated within the site and therefore is not considered suitable. The applicant also confirms that the site is not available as a number of operators are present and the site is not available in a reasonable time period.

Wilmslow Town Centre Vacant Units

It is unlikely that any vacant units would be suitable to accommodate the proposed scheme either in whole or in part (with a degree of flexibility).

Sequential Approach Conclusions

For the reasons set out above there are not considered to be any sequentially preferable alternatives either 'in' or on the 'edge' of any defined centres within the catchment area of the application proposal which could realistically accommodate an equivalent scale and form of retail floorspace. Accordingly, the application proposals have been found to be compliant with Paragraph 24 of the NPPF and the relevant parts of saved Policy S2 of the Macclesfield Borough Local Plan and policy EG5 in the CELPS.

TOWN CENTRE IMPACT

The two key impact tests identified by paragraph 26 of the NPPF are considered below. The tests relate to:

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

Impact on existing, committed and planned public and private investment

The conclusion previously reached in relation to the retail park proposals at Earl Road as part of application 15/0400M was that they were unlikely to have a 'significant adverse' impact upon existing, committed and planned public and private investment decisions within the defined centres in Cheshire East or Stockport. In the intervening period, it is considered that relatively little has changed within the centres in the catchment area of the application proposal to alter this conclusion, although some key differences are explored below together with the potential effects of these.

Macclesfield

In terms of investment in Macclesfield a planning application is yet to be submitted for the mixed-use commercial leisure-led scheme on the town centre's Churchill Way car park site. However, it is understood that it will comprise a six-screen cinema and six restaurant units. Should planning permission be granted for the proposal it will be delivered during 2018. The potential for Orbit's retail park at Earl Road to have an adverse impact upon the delivery of the Churchill Way scheme in Macclesfield is relatively limited. The Earl Road proposals are evidently centred on comparison goods shopping, whilst the Churchill Way scheme has a commercial leisure focus given the cinema offer planned. The schemes represent two very different market opportunities each with an entirely different customer base. Accordingly, there seems very little prospect of a retail park development in Handforth reducing the number of people wanting to visit a cinema in Macclesfield.

Notwithstanding this, we would accept that there is some limited overlap between the two schemes, with permission sought for up to two of the Earl Road retail units (429 sq.m GIA in total) to trade as restaurants and a total of six restaurants proposed as part of the Churchill

Way development. However, the restaurant offer at Orbit's Earl Way scheme would be very much ancillary to its retail component, in that it would largely cater for those already shopping at the retail park. Accordingly, this floorspace is unlikely to function as an 'eating out' destination in its own right and it is not considered that it would be capable of undermining planned investment in the restaurant units proposed alongside Macclesfield's future cinema. It is therefore concluded that there is no potential for a 'significant adverse' impact on this important Macclesfield town centre investment, should the Earl Road application be approved.

The other private sector investment in Macclesfield which merits consideration is Eskmuir Securities' plans to an additional 1,648 sq.m of comparison goods floorspace at the former Cheshire Building Society site. The construction works are now underway and will be completed in early 2018. It is acknowledged that both Eskmuir and Orbit's retail proposals involve the provision of new comparison goods retail floorspace and accordingly there is the potential for direct competition. However, in terms of whether the scale and form of retail development proposed by Orbit would prevent the Cheshire Building Society's conversion taking place, it would have to be concluded that given the progress made to date the prospects of this are extremely unlikely. Indeed, Eskmuir have brought forward their investment in the Grosvenor Centre over the past two years seemingly in the knowledge that further retail competition may be granted planning permission at Handforth. On this basis, it is considered that Orbit's Earl Road application is unlikely to have a 'significant adverse' impact upon Eskmuir's existing investment in the former Cheshire Building Society.

Stockport

It is considered that the conclusions reached in terms of the Earl Road proposal's potential to impact upon investment decisions at Macclesfield's Churchill Way scheme can be applied equally to Stockport's forthcoming Redrock commercial leisure development. This scheme, which is currently under construction and is scheduled to open in late 2017, will provide a ten-screen cinema alongside seven restaurants and three retail units. Progress is considerably more advanced than in the case of Churchill Way and indeed the scheme's website suggests that a cinema operator is now in place (The Light), four of the seven restaurants are let, and two of the three retail units are under offer. On this basis, there appears to be no prospect of Orbit's Earl Road comparison goods retail development preventing the Redrock commercial leisure scheme being delivered. Furthermore, given the limited amount of floorspace in the Earl Road scheme which is to be devoted to restaurants, and the pre-lets witnessed at Redrock to date (alongside a confirmed cinema 'anchor'), it is not considered that the proposed retail park will undermine future investment decisions and will not have a 'significant adverse' impact upon investment decisions in Stockport's Redrock commercial leisure development.

Stockport MBC has recently bought the Merseyway Shopping Centre in Stockport (April 2017), with it having been in receivership for the past seven years. As part of their representation to the applications, Stockport MBC states that the Council intends to invest some £40m on the refurbishment of the shopping centre over the next two to three years. It is understood that this will likely include improvements to Mersey Square, enhancements to the appearance of shops, and improvements to existing units, although we can find no evidence of a formal scheme of works being published by the Authority to date. Stockport's representations state that the Earl Road scheme will undermine this planned future investment in the Merseyway shopping centre.

In forming a view as to whether this will be the case, it is necessary to have regard to the wording of the Planning Practice Guidance and particularly paragraph 16 (ID: 2b-016-20140306). This states that a key consideration in assessing the impact of a planning application on future investment decisions is 'the progress made towards securing the investment'. In this regard, the improvements proposed to Merseyway are yet to be the subject of a planning application and indeed the final scope of works do not appear, as yet, to have been published or endorsed by the Council. Drawing upon the wording of paragraph 26 of the NPPF, it cannot therefore be said that the investment proposed in Merseyway is 'existing' or 'committed' and at best it can be described as 'planned' (albeit they do not benefit from planning permission). Given this position, it is not considered that at this point in time that it can be said with any certainty that the application proposals at Earl Road would undermine the Council's plans to invest in Merseyway – particularly when the scope of such works is yet to be finalised and the necessary permissions for them yet to be obtained. Furthermore, the Council now owns the Merseyway shopping centre and has aspirations to improve its future appearance and offer. Furthermore, a March 2017 press release by Marketing Stockport suggested that following the recent opening of Trespass and Holland & Barrett stores at the shopping centre, its occupancy rate has now risen to in excess of 95% - indicating improvement in the centre. Accordingly, it is not considered that there would be any conflict with the 'impact on investment' test.

Impact of the proposal on town centre vitality and viability Including Local Consumer Choice and Trade in the Town Centre and Wider Area

A summary is provided below in respect of the current health of the two key centres of relevance of Macclesfield and Stockport.

Macclesfield town centre

The key findings of the 2016 Cheshire East Retail Study (CERS) healthcheck for Macclesfield were:

1. Second largest town in Cheshire East in respect of its population and as a retail destination within the administrative area.
2. There are 514 units within the boundary, which together occupy 98,950sq.m of floorspace. Of the total, 186 units or 36.1% and 41,930sq.m or 42.3% are occupied by comparison retailers, which are both above the UK average. The figures demonstrate the relatively strong comparison offer of the town centre. However, in terms of number of units and amount of floorspace, the comparison offer has decreased by 10% in ten years since 2006.
3. Of the total units, at the time of the survey in August 2015, 70 units or 13.6% were vacant and 15,310sq.m of floorspace or 15.4% was vacant. Both in terms of proportion of units and floorspace, the vacancy rate is considerably above the UK average.
4. Notwithstanding this, the centre provides a wide ranging retail, leisure and service offering, with half of Experian Goad's top multiple retailers found within the Goad town centre boundary. Moreover, WYG understand that the largest vacancy within the centre is situated within the Castle Street redevelopment area and is therefore in the process of being redeveloped for a major retail led development. TK Maxx has been secured as the anchor tenant for that scheme.
5. The convenience sector continues to be under provided for in terms of units and floorspace when compared to the national average. Although the proportion of units has

improved against the national average, the proportion of convenience goods floorspace within the town centre has declined compared to the national average.

Whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies, including a declining comparison goods role, if it is to be considered a vital and viable centre and that the improved leisure intervention at Churchill Way would act as a positive improvement to the day and evening economy.

Some of the vacancies within the centre are as a direct result of the Castle Street redevelopment and the previous Wilson Bowden scheme that has since been abandoned, and some past uncertainty as to whether the scheme will progress or not, led to the termination of leases and general uncertainty in the town centre, but we understand with the Churchill Way leisure scheme and Eskmuir's proposals (currently under construction) the overall vacancy level could improve over the short to medium term in recognition of these positive interventions.

Once retail commitments were taken account of, the 2016 CERS did not identify any capacity for additional comparison floorspace within the short term and by 2025 the CERS identified capacity for up to 12,700sq.m of additional floorspace within the administrative area as a whole. Whilst in the medium to long term there is some capacity for additional floorspace within Cheshire East, this is not at a level similar to the quantum of floorspace proposed at Earl Road under the CPG scheme. As such, whilst the consideration of need is no longer a policy test, it is relevant in considering the available expenditure to support additional floorspace within a catchment area and the potential for the likely impact on existing facilities. The Stockport Retail Study (2014) on the other hand, did identify a floorspace requirement of up to 29,102 sq.m between 2014 and 2024, identifying that within the Stockport Borough administrative area; there is substantial capacity to accommodate additional comparison floorspace.

Stockport town centre

The latest update on the occupancy levels and recent lettings in Stockport town centre, which was undertaken by Stockport Council in July 2016 was published in November 2016, and the key findings are summarised below:

- 20.2% of units in Stockport town centre are currently vacant; this compares with a national average of 10.1% and a North West average of 19.6%; the latter figure appears atypical as north west averages over the last couple of years have ranged between 12.3% and 13.5%.
- Within this average there is considerable variation, for example, only 10.8% of Merseyway units are vacant, whereas vacancies in some streets in the Market Place and Underbanks area are much higher. This level has remained fairly stable for several years, following a significant drop in occupancy between 2008-10 (which was a national trend reflective of the economic circumstances at that time).
- The town centre benefits from consistently high footfall, approximately 10 million per annum through Merseyway, which helps to support the centre
- Stockport town centre's position in national retail rankings continued to decline for some years, as other centres have seen major investment which has enabled them to compete more effectively in the context of structural changes in retailing; this has seen some recovery since 2011.

- The health of the town centre is fragile but stable; Merseyway is the strongest area of the centre in terms of occupancy and footfall.
- Without Council intervention, it is likely that these measures and the health of the town centre would gradually decline further. This underpins and emphasises the importance of current initiatives to secure town centre lettings and attract new visitors, and the comprehensive strategy to regenerate and redevelop the town centre.

Whilst there are a series of positive indicators, particularly in light of the construction of Redrock (the leisure-led scheme), and the office-led development at Stockport Exchange adjacent to Stockport Railway Station, the overall retail offer within the Core Retail Area is suffering and the proportion of vacant units and floorspace is considerably above national average.

The Peel Centre appears to trade well and is typically very busy, which adds substantially to the overall retail offer within the wider Stockport town centre as a whole. There can be no dispute that the Peel Centre acts as an important part of the wider Stockport town centre and contributes substantially to the provision by providing a strong anchor to the wider town centre.

As noted above, there are also plans to invest £40m in the Merseyway Shopping Centre, but no formal schemes have yet been progressed. It is acknowledged that the regeneration or redevelopment of the shopping centre would substantially assist in revitalising the primary shopping area of the town centre, retaining retailers and attracting new operators to the centre.

IMPACT AND IMPLICATIONS

The current application is identical to that submitted previously on the site, and the applicant has provided an updated retail impact and set out a brief commentary on its conclusions.

The scale and form of comparison goods retail floorspace proposed by Orbit (in conjunction with committed retail schemes) was previously found not to have a 'significant adverse' impact upon the trade and turnover or vitality and viability of any of the centres within the catchment area of the proposal. The applicant maintains that this conclusion remains appropriate and robust today. Accordingly, the section below considers whether any circumstances have changed which would merit a different conclusion to be reached.

WYG have undertaken a sensitivity test of the retail impact assessment prepared by Lichfields (on behalf of the applicant) which draws upon their methodology but utilises WYG's preferred data inputs and assumptions.

The baseline comparison goods sales density of £5,599 per sq.m which has been drawn upon by Lichfields has been taken from Mintel Retail Rankings 2016 and is considered to be reflective of the type of national multiple clothing and footwear retailers which are typically found on the UK's retail parks. Its application here is therefore considered to be appropriate given the speculative nature of the retail park development and the fact that no end users are presently identified. The proposal is estimated to have a turnover on £32.2m in 2022.

Within their cumulative assessment WYG have included all known comparison goods commitments, including two more recent commitments which have been raised by Stockport

MBC in their representations of March 2017: the Lidl foodstore at Hempshaw Lane, Stockport and the retail park development at Brighton Road, Stockport. Comparison goods floorspace and turnover assumptions have been derived from respective planning application submissions. This results in 22,399sq.m (net) of comparison goods floorspace identified generating a theoretical combined turnover of £98.6m in the test year of 2022.

