

Application No: 12/4652M

Location: LAND OFF, EARL ROAD, HANDFORTH, CHESHIRE

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

Applicant: Next Plc

Expiry Date: 06-Mar-2013

Date Report Prepared: 25 February 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Loss of employment land
- Impact upon existing centres
- Highway safety
- Sustainability
- Design

REASON FOR REPORT

The proposal is of a scale that requires the application to be considered by the Northern Planning Committee under the terms of the constitution.

DESCRIPTION OF SITE AND CONTEXT

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

DETAILS OF PROPOSAL

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

RELEVANT HISTORY

There have been a number of applications for mixed use developments on the site. All of which were refused.

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

POLICIES

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP3 Promote Sustainable Economic Development

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP6 Marry Opportunity and Need

DP7 Promote Environmental Quality

RDF1 Spatial Priorities

W3 Supply of Employment Land

W4 Release of Allocated Employment Land

W5 Retail Development

MCR3 Southern Part of the Manchester City Region

Local Plan Policy

NE11 Nature Conservation

BE1 Design Guidance

E1, E2 and E3 Employment Land

S1, S2 Shopping Developments

DC1 Design New Build

DC3 Amenity

DC6 Circulation and Access

DC8 Landscaping

DC63 Contaminated Land

Other Material Considerations

National Planning Policy Framework (the Framework)

Employment Land Review (November 2012)

PPS4 Planning for Town Centres Practice Guide

CONSULTATIONS (External to Planning)

Environment Agency – No objections subject to conditions relating to discharge of surface water.

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

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

Stockport MBC – No comments received at time of report preparation

Trafford MBC – No comments received at time of report preparation

Greenspace (Leisure) - The proposed development triggers the need for public open space and provision for recreation and outdoor, in line with the Councils SPG on planning obligations. In the absence of on site provision, commuted sums for offsite provision will be required in the event of an approval. Based on the total proposed floor space of 7626sqm the com sums are as follows;

Public open space £114,390

Recreation and outdoor sport £114,390

The public open space commuted sum would be used to make additions, improvements and enhancements to the existing facilities at Meriton Road Park, Henbury Road and Spath Lane, and the recreation / outdoor sport commuted sum would be used to make additions, improvements and enhancements to the existing R/OS facilities at Meriton Road Park and Spath Lane.

Strategic Highways Manager – No comments received at time of report preparation

Environmental Health – No objections subject to conditions relating to contaminated land

VIEWS OF THE PARISH / TOWN COUNCIL

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

They take issue with the suggestion of the Emerson Group that the Next store should face west. This would generate more traffic on Coppice Way and Earl Road. It would lead to longer queues of traffic trying to exit Earl Road into Stanley Road. Indeed, poor egress from Earl Road into Stanley Road is probably one of the reasons why Next wish to move away from their current position in the Stanley Green retail park.

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

If planning permission is granted, HPC hope that ward councillors for Handforth be included in discussions concerning the disbursement of section 106 or CIL monies. Section 106 or CIL monies be designated for use within Handforth. Suggested uses include upgrading of footpath 80, installation of a zebra crossing on Coppice Way at the northern end of footpath 91 and the creation of cycleways.

OTHER REPRESENTATIONS

To date, 13 letters of representation have been received.

2 of the letters support or raise no objection to the proposal noting that:

- Will Improve / increase choice for the retail development at Handforth Dean
- Will reduce the traffic load on Stanley Green industrial estate.
- Commuted sums should be used to improve the public realm in Handforth and to ensure the continued success of the youth club, and ensure there is a local employment obligation within the legal agreement.

6 of the letters, including from a number of local cycle groups, seek improvements for cyclists to Handforth Dean and better access from Handforth railway station

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

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

- Developing further out of town retail developments seems to go against current policy on protecting the "high street". Claimed employment generation should be offset against the impact of employment on the high street and at the nearby Stanley Green Next which would close.
- Given the dire shortage of employment land in this area, it would be inappropriate to allow retail use on the land, especially in light of local companies demonstrating clear demand for the land for employment purposes
- The Framework requires the consideration of alternative out of centre sites as part of the sequential test. The applicant's approach is incorrect.
- Submitted impact assessment fails to assess the impact of the reoccupation of the unit to be vacated at Stanley Green by an alternative A1 operator.
- Potential for proposed store to be located at Stanley Green
- The operation of the junction at Stanley Road and the B5094 has not been considered in the Transport Assessment.
- Transport Assessment is inconclusive on the future operation of the junction at A34/A555, which is a key strategic junction
- Orientation does not integrate visually with Handforth Dean
- Proposal turns its back onto Earl Road
- No landscaping proposed to Earl Road
- Road linking A34 to Earl Road should be included in proposal
- There should be no overspill parking on Earl Road

APPLICANT'S SUPPORTING INFORMATION

The applicants have submitted a flood risk assessment, a sustainability assessment, an energy assessment, a transport assessment, a statement of community involvement, an ecological assessment, an employee travel plan, a design and access statement, a planning

& retail statement, an employment land statement and a contaminated land assessment. The planning statement concludes:

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

OFFICER APPRAISAL

Loss of Employment Land

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

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

Policy W3 of the Regional Spatial Strategy requires local planning authorities to undertake a comprehensive review of employment commitments to secure a portfolio of sites that comply with the spatial development principles of policies DP1 – 9 and RDF1. Policy W4 sets the criteria for establishing whether the release of employment land (for other uses) would be acceptable. This includes local planning authorities being satisfied that an appropriate supply of sites is available for employment uses; and if required there are replacement sites of equal or better quality.