The cumulative results show that the trade diversion will be -£14.7m on Macclesfield town centre at 2022, this will represent a -7.1% impact. This impact figure forecast for Macclesfield of -7.1% is marginally lower than the impact of -8.0% which was forecast when WYG undertook a sensitivity assessment of the applicant's 2015 retail impact assessment in support of the previous application (15/0400M). Whilst it is acknowledged that there have been a number of changes to the retail impact assessment in terms of the turnover of centres and commitments the fact remains that WYG's previous conclusion was that an impact of -8.0% on Macclesfield town centre's turnover should not be regarded as 'significant adverse'. Accordingly, given that an impact figure of some -7.1% is now forecast and the health of the centre has not changed materially over the course of the past twelve months, it is considered that the previous conclusions with regard to the implications of the scheme for Macclesfield remain robust; in that the scale and form of comparison goods retail development proposed at Earl Road (in conjunction with existing commitments) is unlikely to undermine the long-term vitality and viability of this town centre.

In terms of Stockport town centre (including the Peel Centre), the analysis shows that the quantitative impact will be -£33.1m or -4.6% at 2022. In terms of what an impact of this order means for the vitality and viability of Stockport, it should be noted that the centre remains somewhat vulnerable, and this has been emphasised through the representations made by Stockport MBC who state that as recently as August 2016 there was a vacancy rate of 19.1% in the Central Shopping Core. This said, there is also significant investment taking place in the form of the Redrock and Stockport Exchange retail and leisure schemes, both of which will largely be completed by the end of 2017.

Furthermore, the Council now owns the Merseyway shopping centre and has aspirations to improve its future appearance and offer. Indeed, a March 2017 press release by Marketing Stockport suggested that following the recent opening of Trespass and Holland & Barrett stores at the shopping centre, its occupancy rate has now risen to in excess of 95% - indicating that the centre has a vital and viable retail core.

Indeed, the centre's strength is further evidenced by its survey derived non-food turnover which, based on a recent update of the Stockport wide comparison goods quantitative capacity assessment, is forecast to reach £669m in 2020 when combined with the Peel Centre (2013 prices). Given that this quantitative assessment also presents a 2015 combined turnover figure of £563.7m, the evidence suggests that comparison goods growth over the five-year period to 2020 in Stockport town centre and its edge-of-centre retail park is anticipated to be some £105m. It is of particular significance that the combined trade diversion of the application scheme and committed developments (£33m) will account for less than one third of this anticipated growth, meaning that even if all were ultimately delivered the centre would still theoretically benefit from a turnover in 2020 which was significantly greater than that achieved in 2015.

This anticipated comparison goods expenditure growth in conjunction with the physical improvements being made to the town centre's offer, and the fact that the quantitative impacts forecast by both WYG and Lichfields are not particularly high, lead to the conclusion that the scale and form of comparison goods retail development proposed at Earl Road is unlikely to undermine the long-term vitality and viability of Stockport town centre. This conclusion is reflective of that reported as part of WYG's advice in relation to application 15/0400M, some 12-months ago. Over the course of this intervening period there has not been a material change in the centre's overall health for the worse.

In terms of other defined centres within the catchment area of the scheme, given that none of the impacts forecast as part of the cumulative impact assessment exceed five per cent, and are of an order which WYG regarded as acceptable as part of their previous retail policy review of the Earl Road scheme, there is not considered to be any potential for the scale and form of comparison goods retail development proposed (in conjunction with commitments) to undermine their long-term vitality and viability. Given this, it is concluded that Orbit's application proposals are compliant with Paragraph 26 of the NPPF and the relevant parts of saved Policy S2 of the Macclesfield Local Plan and policy EG5 of the CELPS.

WYG's previous advice to Cheshire East was that a condition controlling the proportion of the retail park's total floorspace that could be devoted to the sale of clothing and footwear would be appropriate. This was in order to mitigate some of the retail impact on both Macclesfield and Stockport, whose comparison goods offer is largely focussed on this sector. However, whilst the scheme, in conjunction with existing commitments, would undoubtedly cause some degree of harm to these centres (albeit not a 'significant adverse' impact), it is not considered to be necessary given the level of impact that is referred to above.

Conclusions on retail impact

It has been identified above that there are no sequentially preferable sites available to accommodate the proposed development. It is also considered that the proposal will not have a significant impact upon existing, committed and planned public and private investment in relevant centres. Finally, the overall cumulative impact of the application scheme together with other existing retail commitments in the catchment is considered to have an adverse impact upon Stockport and Macclesfield town centres. However, whilst identified as an adverse impact, the scale and form of comparison goods retail development proposed at Earl Road is unlikely to undermine the vitality and viability of the identified centres. Accordingly the proposal complies with paragraphs 24 and 26 of the Framework, policy S2 of the Macclesfield Borough Local Plan and policy EG5 of the CELPS.

Cumulative impact with 16/0138M (CPG)

The impact of the application scheme together with other committed retail schemes within the catchment is considered to comply with paragraphs 24 and 26 of the Framework. However, given that the application is to be considered at the same Committee as the CPG application (16/0138M) on the opposite side of Earl Road, it is necessary to assess the cumulative impact of both proposals, in the event that both applications are approved.

The following table provides WYG's assessment of the cumulative impact of extant planning permissions, the current application (16/5678M) (Orbit) and the CPG application (16/0138M).

The table below shows the cumulative impact of all proposals:

	No Development Estimated Turnover (£m) 2022 (A)	Cumulative Diversion of Extant Planning Permissions (£m) 2022 (B)	Diversion of Orbit (£m) 2022	Diversion of CPG (£m) 2022	Residual Turnover (£m) 2022	Cumulative Impact 2022 (%)
Macclesfield town centre	£206.4m	£6.7m	£8.1m	£8.1m	£183.6m	-11.1%
Stockport town centre	£616.0m	£13.3m	£8.1m	£34.6m	£559.6m	-9.2%
Peel Centre	£100.4m	£10.7m	£1.6m	£6.1m	£82.9m	-17.4%
Combined Stockport and Peel Centre	716.4m	£23.1m	£9.7m	£40.7m	£642.6m	-10.3%
Congleton town centre	£53.1m	£0.1m	£0.8m	£1.1m	£51.1m	-3.8%
Wilmslow town centre	£29.5m	£0.4m	£0.8m	£1.4m	£26.8m	-9.0%
Nantwich town centre	£88.5m	£0.0m	£0.5m	£0.0m	£88.0m	-0.5%
Handforth District Centre	£11.8m	£0.2m	£0.0m	£0.0m	£11.6m	-1.5%
Handforth Dean	£163.7m	£5.6m	£4.8m	£16.4m	£136.9m	-16.4%
Cheadle Royal	£232.7m	£7.8m	£1.6m	£22.7m	£200.6m	-13.8%
Stanley Green Retail Park	£71.2m	£8.5m	£1.6m	£2.6m	£58.5m	-17.8%
Other Centres and facilities		£15.6m		£59.8m		
Total		£98.6m	£32.2m	£152.8		

The cumulative results show that the trade diversion will be £22.8m on Macclesfield town centre at 2022, and represents a -11.2% impact which is considered to be a significantly adverse impact given the current indicators of the centre's vitality and viability.

WYG advise that the level of cumulative trade diversion at £22.8m from the Orbit and CPG scheme and other extant planning permissions compares to the cumulative trade diversion of £24.9m that WYG estimated for the Barracks Mill scheme (15/5676M) which would result in a cumulative impact of -11.4% at 2020.

The above cumulative impact analysis also shows that the associated impact on Wilmslow would be -9.0% at 2022, which is at the higher end of an adverse impact. However, this does need to be read in the context that Wilmslow, like Macclesfield has experienced its overall comparison goods market share decline since 2010. Notwithstanding this, it is considered that the cumulative impact would be unlikely to result in a significant adverse impact given the relatively vibrant vitality of Wilmslow town centre which has remained resilient in recent years. Despite Wilmslow's comparison goods offer declining in recent years it has been replaced by retail services and a more independent sector and remains well served with key convenience good anchors and vacancies have remained relatively stable since 2009.

Turning to Stockport town centre (including the Peel Centre), the analysis shows that the quantitative impact will be -10.3% at 2022. At -10.3% this remains comparable to that found

by the CPG scheme in isolation (9%). This cumulative impact needs to be interpreted in the context of the vitality and viability of the town centre (referred to above). It is considered that his level of cumulative trade diversion is likely to represent the tipping point to an impact that would be found to be finely balanced when considering the CPG scheme on its own to one that is significantly adverse when the Orbit scheme is also added to the future residual trading position. This is equally compounded by the vitality and viability position of Stockport which is considered to be vulnerable and therefore when considered together would represent a significant adverse impact on Stockport town centre as a whole.

In conclusion, the results demonstrate that when considering the CPG and this current Orbit application scheme together, they would likely result in significant adverse impacts on both Macclesfield and Stockport town centres, and an adverse impact on Wilmslow if they were both approved.

Therefore, a number of sufficient safeguards are recommended to assist in reducing the potential impact of the two proposals together. The following are areas where mitigation could be secured:

1. Contributions towards certain town centre improvement schemes (public realm enhancement, shop front improvements etc); and
2. Agreements that certain 'anchor' national multiple retailers within Stockport and Macclesfield town centre could not relocate to the new proposed units at Handforth and close their stores within the centre for a period of five years.

Mitigations measures similar to the above have been accepted elsewhere across the country in determining applications for schemes of a similar size. Such schemes include Fosse Park, Five Towns at Castleford and Rushden Lakes. All three schemes involved the applicant signing up to appropriate mitigation measures which were deemed suitable and required to ensure that the impacts of the proposed developments were reduced satisfactorily to accord with planning policy.

However, the applicant has yet to confirm their position in terms of potential mitigation and therefore further details on this will be provided as an update.

ENVIRONMENTAL SUSTAINABILITY

Character and appearance

The application site is located within an Employment Area which is characterised by buildings built more for function than form. The proposed retail units adopt a relatively simple form with parapet around the roof and entrance features for each unit. The design is considered to be adequately in keeping with the local area. It is a little unfortunate however that the proposed development will face onto what is the back door and service yard of the new Next store opposite. However, the proposal is considered to comply with policies BE1 and DC1 of the local plan.

Accessibility

The applicant maintains that the site is well located in terms of its proximity to pedestrian and public transport services, and its connections to Handforth Dean Retail Park and the proposed Next retail unit.

However, accessibility was a significant issue raised at the time of the Next application for the site on the opposite side of the road, and remains so with the current proposal. The hourly bus Service (312) between Handforth Dean and Stockport 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, which provide services to other destinations including Manchester and Wilmslow. The transport assessment confirms that a travel plan will be prepared to encourage the use of other forms of transport. However, without adequate provision for non car modes, a travel plan will be largely ineffective.

Mitigation is therefore required to make the development acceptable in planning terms, as it was for the extant office permission. The office permission secured contributions towards bus stops in the vicinity, improvements to provision for pedestrians and cyclists in the vicinity and a contribution towards public transport improvements. The same would be required for the current proposal.

In addition, accepting the fact that most users of the site will inevitably use the private car, the provision of electric car charging points is recommended, as it was with the Next scheme. Such provision has also been recommended by Environmental Health.

Amenity

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

Highways

The proposed development has a new access onto Earl Road with the servicing taking place using Epsom Avenue and Arkle Avenue. The proposed access is located in the same position as the approved office development and is close to the end of Earl Road.

There would be 240 parking spaces provided within the site including disabled parking and there also is 40 cycle parking spaces proposed.

Traffic Impact

In considering the traffic impact of the development the applicant has taken into account the existing permission for the office development on this site compared to the proposed retail development. There are specific differences between approved office and proposed retail developments in that the peak hour impact is predominately in the am for the office and less so for the retail proposal. The evening peak for the retail is the worse case in terms of traffic generation and needs to be considered. The applicant has stated that only 50% of trips to this development will be new trips on the network. Whilst it can be accepted that due to the proximity of the site to other retail destinations a reduction can be made for linked and transferred trips the figures presented in the TA does not provide evidence that this proposal would warrant such a reduction in trips.

Considering the figures submitted, the office development has a higher traffic generation than the proposed retail development in the morning and evening peak hours. This development would have a higher impact at the weekend than the approved office development but the level of existing background traffic flows on the network is lower and the major junctions on

the A34 are not operating at the same level of pressure as in the daytime morning and evening peaks.

The applicant has undertaken junction assessments at locations where the development would have a material impact and these are Stanley Road/Earl Road traffic signals and at the Stanley Road / A34 roundabout. Clearly, these junctions are not within CEC and are the responsibility of Stockport and comments on the development impact of the proposals on these junctions should be sought from Stockport. The development does add additional traffic to the CEC road network especially at Coppice Way junction although these are small percentage increases and does not constitute a severe impact on the road network.

CEC Highways Summary

The previous permission for Office development on this site is a material consideration on this application, as the new current proposal for a retail use would produce less traffic than the office development and therefore can be seen as a benefit in highway terms. There will be a number of trips to the site that will have already travelled to the nearby Handforth Dean and Stanley Green retail parks and as such the number of new trips will be reduced but not in the opinion of the Head of Strategic Infrastructure to the level proposed by the applicant. However, taking a 30% reduction in trips which is more reasonable, this will not materially change the impact on the CEC road network but would increase the level of traffic using the Stockport junctions.

There were a number of contributions agreed relating to the mitigation of the impact of the Office development and some of these mitigation contributions are relevant in regard to this application i.e. the improvements to pedestrian and cycle routes and also improvements to public transport as this would be pooled with the contribution secured to public transport from the Next application. Contributions to mitigate the traffic impact, is a matter for Stockport to consider as the major impact falls at junctions under their control.

Stockport MBC Highways

Stockport MBC Highways have noted that the proposed retail development would be far from ideally located for access by travel modes other than the private car.

In addition they noted that the proposed development will have an unacceptable and demonstrably severe impact on the operation of the Earl Road/Stanley Road junction and this would justify refusal unless the impact can be mitigated by bringing forward the delivery of improvements to the junction. This requires the applicant to either prepare a package of improvements which could be delivered under a planning condition and appropriate highway legal agreement or agree to the payment of a financial contribution under the terms of a S106 Agreement. The terms of the s106 would be the same as for the approved office development.

Ecology

The nature conservation officer has provided the following comments on the application:

Habitats

Part of the site supports habitats that based on the species present could be designated as a Local Wildlife site under the grassland selection criteria. However, the nature conservation officer advises that the habitats themselves, being associated with a derelict urban site, fit

better with the “ephemeral/short perennial” phase one habitat as such are not considered to be of significant nature conservation value.

Bats

An initial bat survey has been submitted in support of the application. The buildings affected by the proposed development offer limited potential for roosting bats and roosting bats are unlikely to be present or affected by the proposed development.

Great Crested Newts

Having regard to the character of the nearby water bodies, the location of the application site and its distance and isolation from the waterbodies, great crested newts are unlikely to be affected by the proposed development.

Hedgerow

Hedgerows are a priority habitat. The proposed development would result in the loss of a section of hedgerow from the interior of the site. The submitted landscape plan includes the planting of a replacement hedgerow however the planting appears to be spaced at 1m intervals which is not considered to be appropriate for the establishment of a hedgerow. In the event that the application is approved, the planting could be dealt with by condition.

Nesting Birds

Conditions are recommended to safeguard nesting birds.

Trees and landscape

The proposal will necessitate the removal of 19 trees for the development of which 14 have been assessed as Moderate (B) category trees, with the remaining 5 trees Low (C) category. A further 4 trees (identified in red on the plan) and one off site unidentified group (G10) (also shown in red) are presumably proposed for removal by virtue of their poor condition.

None of the trees within the site are afforded TPO protection and whilst some contribute to the visual amenity of the area, being visible from Epsom Avenue and Arkle Avenue, their contribution is not considered to be significant in the wider context.

The Assessment also proposes a no dig construction where proposed hard standing areas/car parking conflicts with the Root Protection Area of retained trees which will be dependent upon existing/proposed levels, particularly given that the area proposed for no dig is close to the new building.

Proposed tree losses have been identified as 45% of the total tree cover and the Assessment suggests mitigation for such losses will comprise of replacement planting of 180% of existing tree stock. In terms of numbers this appears to be reasonable, however the space allocated for landscaping appears relatively small and the future growth potential of such planting will be limited to predominantly ornamental species, given the proximity of new buildings. However, having regard to the commercial character of this area, it is considered that an acceptable landscaping approach can be achieved.

Should planning consent be granted, conditions relating to tree retention, tree protection, method statement for construction in RPAs, and landscaping will be required.

Flood Risk

No comments have been received from the Flood Risk Manager; however he did review the previous proposal and confirmed that there are no objections on flood risk grounds.

The developer will need to provide evidence that there will be no increase in flood risk either on or off-site as a result of the increase in impermeable area, and accordingly a condition requiring the detailed proposals for the disposal of surface water is recommended. United Utilities also raise no objection.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of depot use and therefore the land may be contaminated
- The submitted report, REC October 2016 is a minor update of the REC December 2014 report which was submitted previously. There appears to be no substantial changes to the report. The report provided both phase I and phase II information, however, all the site investigation works were carried out in 2004 prior to demolition of the previous structure. Whilst some effort has been made to revise the information there has been no current site walk over or site investigation so it is uncertain whether any land contamination issues may have arisen in the years since the report was produced. As such further information is requested:
 - A current detailed site walk over;
 - Existing site investigation locations overlaid onto a current day map and the proposed new development layout map;
 - A review of the investigation locations for discussion and if information gaps exist a (small scale) post demolition investigation be carried out.

In the event of approval, appropriate conditions would be required.

SOCIAL SUSTAINABILITY

Open space

Having regard to the Council's SPG on Planning Obligations the development does trigger the requirement for open space contributions in lieu of on site provision, as the development will create some demand for open space / recreation facilities. These contributions amount to £90,525 for open space and £90,525 for outdoor sport and recreation. 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 so significant to justify such amounts. Therefore the figure of £12,500 for open space and £12,500 for outdoor sport and recreation offered by the applicant. However, whilst it is acknowledged that this was the approach taken with the Next application in 2015, it was not the approach taken for the extant office permission on the application site, where no contribution for open space was secured. Added to this, given that no specific deficiencies in provision are known to exist in the local area, the nearest open space area is approximately 600 metres from the application site, the nature of the development as a shopping destination is unlikely to create significant pressure on existing open space facilities, and the fact that contributions are already being made towards improvements for pedestrians and cyclists in the local area it is considered the contributions towards open space and recreation and outdoor sport are not considered to be necessary to

make the development acceptable in planning terms. The contributions would therefore not comply with the CIL regulations, and cannot be secured on that basis.

ECONOMIC SUSTAINABILITY

As noted above, the applicant has identified the following economic benefits arising from the proposal:

- 10 FTE jobs in construction, assuming a 12 month build programme
- 15 FTE jobs could be supported over the 12 month programme through linkages with construction programme
- Supply chain expenditure
- Contribution to local economic output
- 207-213 net FTE jobs when operational
- Business rate contributions
- S106 contributions (£282,000) offered towards employment generation and investment in people and skills development, apprenticeships and / or infrastructure works at employment sites in the Handforth area.

These are considered further below in the planning balance.

PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act requires planning proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is allocated as an Existing Employment Site in the Macclesfield Borough Local Plan where policies E1 and E2 seek to provide and retain a range of employment land in order to facilitate sustainable economic growth.

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".

Paragraph 14 explains that development proposals that accord with the development plan should be approved without delay, and; 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.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The aforementioned policies are considered to be consistent with the Framework, and the proposal is not in accordance with these policies. Therefore the key issue is whether there are other material considerations that would outweigh the policy presumption against this development.

The benefits in this case are:

- 10 FTE jobs in construction, assuming a 12 month build programme

- 15 FTE jobs could be supported over the 12 month programme through linkages with construction programme
- Supply chain expenditure
- Contribution to local economic output
- 207-213 net FTE jobs when operational
- Business rate contributions
- S106 contributions towards employment generation and investment in people and skills development, apprenticeships and / or infrastructure works at employment sites in the Handforth area.
- Contribution towards open space provision

Turning to other impacts of the proposal, the impact upon residential amenity, noise, air quality, landscape, trees, ecology, drainage and contaminated land could be mitigated through the imposition of planning conditions, where necessary. The highway impact would be broadly neutral due to the scale of the development having regard to the previous permission and appropriate mitigation. Whilst there would be an adverse retail impact, the scale and form of comparison goods retail development proposed at Earl Road is not considered to undermine the vitality and viability of nearby centres, and therefore complies with the tests within national and local policy, which advise that developments that have significant adverse impacts should be refused.

The dis-benefits of the application proposal are that it would result in a loss of employment land, notably at a time when the Council is actively seeking additional employment land allocations as part of its emerging local plan.

In terms of the financial contributions towards offsetting the loss of this employment site, a similar financial contribution was secured as part of the Next scheme (on the opposite side of Earl Road) on the basis that at that time there was no reasonable prospect of the Next site being used for employment purposes. Therefore in an attempt to make the remaining allocated employment site more attractive to B1, B2 and B8 occupiers, contributions towards the infrastructure of the wider employment site were secured as part of the overall planning balance in order to increase the chances of it being brought forward for employment development. The site is currently the subject of an application for a substantial retail development, which would indicate that the contribution towards infrastructure for employment uses has had limited effect in encouraging such uses to the site. It is not clear exactly what use the proposed financial contribution would be in this case, given the loss of an employment site that is currently in active use, and the significant need for more sites within the Northern part of the Borough that has been identified through the emerging local plan process.

The justification for policy E2 of the local plans explains that retailing is not permitted (on existing employment sites) because it would reduce the amount of employment land available and provision is made elsewhere for retailing. It is acknowledged that the proposal would generate a significant number of jobs, however it is not considered that the merits of the proposal should be judged solely by the numbers of jobs it creates. Furthermore, alternative employment uses (B1, B2 and B8 uses) could potentially create more jobs than those which currently exist on the site. B8 uses are an employment use and do not typically generate the same number of jobs as a B1 or B2 use, or a retail use, with a comparable floorspace. However, employment allocations are important to provide land for substantial buildings

(including warehouse buildings) that cannot be located elsewhere such as in town centres or countryside locations.

The proposal will result in the loss of employment land at a time when the Council is actively seeking additional employment land allocations as part of its emerging local plan. The need for sites is such that even Green Belt locations are currently identified as being required for the provision of the employment land allocation in the emerging local plan. Given the extent of Green Belt in the northern part of the Borough, the loss of the application site would exacerbate this situation and place further pressure to locate sites within the Green Belt.

Whilst policy E2 states that proposals for businesses where there is an element of mixed retail and business may be permitted if the retail element is ancillary to the other uses, in this case an ancillary retail use is not proposed. Policy EG3 of the emerging local plan also states that where it can be demonstrated that there is a case for alternative development...all opportunities must be explored to incorporate an element of employment development as part of a mixed use scheme. The previous scheme was amended to include the retention of the Stanley Court office building in the north eastern corner of the site, and again as part of this proposal these offices are retained. The retention of the existing offices is of course a positive aspect of the proposal, particularly as they are currently occupied, and less employment land is lost. However, the fact remains that there is no employment development associated with the current proposal. The existing office building is simply being retained as part of the proposal. Added to this, given that the warehouse building is currently occupied, it is not considered that there is a case for alternative development at this time.

The additional information submitted by the applicant since the previous application relating to the employment land situation in Cheshire East, the economic benefits of the proposal, details of the marketing of Epsom House (the office building constructed in 2007), a summary of the warehouse and office market in south Manchester, and a letter from the current occupant of the warehouse building (Gradus) is acknowledged; however, the fact that the warehouse building is currently occupied indicates that there is some demand from businesses for the site in its current form. It cannot therefore be concluded that there is no reasonable prospect of the site being used for employment purposes, in accordance with paragraph 22 of the Framework, or that there is a relative need for different land uses to support sustainable communities.

The proposal will lead to a loss in the amount of employment land in the Borough, which is considered to significantly and demonstrably outweigh the benefits of the proposal. The proposed development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy and paragraph 22 of the Framework.

RECOMMENDATION

It is recommended that the application is refused for the following reason:

- 1. The proposal seeks to provide a retail use on a site allocated for employment purposes. The existing warehouse and office buildings on the site are currently occupied, and it has therefore not been demonstrated that there is no**

reasonable prospect of the site being used for employment purposes, as required by paragraph 22 of the NPPF. The development is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan and policy EG3 of the Proposed Changes Version of the emerging Cheshire East Local Plan Strategy.

In the event of any changes being needed to the wording of the Board'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 Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

HEADS OF TERMS

Should this application be the subject of an appeal, the Head of Planning (Regulation) has delegated authority to enter into a S106 Agreement for this current application and application 15/0400M, which is the subject of a current appeal, to secure the following Heads of Terms:

- Financial contribution of £65,372 to CEC for improvements to provision for pedestrians and cyclists in the vicinity
- Financial contribution of £65,372 to CEC towards public transport improvements
- Financial contribution of £200,548 to Stockport MBC towards junction improvements in the Borough of Stockport at Stanley Road junction.

Further details on the potential Heads of Terms will be provided as an update subject to the receipt of further information from the applicant.

CIL Regulations

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.

In terms of the Heads of Terms listed above:

The contributions towards sustainable transport initiatives are necessary, fair and reasonable in order to provide a sustainable form of development and to comply with local and national planning policy.

The junction improvements within Stockport are required to mitigate for the highways impact of the development, necessary to make the development acceptable, and fair and reasonable.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

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Application No: 16/5850C

Location: Land South Of, OLD MILL ROAD, SANDBACH

Proposal: Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road

Applicant: W and S Sandbach Ltd

Expiry Date: 21-Apr-2017

SUMMARY

The proposed roundabout will operationally provide an improved junction at J17 of the M6 and Old Mill Road, and will also serve the adjacent development site. The delivery of the roundabout is crucial to the delivery of the employment and housing development on the adjacent site. Without this access the matters referred to in the emerging local plan under Strategic Site CS24 cannot be delivered. These are significant benefits in terms of the planned growth of Cheshire East to 2030.