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. 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”*.

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

- The saved policies within the local plan are inconsistent with the Framework (including the lack of a sequential approach to the designation of office sites).
- The proposal delivers objectives of the Framework – creates 220 jobs and meets the needs of the community for a choice of retail goods and services
- Proposal makes effective use of brownfield land
- Refusal would impede economic growth in contravention of the Framework’s policies
- The supply of B use class land in Cheshire East generally, and in Handforth particularly, exceeds the forecasted requirement.
- Handforth will not suffer any material loss in the range of sites needed to meet the needs of business.
- With the release of the application site, Handforth will still have 9.44ha of available B1 land, including the remaining 4.8ha on the Earl Road site itself.

Since the airport parking operation has ceased, the Council has conducted a marketing exercise for the site and invited expressions of interest which has revealed a number of parties interested in developing the site for various forms of employment use (within the ‘B’ use classes category). It is also noted that a representation to the application has been made by an interested party confirming interest in part of the site for employment use. Furthermore, recent announcements regarding the development of Airport City, completion of the Manchester Airport – A6 relief road, development of a High Speed Rail station nearby between junctions 5 and 6 of the M56 and the Council’s ambitious plans for a new sustainable community at Handforth East mean that the attractiveness of this area for employment development will increase further.

The Cheshire East Employment Land Review, completed in 2012 with Arup and Colliers International forecasts that there is a need to provide between 277.8 ha and 323.7 ha of land for employment purposes between 2009 and 2030 across the whole Borough. This equates to between 13.2 ha and 15.4 ha per year. The draft development strategy notes that *“a review of the sites currently considered to be part of the supply of land for employment development indicates that 272.4 ha of land from the existing employment land supply could be suitable for allocation for employment in the future”*. The Employment Land Review recommends that this site is retained for employment purposes. The view of Colliers International was that this is an *“excellent prominent site for quality office development. Likely to get interest from several parties when it is brought to the market”*. On the basis of all this evidence, it is considered that there is a very real prospect of the land being used for employment purposes and therefore policies E1 and E2 of the Local Plan are not in conflict with the NPPF.

As recognised by Handforth Parish Council, the proposed store itself will create employment in the local area. This is a consideration which weighs in favour of the proposal. However, this local employment should be viewed in the context of impact on retail investment in town centres.

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. 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 will 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.

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 applicants have identified a catchment area for the proposed store of between 10 and 15 minutes drive time radius from the application site. This is considered to be limited in extent and even excludes Macclesfield. By way of comparison, an application for a bulky goods extension to the Marks & Spencer store at Handforth Dean identified a catchment area that included Stockport, Sale, Altrincham, Knutsford and Congleton. It is explicit within the application that the model of the Next Home & Garden stores does differ from mainline Next and Next Home stores, and as such a larger catchment area would be expected.

Given the concerns identified regarding the catchment area, it is therefore questioned whether the correct sequential assessments and the full impact of the proposal has been considered within the application. To take Macclesfield as an example, the sequential search excludes the Tesco application in Macclesfield that is currently with the Council. This application includes provision for retail warehouse units in an edge of centre location. The submitted Retail Statement explains that Stockport and Macclesfield are not suitable or viable locations as they would simply serve to duplicate the existing offer available at the stores in Stockport and Macclesfield. This is however applicable to the current location if the existing Stanley Green store did not close. If the proposal was located in Stockport or Macclesfield, their existing stores edge / out of centre stores could be relocated.

Concern has also correctly been raised in one of the letters of representation that in applying their sequential test analysis, the applicants have stated *“we do not consider it necessary to consider any out of centre site, because such sites will not be sequentially preferable to the application site”*. It is suggested that this approach is incorrect in the light of the content of paragraph 24 of the Framework (above). This states that *“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”*. It is clear therefore that the Framework does require the consideration of alternative out of centre sites as part of the sequential test, which has not been done in this case. The application site is not considered to be well connected to the town centre.

One example of this is the unit adjacent to the existing Next store (which would be closed if this proposal is built) on Stanley Green Retail Park is vacant and it appears that the two units combined would be capable of accommodating a store of the scale envisaged by these proposals. Given the required flexibility on format and scale it is unfortunate that there does not appear to have been any attempt by the applicant to demonstrate why this would not be a suitable location.