The comments received in representation are acknowledged, and the relative lack of provision for cyclists does weigh against the proposal. However, the previous approval was similarly lacking in terms of provision for cyclists, and it would therefore be unreasonable to insist on a different approach now. Notwithstanding this position, it is considered that the need to provide a strategic junction for the M6, the A534 and the proposed commercial development site is considered to outweigh the concerns relating to provision for cyclists.

Consequently no significant adverse impacts are identified and a recommendation of approval is made

SUMMARY RECOMMENDATION

Approve

PROPOSAL

This application seeks full planning permission to create a new roundabout to improve the northbound slip road and create an access into the adjacent development site.

SITE DESCRIPTION

The application site comprises the existing road junction where the northbound slip roads at J17 of the M6 meet Old Mill Road, and a small section of the adjacent farmland. The site is

located within Open Countryside as identified in the Congleton Borough Local Plan First Review 2005.

RELEVANT HISTORY

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Local Plan Policy

Congleton Borough Local Plan First Review 2005 -

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)

GR20 (Utilities infrastructure provision)

GR21 (Flood Prevention)

NR1 (Trees and Woodland)

NR3 (Habitats)

NR5 (Creation of habitats)

Other Material Considerations

National Planning Practice Guidance

Sandbach Business Park Development Brief (1989)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

Cheshire East Local Plan Strategy – Submission Version

Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC3 Health and Well-being
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments

Strategic Site CS24 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

CONSULTATIONS

Highways England – No objections subject to conditions requiring full design and construction details to be submitted

Jodrell Bank – No comments received, but no comments to make on previous scheme

Cheshire Fire Brigade – No comments received

United Utilities – No comments received

Environment Agency – No comments received

Transco – No comments received

Visitor Economy Manager – No comments received

Public Rights of Way – It appears unlikely that the proposal would affect the public right of way

Environmental Health – No comments received but no objections raised to previous scheme subject to conditions

Head of Strategic Infrastructure – No objections subject to conditions relating to the provision of a banksman to control the use of the field gate access points

Sandbach Town Council - Members fully support objections made by members of the public, Cycling UK and NFU and strongly OBJECT to the proposals based on the following grounds:

- Significant safety concern for Pedestrian and Cyclists attempting to navigate the proposed scheme.
- Access for the Farmer is unsafe. These proposals will require exiting their own land by crossing three and four lanes of heavy traffic which will be extremely dangerous.
- Vehicular activated signs will not alleviate any safety issues for farm traffic; this is a tremendously busy stretch of the road and will put all road users in great danger.
- The scheme does not alleviate existing peak time congestion on the A534; proposals to introduce a commercial exit onto the roundabout will significantly worsen the problems.
- The proposals do not to manage vehicles exiting Congleton Road at peak hours, nor the incident potential for vehicles turning right into Congleton Road throughout the day.
- Poor visibility will create potential conflicts between traffic exiting the roundabout and vehicles exiting/entering the petrol station.
- The design statement used to support the application uses the PM peak as 1700 to 1800hrs. Recent experience in Sandbach indicates a PM peak between 1500 and 1600hrs.
- The design statement used to support the Application uses data 5 years out of date. Considering the developments that have taken place during this period the data must be considered invalid.
- How will the proposed Capricorn 2 hectares of mixed employment and commercial use are substituted for housing impact this?
- End of commercial entrance to the Capricorn site is unclear
- How is this to be funded?
- Cheshire East Highways appear to be dealing with traffic pinch points in isolation rather than as a whole.
- The Committee requests an independent highways expert produce a considered and thorough plan which ensures the long term safety and protection of all road users.
- All suggestion submitted by Cycling UK for Cycle and Pedestrian route improvements are fully supported.

REPRESENTATIONS

10 letter of representation has been received objecting to the proposal on the following grounds:

- Scheme does nothing to alleviate congestion on A534
- Scheme does nothing to deal with vehicles exiting / entering Congleton Road
- Scheme creates potential conflicts between traffic exiting the roundabout and vehicles exiting/entering the garage due to lack of visibility.
- Recent experience in Sandbach indicates a PM peak between 1500 and 1600hrs, not 1700 and 1800hrs
- The design statement used to support the application uses data 5 years out of date

- Since then, of course, the HA pinch point scheme has been operating for some time which has made a significant difference to local traffic conditions. It has improved egress from the M6 onto the A534 and worsened the congestion on the A534 itself
- Concern about the validity of the VISSIM model used if it has any connection to the Sandbach VISSIM model which has recently been rejected by Sandbach Town Council as invalid
- Submitted layout does not indicate where the road referred to as the commercial entrance to the Capricorn site ends
- Hard to equate the data in the design statement Baseline Person Trip Generation by Mode Profiling
- Cheshire East Highways appear to be dealing with traffic pinch points in isolation rather than as a whole
- Farmer will have to cross 4 lanes of traffic to leave his farm access, which is unsafe for long, slow moving vehicles
- Site boundary includes Farmer's land
- "Slow Down" signs, operated by the farm traffic passing over loops would be inadequate
- Proposals take into account pedestrians, disabled people and cyclists in an adequate manner.
- Proposals take into account pedestrians, disabled people and cyclists in an adequate manner.
- Proposal indicates that the northern boundary of Highway be relocated several metres to the south of the current boundary, thus effectively creating a barrier on the ground which would extinguish or dilute the access rights of the farmer and render the his land landlocked, deprived of the accessway that his business needs and currently enjoys

APPLICANTS SUBMISSION

The applicant has submitted the following documents with the application:

air quality assessment; noise assessment; flood risk assessment; and a transport assessment.

APPRAISAL

The key issues in the determination of this application are:

- Highways safety and impact on highway network
- The character of the area

ENVIRONMENTAL SUSTAINABILITY

Design / character

The majority of the site (north, east and west) is designated as Open Countryside in the Congleton Borough Local Plan First Review 2005. Policy PS8 of the local plan identifies that facilities for outdoor sport, recreation and tourism, cemeteries and for other uses of land which preserve the openness of the countryside and maintain or enhance its character are acceptable.

The remaining land to the south lies within the settlement boundary where the principle of the development is acceptable.

The proposals involve engineering operations to create a roundabout, and as such will preserve the openness of the countryside. The proposal will replace the existing roundabout whilst the proposals will provide a junction on a larger scale to that which currently exists, the overall visual impact is not considered to be significantly adverse having regard to the existing conditions. Landscaping will help to mitigate some of the engineering impact of the road improvements. It is considered that the development should set the concept for a tree lined entrance and spine through the Capricorn site and landscape enhancement on the embankment of the slip road and therefore a landscape condition should be attached securing this and other landscape design proposals. Subject to this condition, the application is therefore considered to comply with policies PS8, GR1 and GR2 of the local plan.

Trees

There are existing trees and lengths of hedge on the site of the proposed development. The submission is not supported by any arboricultural or hedgerow information and it is not clear from the submission what extent of tree and hedge loss would be involved. However, the trees are not formally protected on this site and the trees concerned do not appear to be of significant merit, although they are readily visible from Old Mill Road. Replacement planting could be secured by condition.

The need for the proposal in terms of the delivery of the access to the commercial aspect of the Capricorn Strategic Site is also considered to outweigh any tree and hedgerow losses.

Ecology

The nature conservation officer has commented on the application and does not anticipate any significant ecological impacts. However, as noted above there will be the loss of some hedgerows. Hedgerows are a Biodiversity Action plan priority habitat and a material consideration. It is therefore recommended that appropriate native hedgerow planting should be carried out to compensate for that lost. A condition to safeguard breeding birds is also recommended.

An updated badger survey has also been requested and further details will be provided as an update.

Highways

The Head of Strategic Infrastructure has provided the following comments on the proposal:

The applicant has not implemented the previously approved roundabout proposal (14/0043C) due to third party land/access issues and has submitted the revised roundabout design to provide access to phase 1 of the commercial development on the Capricorn site. The revised roundabout is located slightly further to the south of the original location and does still provide access to the phase 1 commercial development.

Revised Roundabout Assessment

It was agreed with the applicant in the original 2014 application that the capacity assessment of the approved roundabout would be undertaken using the Highways England (HE) microsimulation model developed for the Pinch Point scheme which is the current roundabout

layout in place at J17 M6. This approach was agreed for the revised roundabout design and the layout has been re-tested using the VISSIM model by Mouchel consultants acting for Highways England. The Vissim model was updated in 2016 using traffic flow data collected in March 2016.

With regard to the capacity modelling of the revised roundabout, the applicants have submitted a Transport Assessment to support the application and in addition a further addendum report to report on the Vissim model outputs. The capacity assessments have been undertaken using the latest 2016 flows and a future year assessment in 2020 and 2030. A number of scenarios have been assessed in the peak hours that have the highest recorded flows and represent the worse case, these assessments are as follows:

- Base 2016 Network and Flows
- 2020 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 14/0043C)
- 2020 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 16/5850C)
- 2030 Base (Capricorn Phase 1 Development flows + Committed Development Flows Revised Access Roundabout scheme 16/5850C) HE requirement to test the SRN at J17

In assessing this application an important consideration is that permission has already been granted for a roundabout and operationally it is whether this revised design does operate satisfactorily both in capacity and design terms. The results of both the approved consented design and the revised scheme have been compared in terms of queues at the roundabout and also at local junctions affected by the roundabout access such as Old Mill Road/Congleton Road, Congleton Road/Holmes Chapel Road and Wheelock roundabout.

The queuing results for the revised roundabout indicate that overall the scheme does operate better or similar in both the AM and PM peaks in the 2020 scenario. There are some key exceptions: the approaches to the Wheelock Roundabout does experience increased queues in the PM peak although these are not a significant increase in queue length. The Congleton Road approach to Old Mill Road also has increased queues and delay in the PM peak although the delay is below the level that would be experienced if the roundabout was not constructed.

Overall, the revised roundabout design has a minor improvement benefit on the operation of the network as a whole and although there are some areas that do see increased delay these are offset by reductions in delay elsewhere. Therefore, with regard to the operational capacity of the revised application the Head of Strategic Infrastructure concludes that it is acceptable and does not have a further detrimental impact compared to the consented scheme.

The design of roundabout has been subject of a number of technical reviews; Mouchel on behalf of the HE has assessed the scheme in connection with its affect on the M6 motorway and slip roads. In addition, CEC consultants Jacobs have also assessed the scheme in terms of its conformity with highway design standards.

The roundabout layout that is the subject of the technical review is drawing IPD-16-362-115 Highway Layout Option 2 Rev H. The conclusion of the Mouchel technical report is that in principle the design is acceptable for determination of the application although further detailed design work is required. Highways England have not objected to the application subject to conditions relating to this additional detail. The Jacobs review of the roundabout design has also concluded that in principle the design can be accepted although further detailed design aspects will need to be addressed.

An important design consideration for both the consented roundabout and new revised scheme is the operation of the field gates access points to land north of the roundabout. This application provides for an area of hardstanding in grass Crete fronting the land to allow agricultural vehicles to park whilst the gates are opened. In addition, interactive signage (VAS) is provided on the eastbound approach to the roundabout on Old Mill Road to indicate the presence of slow moving agricultural vehicles. Two Road Safety audits (RSA) have been undertaken, the applicant (IPad) has submitted an audit although as this was from the applicant it has been used for information only. CEC commissioned a RSA on the submitted design and the recommendation of the audit was to provide VAS signage on the approaches to the field gate accesses. However, consideration also needs to be given for vehicles approaching from other directions on the roundabout and it is proposed that the use of the field gates are controlled by a banksman. Historically, the use of the field accesses for agricultural vehicles has been controlled by a banksman controlling traffic, this arrangement would remain but with the addition of VAS signing.

Comments received in representation relating to the ownership of this land have been raised with the applicant and further details will be provided as an update.

Summary and Conclusions

Overall the revised roundabout layout does provide betterment to the road network and queues are generally reduced at most junctions in the AM and PM periods. There are some increased delays but these are more than offset by the reduced queues on the road network. In summary, the revised design operationally is considered not to be any worse than the consented roundabout scheme.

The location of the field gate accesses within the roundabout has proved to be a difficult problem to accommodate within the roundabout schemes. However, having undertaken a safety review, the measures to allow access to these fields by agricultural vehicles are accepted.

Consideration has been given to provide pedestrian and cycle facilities in the roundabout design but given design constraints, a shared footway/cycle facility has not been provided, although a footway has been provided on the southern side of the roundabout that links to the existing footway on Old Mill Road and also the M6 over bridge.

In principal the submitted design is considered acceptable for approval, there are some detailed design issues to be confirmed/clarified, and the provision of a banksman will be required by condition.

Highways England also raise no objections to the proposal subject to a condition requiring the submission of full design and construction details to be submitted and agreed with them.

Flood Risk

The Flood Risk Assessment (FRA) submitted in support of the planning application is that prepared for the proposed mixed use development to the south (planning reference 12/3948C), which the access will serve.

The submitted FRA does not specifically encompass the road improvements proposed as part of the application; however, the flood risk issues remain the same.

In order to ensure that surface water drainage is appropriately addressed, the Environment Agency recommend conditions relating to surface water run off and managing the risk of flooding.

Air Quality

Comments from Environmental Health are awaited and will be reported as an update. However an initial informal response suggests that their response will be similar to that for application 14/0043C. This response noted:

Junction 17 of the M6, Sandbach is designated as an Air Quality Management Area (AQMA) as concentrations of nitrogen dioxide (NO₂) exceed European, health based limit values. The study area of the submitted Air Quality Impact Assessment encompasses the AQMA.

Dust emissions which would be expected during construction are proposed to be mitigated by a number of measures such as water suppression and cleaning. These measures would be contained within an Environmental Management Plan (EMP).

During the operational phase of the M6 northbound improvements in conjunction with planning application 12/3948C, the report confirms that there is likely to be increased exposure to airborne pollution at all receptors modelled.

Four of these receptors are within the AQMA. Environmental Health advises that that any increase of concentrations in an AQMA is considered significant as it is directly converse to their local air quality management objectives. Mitigation has therefore been recommended as part of planning application 12/3948C to help safeguard residential amenity, public health and manage the cumulative impacts of development in the area.

On balance, Environmental Health raises no objection to this application subject to the mitigation proposed in the linked application 12/3948C being implemented.

Amenity

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

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will facilitate the delivery of commercial and residential uses on the wider Capricorn site. Securing a strategic access into this site will help to maintain a flexible and responsive supply of land for housing and employment uses as well as bringing direct and indirect economic

benefits to Sandbach town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

As noted above, the proposal will facilitate the delivery of commercial and residential uses on the wider Capricorn site, and as such will support the delivery of the social benefits secured under planning permissions on that site, including employment opportunities, affordable housing and open space.

PLANNING BALANCE AND CONCLUSION

The proposed roundabout will operationally provide an improved junction at J17 of the M6 and Old Mill Road, and will also serve the adjacent development site. The delivery of the roundabout is crucial to the delivery of the employment and housing development on the adjacent site. Without this access the matters referred to in the emerging local plan under Strategic Site CS24 cannot be delivered. These are significant benefits in terms of the planned growth of Cheshire East to 2030.

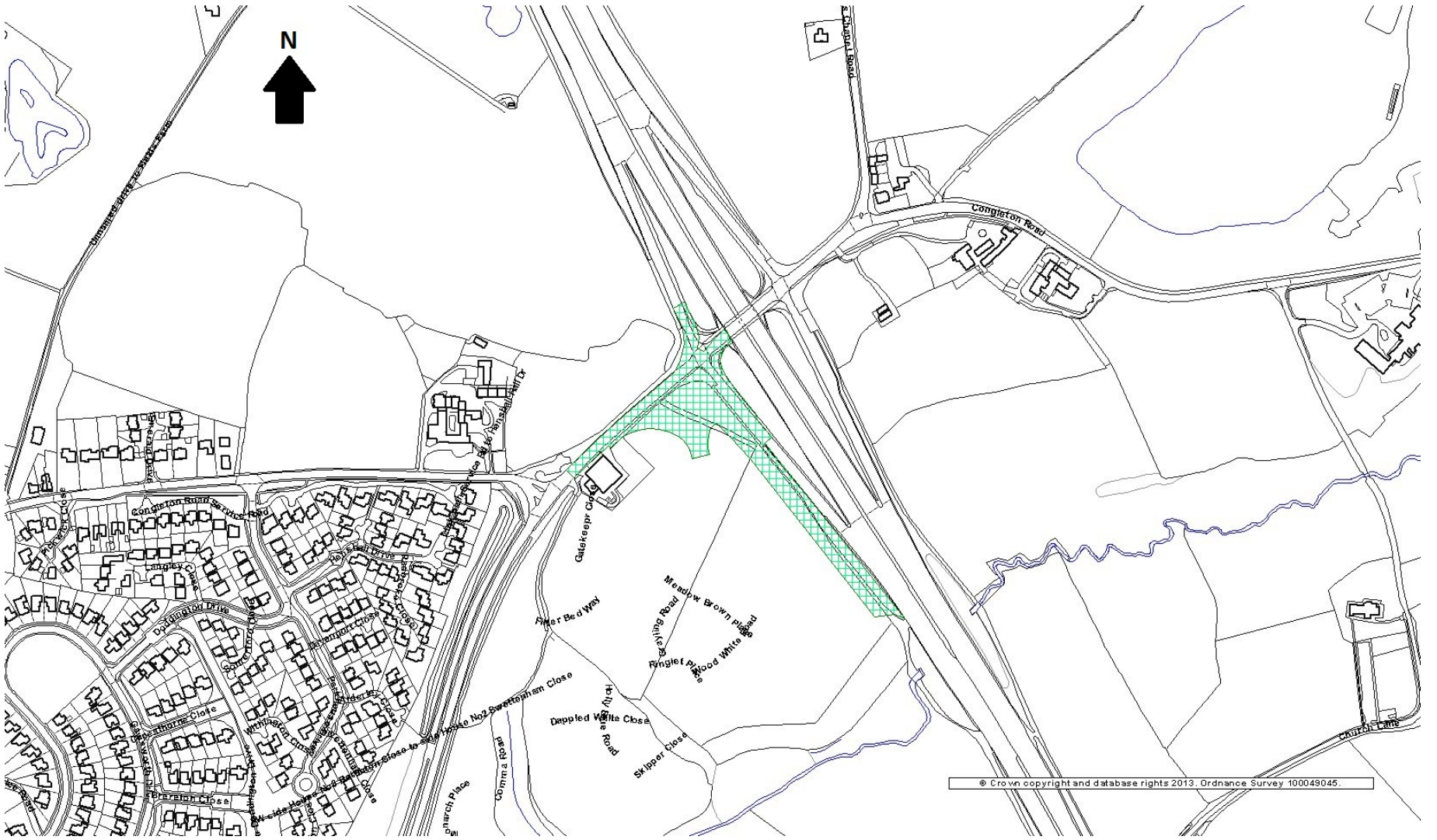
The comments received in representation are acknowledged, and the relative lack of provision for cyclists does weigh against the proposal. However, the previous approval was similarly lacking in terms of provision for cyclists, and it would therefore be unreasonable to insist on a different approach now. Notwithstanding this position, it is considered that the need to provide a strategic junction for the M6, the A534 and the proposed commercial development site is considered to outweigh the concerns relating to provision for cyclists.

Consequently no significant adverse impacts are identified and a recommendation of approval is made.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Landscaping - submission of details
4. Landscaping (implementation)
5. Design and construction details to be submitted
6. Scheme to limit the surface water runoff to be submitted
7. Scheme to manage the risk of flooding from overland flow of surface water to be submitted
8. Environmental Management Plan to be submitted
9. Breeding birds survey to be submitted
10. Banksman to be provided



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Application No: 17/0510M

Location: Former Mere Farm Quarry, ALDERLEY ROAD, CHELFORD

Proposal: Delivery of watersports and outdoor activity centre on the north and south lake of the former mere farm quarry, including new vehicular access, car parking and multi use building

Applicant: Mr Tim Woodhead, Adventure Lakes Limited

Expiry Date: 01-May-2017

SUMMARY

The site is a greenfield Green Belt site and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. Therefore it makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable.

The site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site, however it is considered that the mitigation now proposed in combination with restricted use of the south lake would reduce the impact on species and would provide attractant features for birds of County importance such as Swifts.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme but the impact on biodiversity, in particular birds will be significant. However it is

considered that this harm can be mitigated through an extensive series of mitigation proposals.

The decision is finely balanced, however it is considered that the application proposes a sustainable form of development and accords with the Macclesfield Borough Local Plan and National Planning Policy Framework which aims to achieve sustainable development.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does represent sustainable development when assessing the three strands of sustainability and accords with the development plan and national planning policy and guidance.

SUMMARY RECOMMENDATION

Approve subject to Section 106 agreement

PROPOSAL

The application is a full planning application for the redevelopment of the former Chelford Quarry. The quarry was mined for sand and gravel for many years by Hanson, the activity has ceased at the site and a full restoration and remediation plan is in place, which will provide opportunities for nature conservation with extensive swathes of planting and regrading of the lakes which are now filling with water.

The redevelopment proposes the reuse of the two southern lakes for recreational purposes. The northern lake will be used as a wakeboarding park and aerial ropes course, where pylons and ropes will be erected to create the infrastructure for the wakeboarding. The southern lake will be used for kayaking and swimming. The southern lake will have no motorised vehicles using it. The northern lake will only have the power to operate the ropes.

The proposal also includes a building to provide changing facilities, servery, reception, small retail area, WC facilities and equipment storage, there will also be an outdoor seating area for spectators. There are a series of boardwalks leading from the building to the lake.

The site will have a car parking area to accommodate cars and coaches, as the proposal is likely to attract groups including school groups.

The proposed use of the site would generally operate during the following times. The submitted application form confirms proposed opening hours of 0600 to 2200 daily. However, it should be clarified that the overall scale of activity of the site is likely to be less, depending heavily on the season.

In the summer, the South Lake may be made available from 0600 for use by Open Water Swimmers only, who seek to access such facilities before work. Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light begins to fade (dusk). As no floodlighting is sought all activities on the lakes would cease at dusk. Thereafter the applicant states that the building may remain open for a short time longer to enable users to change etc.

The applicant has stated that the site would be clear of customers by 2200. During the summer months, the activity is likely to occur 7 days per week, in winter however, when temperatures are colder and days are shorter, activity will be much less and will be heavily influenced by day-light and usage. Generally, 3-5 days of trading would be expected per week in the winter, but this will vary depending on demand.

The site area is tightly drawn around the lakes and the proposed area for car parking and the proposed building. The proposed development would include the planned restoration of the remainder of the site to be carried out, including the large area of tree planting to the east of the site. The planning statement states that the proposed development will create around 30 jobs.

Following the previous submission, this application includes measures for the control of large birds who pose a threat to aircraft such as Canada Geese. Further there are a series of mitigation measures proposed in relation to increasing biodiversity at the site including islands in the south lake, and a swift tower among others which can be seen on the full mitigation plan accompanying the application, to attract species of County importance to the site.

SITE DESCRIPTION

The application site extends to approximately 21.6ha and comprises two lakes and land to the west. The site is accessed off Alderley Road which runs north south along western boundary of the site with Chelford Road along the southern boundary of the site. To the east is the main largest lake of the site, which is well established and appears to be restored. Quarrying

ceased on this prior to the activity ceasing on the north and south lakes. The large lake to the east does not form part of this application, and will remain unaffected by the development, the tree buffer between the lake to the east and the north and south lakes will be planted as planned as part of the restoration scheme. The site is bounded by hedgerows with some trees around the site. The lakes are gradually filling with water and currently have steep banks, as they are not restored.

Public Right of Way 'Chelford FP2' and 'Nether Alderley FP50' cross the central part of the site and connects with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site.

RELEVANT HISTORY

16/1353M, Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building, Refused 23-Nov-2016

15/1648D, Discharge of Condition 42 (Detailed Scheme for Enhancement of Public Access) on Application 09/2806W, Approved, 27-Sep-2016

14/1788W, Variation of condition 2 and 54 of permission 09/2806W to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev 'C', Not determined

14/1944W, Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C., Not determined

09/2806W, interim extension to sand workings at mere farm quarry, Approved subject to Section 106 agreement, 02-Dec-2011

5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;

5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 (ref: 09/2806W) for a 6ha extension to the north west of the site. A small section of the main quarry site was included in this permission boundary to allow for revisions to the lake profile shown on the restoration plan which would be necessary following the continued extraction to the north west. The permission is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940 (and thus the boundary of this application). The permission required cessation of mineral working by April 2014.

NATIONAL & LOCAL POLICY

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan Policy:

The site is located within the Green Belt.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC33: Outdoor Commercial Recreation

Policy DC36: Road Layouts and Circulation

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy GC1: Green Belt

Policy E1: Employment Land Policies

Policy T1: Integrated transport policy

Policy T2: Provision of public transport

Policy T3: Improving conditions for pedestrians

Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists

Policy T6: Highway improvements and traffic management

Policy NE2: Landscape protection and enhancement

Policy NE11: Nature conservation

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy H13: Protecting Residential Areas

Cheshire East Local Plan Strategy – Proposed changes publication document July 2016.

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE10 Minerals
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
EG2 Rural Economy
EG4 Tourism
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and Well-being
CO4 Travel Plans and Transport Assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.
56-68. Requiring good design
73, 74, 75 Promoting healthy communities
79, 80, 81, 89, 90 Green Belts
109. Conserving and enhancing the natural environment
186-187. Decision taking
196-197 Determining applications
203-206 Planning conditions and obligations

Other Material Considerations

- Conservation of Habitats & Species Regulations 2012
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- Ministerial Statement – Planning for Growth (March 2011)

CONSULTATIONS (External to planning)

Manchester Airport The proposed development has been examined from an aerodrome safeguarding aspect by the Aerodrome Safeguarding Authority for Manchester Airport and we

have no objections to the proposal subject to a condition requiring implementation of an agreed Bird Management Plan (see below for suggested wording) and a S106 agreement that obligates the applicant (or any future owners) to monitor and report on the continued implementation of the Bird Management Plan.

Recommended Condition:

- Development shall not commence until a Bird Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Aerodrome Safeguarding Authority for Manchester Airport. The Bird Management Plan shall be implemented as approved.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

Without appropriate and ongoing mitigation it is highly likely that this development would result in an increase in the population of birds that are hazardous to aviation (in particular feral geese) at this site, which would thereby increase the birdstrike hazard within Manchester Airport's safeguarded area. In order to protect against this, the applicant has worked closely with the Aerodrome Safeguarding Authority for Manchester Airport to ensure that the design of the scheme, the associated ecological measures, and ongoing management of the site (through an effective Bird Management Plan) are acceptable from an aerodrome safeguarding perspective.

The submitted Bird Management Plan incorporates all of the advice that has been provided by the Aerodrome Safeguarding Authority for Manchester Airport and we can therefore accept it as an acceptable structure for monitoring and mitigating any new bird hazards that may arise from this development. As referred to above, we would require the agreement of and continued implementation of the Bird Management Plan to form a condition of any approval granted. To ensure that the Plan continues to be delivered to our satisfaction we also require a S106 agreement between the relevant parties. This will obligate the applicant to monitor and report on the continued implementation of the Plan and ensure the continued policing of the bird control measures therein. With the Bird Management Plan and S106 agreement in place, aviation safety would be protected from any increased attraction of specific bird species at this location and this would represent an improvement on the situation that would exist if the current restoration plan for the site were to proceed.

Cheshire and Wirral Ornithological Society (CAWOS)

CAWOS acknowledges the efforts of the Applicant to provide mitigation and enhancement measures in relation to the proposed Watersports Centre. However, the Society notes that the Applicant has not provided any science based example of any other such site maintaining or increasing its ornithological value following a watersports development. CAWOS believes that many of the ornithological 'biodiversity gains' highlighted by the Applicant are speculative and cannot be relied on to maintain the County ornithological status level. It remains the view of the Society that, despite the further measures offered, the scale of the Application footprint remains of such an extent that the measures fail to adequately compensate for it. As a result the future ornithological value of the site would be reduced to below that of County status. In view of this CAWOS takes the view that the Watersports Centre proposals are incompatible with the site maintaining its ornithological value and has no alternative other than to continue to register its objection to the proposed development.

Flood Risk Team No objections subject to conditions

United Utilities No objections subject to conditions

Natural England No comment

PROW No objections subject to conditions

Environmental Health – no objections subject to conditions

RSPB

Comments on Adequacy of Mitigation

Islands

RSPB's view in relation to the creation of islands in the south lake is pragmatic; we believe that the 2 permanent islands should only be created once water levels have "settled" as described within the Joint Response.

We acknowledge the statement that these islands offer a significant biodiversity gain as stated within the final paragraph of this section in the Joint Response, RSPB is working on the assumption that species including breeding waders may be lost, both as a result of the site maturing and as a result of the proposed use for the northern lake; but, offering replacement nesting / foraging habitat which may be used by other species including could in the long-term result in a biodiversity gain.

We fully support the creation (during construction of the wakeboarding facility) of a floating island so that birds have the opportunity afforded by the northern island at another location, while water levels stabilise in the period between construction / operation of the facility and the creation of permanent islands. RSPB sees this as a generous and sensible offer on the part of the applicant, but would like more information on the intended location of this island which does not appear on any of the submitted plans.

Sand Martin Banks

RSPB is supportive of the inclusion of the excellent "Schwegler" nest tunnels², however we would like more information regarding sighting to ensure that rising water levels would not flood the tunnels, this will give greater certainty that this installation is the correct solution for the site, the bank within which these site must be vertical and a minimum of 1.5m above normal water level.

Disturbance, Assess and Security

The RSPB accepts the statement within the Joint Response in respect of a 500m displacement buffer; although there will undoubtedly be a displacement effect attributable to the activities on the southern lake during the breeding season. However, estimating this effect (when there are no pre-existing islands) is difficult and in practice there is likely to be some habituation to the proposed activities, although to what extent this will occur is uncertain, we have been unable to locate any directly comparable studies relating lake use to bird productivity or use of Islands.

Reedbeds

RSPB accepts consideration by the applicant of our previous comments on additional reedbeds, we are disappointed by the reply within the Joint Response, but accept the response given.

Swift Towers

Swifts are in trouble. Their breeding numbers plummeted by 47% between 1995-2014, making them an amber-listed species and a Bird of Conservation Concern. Since we cleared our ancient forests swifts have nested happily alongside us but unfortunately due to changes in building regulations and materials, they can no longer access the eaves of buildings. This is thought to be one of the main causes of their decline in the UK. The RSPB (and others) believe that Swift should actually be Red Listed, but due to historic under recording of the species there is insufficient scientific evidence that this should be the case, however, they are a priority for species recovery work for the society.

While the RSPB has seen no records for nesting Swift from the Chelford area they are recorded flying over the quarries. In recent years there have been considerable efforts made to entice Swifts (known to be faithful to established nest sites) to breed in new areas and work undertaken utilising Swift calls to entice birds to establish new colonies has been a success.

The proposed adoption of two Stoneyford Swift Towers by the developer as outlined in the Joint Response is seen by RSPB as a bold move which could result in a significant biodiversity gain for this part of the County.

Kingfisher Tunnel

RSPB recommended the inclusion of a Kingfisher tunnel as an additional measure because of the recent population declines shown for this species. Should the tunnel become and continue to remain occupied this would be a biodiversity gain directly attributable to the development.

Monitoring

RSPB acknowledges the detail provided in respect of the provision of ecological monitoring on site and has no further comment.

Conclusion

Whilst it is considered that the proposed development will be damaging to the existing biodiversity of the application site it is the RSPB's belief that the mitigation and enhancement proposed within the Joint Response should mitigate for losses and in some areas could provide a significant enhancement in biodiversity, albeit in respect of different species, e.g. swapping importance for Little Ringed Plover, for importance for nesting Swifts.

Highways

There have been a number of planning applications submitted for this site and the current proposals in this application have not changed in regards to highways.

Therefore, the previous comments should be taken as the highway recommendation for the planning application. The only addition was the requirement for the Highway Authority to progress the reduction in speed limit on Alderley Road and this would need to be delivered via a S106 Agreement with £7,000 provided to fund the Order.

Therefore, in regard to highways no objections are raised.

CPRE (comments received 16/05/2016) Objection on Green Belt grounds no special circumstances.

Mid Cheshire Footpath Society (no comments received)

ANSA (no comments received)

Environment Agency

We object to the proposed development and would wish to make the following comments.

Environment Agency position

The proposed development will be acceptable if the following measure(s) (scheme for the disposal of foul drainage) are implemented and secured by way of a planning condition on any planning permission.

VIEWS OF THE PARISH COUNCIL

Chelford Parish Council

Chelford Parish Council maintains its objection to this application. It is an inappropriate development for a greenbelt site, which is assessed as having county importance. Its negative impact on the bio diversity, the openness of the land and visual amenity, irrespective of mitigation, outweighs any proposed benefits. These proposals cannot be justified as an exceptional use of greenbelt land for activities, which have relatively low participation rates. There are sufficient sites for a wide range of water and non-water activities which are easily accessible by the population of Cheshire East and which already promote health and well being and allow participation across a broad spectrum of the population. We urge the Planning Committee to reject this application and protect the greenbelt from unwarranted development.

Nether Alderley Parish Council

Although this application lies within the Chelford Parish, should it be approved, it will have a significant impact on several residential dwellings within Nether Alderley and therefore we wish to make the following comments for your consideration:

1. The Parish Council feel very strongly that this is an inappropriate development within the greenbelt. At present there is no element of previously developed land which would give rise to special circumstances and allow a commercial development on this site. We suggest this would be a detrimental impact upon the openness of the greenbelt which the Parish Council fiercely protects at all times.

2. The previous 14/1944W application which determined the final restoration plan once all quarrying had been completed, clearly states that the land should be returned to greenfield greenbelt status and the associated landscaping approved provided for protection of nature and wildlife. There is clear evidence of the maturity of this on the site today.

In conclusion, the PC would urge you as a Planning Committee to refuse this application, as your responsibility is to uphold the policy which protects the greenbelt within Cheshire East authority.

REPRESENTATIONS

A large number of representations have been received, approximately 358 in support and 42 in objection.

Support

- Asset to the area
- Good for economy through employment and tourism
- Provide a sport/leisure facility, many comments that not much in area/Chelford
- Provide a facility that can be hard to access
- Encourage sporting uptake
- Good facility for families/young people/community
- Good for public enjoyment of the outdoors
- Aid healthy lifestyle/being active/exercise
- Save people travelling to other places
- Social enterprise, societal benefits as well as economic
- Many people who said they want to use it/would travel to use it

Objections

- Harm to wildlife/biodiversity/place of ecological interest
- Harmful to visual amenity
- Cause noise/light pollution for neighbours
- Insufficient information on transport
- Cause an increase in traffic / lack of parking
- Several similar facilities in the area so not needed
- Site security appears low/dangerous if people access it when they shouldn't
- Disruption to people using the area recreationally (dog walkers/ramblers etc)
- Original permission stated it would go back to original state
- Little or no demand from locals
- Cause a lack of privacy to neighbours
- Cause decrease in house prices
- Opening times too broad, cause disruption to locals
- Cause pollution into the lake

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Design and Access Statement
- Arboricultural Assessment
- Flood Risk Assessment
- Framework Travel Plan
- LVIA
- Ecology Assessment
- Statement of Community Involvement
- Transport Statement

Planning Statement Conclusions

The application proposals will complete the restoration of this former mining site by delivering a viable, beneficial and much needed leisure use into the area.

This use, being for sport and recreation, is permissible in this Green Belt location, as national and local planning policies confirm. The Green Belt compatibility with the site is further enhanced with reference to the use only requiring a small area of built development to enable its operation.

The proposals will deliver around 30 new jobs into the local rural economy and will deliver various spin-off benefits in terms of boosting the local economy in a variety of ways.

The proposals will have minimal highway impacts and the site is accessible by a variety of means.

By virtue of the lakes and surrounding area being recently created, via the Quarry Restoration Plan, the site has very limited ecology or landscape value. The application proposals enhance the site's ecology and landscape value by delivering a managed use, which will assist in preventing bird accumulation, as is a stipulation of the approved Restoration Plan.

In overall terms, this privately funded leisure proposal delivers varied and far-reaching benefits which will be an asset to the area for many years to come. The proposals accord directly with all strands of planning policy, both national and local, and should, accordingly, be expediently granted planning permission.

APPRAISAL

Key Issues

- Principle of development
- Sustainability
- Design
- Landscape Impact
- Trees
- Access
- Highways
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Section 106
- Representations
- Conclusions
- Planning Balance
- Recommendation

Principle of development

Green Belt

The site is located within the Green Belt and was used as a former quarry. The site has a full comprehensive restoration and remediation plan in place, and therefore under the definitions contained within the National Planning Policy Framework is not Previously Developed Land. Therefore in policy terms the site is greenfield Green Belt land.

Within the Green Belt, development is restricted in order to maintain its openness and permanence and prevent urban sprawl. Certain types of development are acceptable within the Green Belt and the NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – ‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt’. This proposal however requires consent for the use of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, Very Special Circumstances must exist to justify the departure from Green Belt policy.

The use of existing lakes for recreation purposes would itself maintain openness and is encouraged under paragraph 81 which states that:

‘local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.’

It is therefore considered that the use of the lakes for swimming, kayaking and wakeboarding would be an acceptable use as this largely maintains openness and makes use of the existing lakes. The wakeboarding facility however will introduce pylons and wires within the lake, which are structures, however these are appropriate facilities to support this use and are not considered to be inappropriate development in their own right in accordance with paragraph 89 of the NPPF.

In terms of Green Belt policy only, it is considered that the proposed use is an acceptable form of development it maintains openness and allows access to the countryside to provide facilities for outdoor sport and recreation, therefore the Very Special Circumstances for the use exist. The clubhouse building provides space to store equipment, seating area and changing facilities which are associated with the proposed use and the proposed use could not function effectively without these facilities, and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

Land use

The site is a former quarry and as such has a comprehensive restoration and remediation scheme in place, which is active and is being carried out by Hanson the former quarry operator. The final use for the site is currently predominantly for nature conservation purposes. Which includes various habitat creation and woodland planting a belt of agricultural land, the site will also improve access across the site. However access around the main lake (which does not form part of this application site) has been restricted in order to allow for wildlife, particularly birds to live largely undisturbed.

The restoration however, is a gradual process over the medium to long term, which gives time to allow the lakes to fill, grading to take place, habitat creation to take place and for the large

areas of tree planting to be carried out. This gradual process will allow certain species who currently reside at the site to gradually move off as the site becomes less suitable, and for new species to arrive over time.

The restoration scheme although established, does not mean that other uses could not utilise the site. The NPPF at paragraph 143 states that Local Plans should put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

Policy SE10 of the emerging Cheshire East Local Plan states that for mineral sites the Council will:

‘Secure at the earliest opportunity the high standard restoration and aftercare of sites following mineral working, recognising the diversity of appropriate restoration schemes to deliver the potential for beneficial afteruses.’

This therefore does not preclude a recreational use coming forward at a site such as this, providing all other material considerations are acceptable.

Policy DC33 of the Macclesfield Borough Local Plan sets out criteria for outdoor recreation sites. It is considered that the proposed development broadly accords with this criteria based policy however points 3 and 4 are set out below:

3 – The site should not lie within an area designated as a site of nature conservation importance.

Whilst this is not designated as such at the current time, it does meet the selection criteria to be designated as a Local Wildlife Site so it is considered to be of conservation importance.

4 – The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential buildings to minimise visual impact.

It is not considered that the structures particularly the pylons will harmonise with the existing landscape setting, however over time the impact will be less, in terms of landscape character detailed comments are out in the report.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

SOCIAL SUSTAINABILITY

Sport and Recreation

The application proposes a wakeboarding park and kayaking and swimming lake. The application proposes an end use of outdoor sport and recreation, which will be available as a leisure facility for the local and wider population, it will offer facilities for groups and individuals which will encourage participation in sport and outdoor activities.

One of the core planning principles in the NPPF is to promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

Policy SC1 of the emerging Local Plan, encourages leisure and recreation facilities and states that the Council will:

Support proposals for facilities that would not be appropriate to be located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria:

i. The proposal is a facility that:

a. supports a business use;

b. is appropriate in an employment area; or

c. supports an outdoor sports facility, education or related community / visitor facility; or

d. supports the visitor economy and is based on local cultural or existing visitor attractions.

Therefore under criterion c and d there is support through the emerging local plan for this type of development, it is considered that facilities such as this provide a social function in providing recreation opportunities for the local and wider population.

Policy SC2 of the emerging CELPS states that new facilities for sport will be supported, however this does state that the need must be identified within an accompanying Playing Pitch or Open Space Strategy. This site is a unique opportunity, therefore is not specifically listed, however nonetheless is an opportunity for a sporting facility.

The proposed development will allow greater participation in outdoor swimming and kayaking, along with wakeboarding, which brings social benefits to the area.

Policy SC 3 (Health and Wellbeing) of the emerging CELPS states that the Council will ensure new developments provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

Whilst this proposal does not relate to housing development, it is clear that it will give access to sports facilities and the associated green infrastructure including the public footpath network, although this network is likely to be accessed in the first instance by the private car.

Public Rights of Way

Comments have been received from the PROW team, which state that the proposals affect Public Footpath No. 2 in the Parish of Chelford, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

This would be upgraded in line with the restoration proposals which will improve the route through the site, providing better opportunities for walkers in particular in line with the following guidance set out in the NPPF.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Pedestrian and cyclist access to the site

The Transport Assessment states:

“4.4.1 The main pedestrian/cycle access to the facility will utilise the existing Public Right of Way (PRoW) footpath. This existing PRoW is due to be resurfaced as part of Hanson Aggregates reinstatement works and the pedestrian access will follow this route towards the southwestern corner of the north lake”

The Public Footpath runs from the Alderley Road through an agricultural field before reaching the proposed site boundary. The PROW team are aware of proposals to fence/hedge the Public Right of Way, with specific details, including any surfacing specifications, and timeframes to be agreed. Certainly, the Public Footpath offers a right of way for the public *on foot*, not by bicycle, and as such the route cannot be promoted as such without the landowner's permission.

Improvement opportunities

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2:

“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

Social Sustainability Conclusion

The proposals for the facility will make a contribution to outdoor sport and recreation locally, the proposals will provide an additional and unique facility locally to encourage and facilitate participation in outdoor sport through swimming, kayaking and wakeboarding. This will allow for local groups to use the facilities. The benefits outdoor sport bring, has direct links with health and wellbeing which is set out in the emerging Cheshire East Local Plan Strategy.

The proposal will continue to provide the public footpath links to allow for walking around the site, which were agreed as part of the original restoration plan for the site.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site covers an area of approximately 53.5 acres and forms part of a former sand quarry that is currently undergoing environmental restoration. It predominantly consists of two new lakes, the North Lake and the South Lake, which are slowly filling to their natural level of 73.5m AOD. They are set in soft-landscaping comprising grass, trees and new, wet woodland planting. The site is bounded to the west by the B5359 (Alderley Road), to the north and south by fields and to the east by a third, larger lake.

As part of the application a Landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located within two areas identified in the Cheshire Landscape Character Assessment (2009). The majority of the site is located within the Landscape Character Type 1: Sandy Woods, Woodland, Heath, Meres and Mosses, and within the Landscape Character Area SW3: Withington. The western boundary of the site is located within the Landscape Character Type 10: Lower Farms and Woods, and within Landscape Character Area LFW1: Marthall Character Area. The assessment also includes comments on the local landscape character.

The appraisal indicates that the site is in ordinary/good condition of overall moderate quality. In terms of the landscape character, that the landscape sensitivity is medium, that the magnitude of effects caused by the development would be negligible and that the effect would be slight. For Landscape Features and vegetation the appraisal identifies that sensitivity is medium, that the magnitude of effect would be low and that the resulting effects would be moderate. For landscape and Heritage Designations the appraisal indicates high sensitivity, a low or negligible magnitude of effect and a moderate effect. The overall conclusion is that there will be a moderate landscape effect for landscape character, landscape features and landscape and heritage.

In terms of visual effects the appraisal identifies that for residential receptors sensitivity varies from high to medium, that the magnitude of effect would be vary from negligible to medium,

but major/moderate for footpath users on site, and that the overall effect would be moderate in close proximity reducing at greater distances.

The Landscape Officer broadly agrees with the landscape and visual appraisals and would offer no objections to the proposals on landscape or visual grounds.

Trees

There are a number of trees around the site. The development proposals require the removal of a single mature Sycamore identified as T13 within the Arboricultural submission to facilitate the access off Chelford Road. The tree clearly presents advanced signs of reduced vigour and vitality, and has been categorised as a low value category C specimen. I would concur with this categorisation and raise no objection to its removal. A limited amount of additional tree pruning is detailed within the report; this accords with current best practice BS3998:2010, and good Arboricultural practice.

The Arboricultural Report contains tree protection details which accord with the requirements of BS5837:2012, allowing the retained tree aspect of the project to be protected for the duration of the construction phase.

In order to facilitate access into the site as well as removing the low value Sycamore T13 a short section of field boundary hedgerow also requires removal. In order to comply with the 1997 Hedgerow Regulations a detailed assessment of the hedge will be required in order to determine if it's considered to be 'important'; both an historic and horticultural assessment will be required.

Subject to the findings of the hedgerow assessment, the impact of the development from an Arboricultural perspective is extremely limited, the loss of the single tree (T13) which is in decline can be easily mitigated as part of a specimen landscape scheme.

It is therefore considered that the proposals are acceptable in relation to trees subject to an appropriately worded condition.

Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals with regard to bats, badgers, breeding birds the retention of woodland and hedgerows, which are set out below.

The restoration scheme for the site is to be restored with some public access to woodland, lakes and a band of agricultural land alongside Alderley Road. The proposed restoration would allow for nature conservation as this would be for largely undisturbed areas and areas of habitat created. Whilst some access to the site is proposed, this will be restricted in places to allow wildlife to flourish.

The agreed restoration for Mere Farm Quarry seeks restoration to Nature Conservation, Amenity and Agricultural uses.

Ornithological interest of the north and south lakes

A significant number of birds, included those considered to be a priority for nature conservation, have been recorded as being associated with Mere Farm Quarry and the two lakes associated with this application in particular.

Based on the survey data provided by the Cheshire and Wirral Ornithological Society the application site would readily meet the site selection criteria for selection as a Local Wildlife Site meaning it is of 'County' Importance.

The usage of the application site by birds is likely to have changed as quarrying and restoration process has progressed. Species for which the quarry meets the Local Wildlife Site Selection criteria have however been present throughout the extraction and restoration stages of the quarry to date. The site was visited in June 2016 and March 2017, when restoration of the lakes was part complete, and it is evident that a number of bird species remain including those considered to be a notable for nature conservation. The Cheshire and Wirral Ornithological Society have also provided additional records indicating the continued presence of notable birds during spring 2017.

It is advised that it is difficult to fully predict precisely which of the existing species of bird would remain once restoration of the lakes is complete and which new species would arrive to take advantage of the maturing habitats. The completely restored quarry however is in the ecologist's opinion likely to continue to be of County value for birds.

It is advised that this application for activities on both the north and south lake is likely to have a significant adverse impact upon the nature conservation value of the lakes in the absence of mitigation and compensation. Impacts would result from increased disturbance and the potential risk posed to birds by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. The north lake would be very significantly affected and the south lake being partially affected.

LPAs have a duty to consider impacts on wild birds under regulations 9A of the Habitats and Species (amendment) Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

There is some guidance on the implementation of this legislation on the www.gov.uk website which states competent authorities under the legislation should: 'consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents'.

Additional mitigation and compensation measures now proposed to address the impact of the proposed scheme which were not included with the original application (16/1353M).

To mitigate the impacts of the proposed development the applicant is proposing to restrict the activities in part of the lakes and the cessation of activities on the south lake during the winter period. To mitigate the risk of birds colliding with the wakeboarding infrastructure bird deflectors are proposed.

To provide potential additional habitat for breeding birds two new islands are now proposed in the south lake. To increase the likelihood of the islands being successful the exclusion zone

in the south lake has now been increased to provide an undisturbed area of 110m between the activity on the water and the new islands.

The submitted ecological assessment states that the lakes are still filling with water and precise levels are yet to be determined. The assessment states that the islands would not be provided until the water level in the lakes had settled. This is supported, but it means that it is uncertain as to when the islands would be provided. To address this point the applicants most recent submission has proposed the installation of floating islands as a temporary measure.

The applicant is also now providing the installation of various features designed to attract specific bird species which are considered to be of conservation importance. This includes notable species that would not be catered for as part of the consented restoration such as Swifts through the provision of a Swift Tower.

In conclusion, it is advised that whilst the final usage of the restored quarry by birds is difficult to fully predict with complete certainty, the restored quarry is very likely to continue to be of 'County' importance.

The proposed development is likely to be detrimental to the nature conservation value of the restored lakes as a consequence of resulting disturbance.

The mitigation and compensation proposed as part of the development is now considerable. As with all habitat creation measures the effectiveness of the proposed mitigation and compensation is difficult to predict as even very well designed schemes depend upon the habitats provided being found and adopted by the target species. Even with the proposed mitigation and compensation in place there would still be a broad loss of nature conservation value across much of the application site. However, if the proposed habitat features were successful in attracting regular/long standing colonies of the target species, the habitat features delivered as part of the development would support interest for birds of recognised 'County' value.

Bird Management Plan

A bird management plan has been submitted with the application. This strategy deals with the control of certain bird species considered to pose a risk to airport safeguarding. The Council's ecologist has two queries in respect of the submitted strategy.

Paragraph 2.2.4 of the strategy refers to the installation of a 1m high fence to prevent access by geese and swans. The submitted plan does not indicate the location of this fence from the plan submitted with the strategy.

From both a bird management and nature conservation perspective it is important to ensure that public access to the southern and south eastern bank of the south lake be excluded. Whilst fencing is proposed under the current applicant it is recommended that if permission is granted a condition be attached that details of fencing and its installation takes place prior to development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted ecological assessment states that 20m of hedgerow would be lost as a result of the proposed

development. 50m of hedgerow planting is proposed to compensate for this loss. It is advised that this is an acceptable level of compensation to address the loss of the existing hedgerow.

Great Crested Newts

A number of ponds are located within 250m of the proposed development. The application site however offers limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and protection and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

It is advised that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Bats

A number of trees have been identified on site as having potential to support roosting bats. These are however located outside of the red line of the application. It is advised that roosting bats are not likely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, foraging and commuting bats may be affected by any excessive lighting associated with the scheme. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached 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).

Badgers

Two minor badger setts have been recorded on site. The setts are located sufficiently faraway that it is unlikely that they would be directly affected by the proposed development. The setts could however be affected if materials were stored in close vicinity to them or if the movement of construction vehicles was not managed appropriately. It is advised that these impacts could be controlled by means of a condition.

However, as the status of badgers on a site can change within a short timescale. It is recommended that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report of this survey and an updated mitigation method statement be submitted prior to the commencement of development.

With regard to ecology matters additional stakeholders including CAWOS (Cheshire and Wirral Ornithological Society) and RSPB (Royal Society for the Protection of Birds) has commented on the application. CAWOS object to the application, and have made detailed

comments on the additional information provided. The RSPB has commented on the proposals and has concluded the following: *'Whilst it is considered that the proposed development will be damaging to the existing biodiversity of the application site it is the RSPB's belief that the mitigation and enhancement proposed within the Joint Response should mitigate for losses and in some areas could provide a significant enhancement in biodiversity, albeit in respect of different species, e.g. swapping importance for Little Ringed Plover, for importance for nesting Swifts.'*

The previous application was refused on biodiversity grounds and the fact that the two uses could not exist in harmony without significant biodiversity losses. However following pre-application discussions prior to the submission of this latest application and the appointment of a specialist avian ecologist, a way forward has been agreed that allows for biodiversity gains that could offset the losses.

Whilst disturbance will inevitably exist through a significant increase in activity at the site and the addition of large mechanical equipment and a more engineered development than what currently exists; the proposed mitigation is such that if it is successful, species could thrive at the site. Those species in particular could give the site 'County' importance which it has at the moment, due to the presence of certain bird species. Therefore the biodiversity losses will potentially be offset by biodiversity gains of equal importance.

Therefore, it is very much a balanced judgement on the impact of the proposed development on biodiversity at the site and the potential biodiversity gains as a result of this development, which would not otherwise be there as a result of the current restoration scheme.

It is important to note that the proposed development will require a number of conditions to ensure that the mitigation measures put forward are correctly implemented and in a timely manner. Subject to the conditions implementing the mitigation measures and ensuring the additional surveys are carried out, it is considered that the proposal will not be contrary to the Habitats Regulations 2012 and further is not considered that the proposed development would have a detrimental impact on biodiversity as the site is likely to retain its County importance. Therefore it is considered that on balance the proposals are not contrary to policy NE11 of the Macclesfield Borough Local Plan or guidance as set out in the NPPF.

Impact on Manchester Airport

Manchester Airport as a statutory consultee have commented on the application, following the previous application work was undertaken between the applicant and the airport in securing a mechanism to reduce the bird strike risk that would result should the application be approved. As a result of these discussions a bird management plan has been developed. This is proposed to be conditioned and secured via a section 106 agreement to be maintained in perpetuity.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the proposals would not cause harm by overlooking, loss of light or loss of privacy, noise, nuisance or disturbance to future or existing

residents. There are limited local residents with most some distance from the site but noise could be an issue.

Noise

Due to the nature of the proposals, large visitor numbers are anticipated, therefore some noise will occur as a result of the proposals. The area does not have a large amount of residential development nearby. The nearest property is around 100m from the main area of activity of the site, and other properties are around 290-300 and 500m respectively from the site. This is considered to be a sufficient distance for the proposals not to have a harmful impact on neighbouring properties.

The Council's Environmental Health officer has assessed the application in terms of noise, and has raised no objections. The proposal does not include traditional diesel powered motors, and any planning permission would be conditioned to ensure this, the Environmental Health, are satisfied with the hours of opening and that this would not have a detrimental impact on the amenity of surrounding residents.

Air Quality and Contaminated Land

Environmental Health has commented on the application in terms of air quality and contaminated land and have raised no objections on the basis of either air quality or contaminated land, subject to suitably worded conditions and mitigation measures. The area is not in an air quality management area, and no traditional diesel motors are proposed, instead the site will be operated by electricity. An air quality appraisal was not submitted with the application, however the travel plan does promote measures which reduce the impact of traffic on the air quality of the area.

It is considered that the proposed development will not have a detrimental or unacceptable impact on neighbour amenity therefore the proposal are in accordance with saved policy DC3 of the Macclesfield Borough Local Plan.

Flood Risk

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1, and that the site is a low risk of flooding from fluvial, surface water, overland, artificial drainage systems and infrastructure failure. A preliminary drainage strategy demonstrates that run-off from the site can be managed sustainably to not exceed greenfield run-off rates. The assessment concludes that the use would not exacerbate flooding and would be a compatible use for the site.

United Utilities have commented on the application and have raised no objections subject to conditions. In the representations received sewerage has been mentioned, however this matter has since been confirmed to be dealt with by foul water package treatment plant on site. United Utilities have raised no objections in respect of foul water disposal. The Environment Agency originally raised objections to the proposal, however the applicant has worked with the EA to overcome those objections, and the Environment Agency have

removed their objections subject to a condition. It is therefore considered that the application accords with policy DC17 of the MBLP and the NPPF.

Design

The building development on the site comprises the boardwalks, the main club building and the pylons and the aerial ropes. The pylons and aerial ropes are functional for their proposed use therefore the design is standard. With regards to the main building, this has been designed to reflect the rural character of the area, the design is of a low agricultural building, and will be clad in timber. It is considered that the simplicity of the design will not have a detrimentally impact on the character of the area. The layout of the site with the parking arrangement to the west makes the most efficient use of the site. The proposed materials would be conditioned to ensure that they are suitable for this sensitive location.

It is considered that the proposals accord with policy DC1 of the MBLP.

Highways

A number of objections have been received in relation to the proposals and many of these relate to traffic. The site is a main road which has high levels of traffic. A tourist attraction such as this is likely to increase traffic levels, however activity would take place across the whole day so would not be restricted to peak hours.

CEC Highways have commented on the application, the comments are incorporated below.

The methodology used by the applicant to estimate the likely number of trips generated by the proposal is the Trics database. The traffic generation figures presented indicate that the busiest day is a Sunday and the site would generate some 51 AM trips and 49 PM trips. Clearly, this data is based upon only one survey of another site and it is expected that the actual traffic generation from this type of use could vary considerably above or below the numbers presented by the applicant.

In regards to the proposed development, it is accepted that it is likely that the peak traffic generation will occur at weekends/bank holidays and also during summer school breaks. In addition, the proposed use is an off peak use, when the majority of movements would not be on the road network during the AM and PM weekday peaks.

Given the location of the site on the road network and currently levels of flows outside the peak hours, even if the traffic generation was to double this would not result in severe congestion.

Access

The design of the proposed access is acceptable and it does provide adequate visibility in both directions from the proposed access point. Refuse and delivery vehicles are able to enter the site and turning space is available internally.

Sustainability

The location of the site a rural location will not provide the connectivity to non car modes that an urban location will have. The accessibility of this site is poor, there is a very minimal footway on the development side of Alderley Road and there are no dedicated cycleways.

There are bus services that run on Chelford Road between Macclesfield and Knutsford although the stops are a considerable walking distance from the site. Overall, in regards to accessibility to non car modes the site poor and it has to be accepted that the predominate mode of travel to this venue would be by car.

Highways Summary and Conclusions

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, it is concluded that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility, however sustainability incorporates a range of factors and accessibility is only one element of sustainability.

CEC Highways have not objected to the application on highways grounds, therefore the proposal is considered to be acceptable on highways grounds.

Environmental Impact Assessment

An EIA Screening Opinion was submitted prior to the submission of the application, due to the scale of the proposed development and the fact that it would not have a greater than local impact on the environment it is not considered that a full Environmental Statement was required to be submitted with the application. Therefore this is not considered to be an EIA development when assessed against the 2011 EIA regulations.

Environmental sustainability conclusions

It is considered that this resubmission of the proposed development is now environmentally sustainable following the ecological mitigation that is proposed. It is considered that although the matter is finely balanced in terms of ecology, the mitigation could make the site of County importance due to the species it is likely to attract in particular Swifts, therefore is considered to be acceptable in these terms.

The accessibility to the site is fairly poor, however this is not the only factor when assessing sustainability.

The proposed design of the site is acceptable, however there would be a landscape impact of the proposals, the proposals would not have a detrimental impact on trees.

Therefore it is considered that the proposal is environmentally sustainable. The impact on biodiversity would now, whilst there will be an impact this can be mitigated in part through new proposals and have received report from the RSPB. Therefore the proposals are not contrary to policy NE11 of the Macclesfield Borough Local Plan and guidance set out in the NPPF.

ECONOMIC SUSTAINABILITY

Employment

Although there are no specific details, the proposed development will provide employment of up to 30 jobs.

Economy of the wider area

The addition of a tourist and recreation attraction within Cheshire East such as this will bring benefits locally, as the facility is unique and the closest facility of this nature is in Liverpool. Therefore it is considered that it will attract visitors from not only Cheshire East but further afield. This is likely to create a boost in day trips to the area and linked trips to other facilities locally such as shops and restaurants increasing their sustainability particularly in the summer months. In addition to this, the site can accommodate groups and events, therefore many people may visit and stay overnight, which could provide a boost to accommodation providers locally.

It is considered therefore that it would enhance the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

Economic sustainability conclusions

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an economic boost locally through the increase in visitor numbers to the area. It is considered that the proposals will make a meaningful contribution to the local area by providing a unique sporting and recreation facility.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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.

Should the application be recommended for approval, the current section 106 agreement for the restoration of the site will need to be varied to allow for this development to take place. In addition, Manchester Airport have requested that a section 106 be provided to ensure that bird management in relation to bird strikes is secured. It is considered that such an agreement would be CIL compliant.

The previous application the planning committee requested a traffic order to reduce the speed limit along Alderley Road. This is not considered necessary to make the proposal acceptable in planning terms as highways raised no objections to the proposals with the existing speed limit in place. Therefore would not be reasonably required to make the application acceptable in planning terms.

Representations

A large number of representations have been received in relation to the application, many in support of the application and others objecting to the application. There has been an objections from the EA as a statutory consultees which is likely to be resolved. There have been strong objections from non-statutory consultees in relation to ecology and particularly the contribution this site makes to the area's biodiversity particularly for birds. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

PLANNING BALANCE

The site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable. The development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. This therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact however this is not considered to be adverse, and this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time. Matters of flood risk, noise, air quality, highways and design are considered to be acceptable. The ecological impacts are considered to be mitigated adequately with the large series of mitigation measures proposed, and the application is now in a position where it would not be in breach of the habitats regulations.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, and the harm to biodiversity in particular bird populations can be mitigated in such a way that it does not outweigh the benefits of the proposals which are far reaching.

Therefore, it is considered that on balance, the proposal is acceptable and accords with the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development.

The proposal is now considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal represents sustainable development when assessing the three strands of sustainability the proposals accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval, subject to a section 106 agreement for the securing of the bird mitigation scheme as required by Manchester Airport, further the deed of variation to amend the boundary of the existing restoration strategy covering the whole quarry site.

The site is a greenfield Green Belt site and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will

attract visitors from the local area and from further afield to use the facility. Therefore it makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable.

The site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site, however it is considered that the mitigation now proposed in combination with restricted use of the south lake would reduce the impact on species and would provide attractant features for birds of County importance such as Swifts.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme but the impact on biodiversity, in particular birds will be significant. However it is considered that this harm can be mitigated through an extensive series of mitigation proposals.

The decision is finely balanced, however it is considered that the application proposes a sustainable form of development and accords with the Macclesfield Borough Local Plan and National Planning Policy Framework which aims to achieve sustainable development.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does represent sustainable development when assessing the three strands of sustainability and accords with the development plan and national planning policy and guidance.

RECOMMENDATION

Approve subject to conditions and Section 106 agreement

Conditions

1. Time Limit
2. Approved Plans
3. Manchester Airport Bird Mitigation Plan
4. Material Details for Buildings and Structures
5. Submission of Landscaping Scheme
6. Landscaping Implementation
7. Lighting Details to be approved
8. Access Completion
9. Boundary Treatments
10. Public rights of way scheme to be submitted
11. Foul and surface drainage separate systems
12. Details of foul drainage to be submitted
13. Surface water drainage scheme
14. Sustainable drainage management and maintenance plan
15. Arboricultural works in accordance with arb report
16. No motorised watercraft or boats – except for emergency boats
17. Hours of operation
18. Travel plan
19. Detail of fencing on southern lake to restrict public access
20. Updated badger survey to be carried out
21. Implementation of submitted great crested newt mitigation.
22. Submission of updated badger survey prior to commencement
23. Submission of detailed landscaping plan
24. Retention of trees identified as having bat roost potential by the submitted Ecological Assessment dated march 2016 unless agreed in writing by the LPA.
25. Safeguard birds breeding birds
26. Any proposed lighting to be 'bat friendly' and to be agreed with the LPA
27. Implementation of all mitigation and compensation measures detailed in the submitted strategy.
28. Submission of detailed design for new islands in the south lake, new islands to be implemented prior to the occupation of the development. Or floating islands to be provided prior to the creation of new islands. Details of the floating islands to submitted and agreed with the LPA prior to commencement.
29. Submission of details of bird deflectors, additional reed beds, sand martin banks, kingfisher tunnels and swift towers. Sand martin tunnels to be provided at least 1.5m above final water levels and installed into a vertical bank. Timetable to be submitted for the implementation of these measures.
30. Implementation of monitoring strategy described in the letter from Avian ecology dated 4th April 2017. Condition/legal agreement clause must give the Council power to

require remedial measures to be proposed and implemented if mitigation and compensation is not found to be successful

31. Proposals for limiting public access to the lakes.
32. Submission of habitat management plan, in perpetuity, which is to include proposals for maintaining the islands free of vegetation (this would be part of the bird management plan required by the airport).
33. Proposals for the provision of a bird hide and viewing areas, unless it is agreed in writing with the Council by the Council that these are not required
34. Proposals for incorporation of screening to minimise disturbance from the public footpath.