It is also noted in the applicant's impact assessment that it is assumed that all of the turnover from the existing Next store at Stanley Green would be diverted to the new store and does not consider the re-use of the unit by another operator. There will be no loss of floorspace at Stanley Green and the assessment does not consider any future legitimate use of this unit. When considering the accuracy of the findings in the impact assessment, the findings from the 2011 Cheshire Retail Study Update should also be considered. The Wilmslow town centre healthcheck notes that *"the town centre has experienced a strong decline in comparison goods retailing in the town centre since 2000... the level of vacancies within the town have also increased significantly, which may be a result of the decline in comparison goods retailing due to increased competition from Handforth Dean and other destinations. The town centre is illustrating poor economic signs and is considered to be vulnerable and should be subject to intervention in the short to long term."*

It is considered that the impact on planned investment for Town Centres, including Macclesfield Town Centre has been underestimated. Approval of this scheme is likely to significantly harm investment in the Town Centre and as such paragraph 27 of the Framework states such applications should be refused.

The trade draw on existing centres has also been underestimated. With a greater draw than the applicant is suggesting, the proposal will have a direct and detrimental impact on the vitality and viability of the town centres. Again this is contrary to paragraphs 26 and 27 of the Framework.

Highways

Comments from the Strategic Highways Manager are awaited, and will be reported to Members in an update. However, Highways have raised a number of issues with the applicants regarding their transport assessment. Comments are also awaited from Stockport Metropolitan Borough Council as the proposal will have some impact upon the A34/A555 junction which falls in their administrative boundary.

Other considerations

The proposed building has been designed to achieve a BREEAM 'very good' rating which will apparently place it amongst the top 25% of new build non domestic buildings in the country in terms of sustainability. Accessibility to the site is most likely to be by car. There are limited bus services that serve the Handforth Dean development, and the train station is approximately 1km from the site. It is also noted that several of the letters of representation raise concern about existing walking and cycling routes.

The building is a substantial structure and being set on higher ground to the existing Handforth Dean retail units, will be a relatively prominent feature. However, set in the context of the employment area to the north and west, the building will not be unduly out of keeping.

Comments from the adjoining landowners are acknowledged regarding the layout of the proposal “turning its back” onto Earl Road with the service area to the rear of the store fronting onto Earl Road. The majority of this elevation will comprise brick and metal panelling. In addition, as submitted the proposed store sits adjacent to the existing Handforth Dean Retail Park, but will be separate from it. It has its own access spur from the roundabout, and the southern boundary of the site shared with the Handforth Dean car park is currently occupied by vegetation and will remain as such. A footpath will run between the store and the boundary to provide pedestrian access to the wider Handforth Dean site. The elevation facing the Handforth Dean car park will again be predominantly brick panelling. The active frontage for the building is very much focussed on the east facing elevation which looks towards the A34 by pass. It is unfortunate that more has not been done to accommodate a stronger route through to Earl Road and stronger frontages to the south and west boundaries to better integrate surrounding land uses. If the service yard and staff car parking were located to the north of the proposed building, there would be more scope to add some interest to these areas.

There are no residential properties within close proximity of the application site, and as such no significant amenity concerns are raised.

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

Environmental Health advises that the application area has a history of use as an RAF Depot and therefore the land may be contaminated. The Peter Brett Associates report (ref M9475/226B) submitted in support of the application recommends that a Phase 2 survey is required to adequately investigate. This matter could be dealt with by condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The applicants have clearly made attempts to make the proposal a sustainable form of development, particularly within the construction of the building. However, access to the site by a choice of modes of transport is limited, and customers are likely to be reliant on the private car. In addition to this the virtually blank elevations presented to the existing Handforth Dean Retail Park and the commercial properties on Earl Road do not help to integrate the proposal with surrounding land uses.

The development is therefore not a sustainable form of development that should be approved without delay under paragraph 14 of the Framework.

Given the interest attracted during the recent marketing exercise for the site carried out by the Council, and the findings of the Employment Land Review, there is considered to be a reasonable prospect of the land being used for employment purposes. Policies E1 and E2 are therefore considered to be consistent with the Framework in this regard, and the proposal is considered to be contrary to these national and local policies.

In terms of the retail impact, the catchment area identified for the proposal is limited in its extent, and as a result the full impact of the proposal has not been considered by the applicants. Other, out of centre locations have also not been considered to determine

whether other sites are more preferential (in terms of accessibility to town centres) than the application site. The impact of the reoccupation of Next's existing unit at Stanley Green by another operator also does not appear to have been fully considered. The increased competition from "*Handforth Dean and other destinations*" is cited as a possible reason for the significant increase in vacancies within Wilmslow Town Centre within the 2011 Cheshire Retail Study Update. Further out of centre proposals that are not well connected to the town centre would be even more damaging to this and other town centres. Given these concerns, it is not considered that the sequential test has been satisfied and the proposal is therefore contrary to the requirements of the Framework.

Accordingly the application is recommended for refusal on the grounds that:

1. The proposed retail development seeks to occupy a site allocated for employment use in the Local Plan. There is evidence to suggest that there is a real prospect of the site being used for employment purposes. The proposal is therefore contrary to policies E1 and E2 of the Macclesfield Borough Local Plan, W3 and W4 of the North West of England Plan Regional Spatial Strategy to 2021 and the requirements of the National Planning Policy Framework
1. The site is not well connected to a town centre, the full impact of the proposed out of centre store has not been considered and the application fails to satisfy the sequential test for main town centre uses not in an existing centre. The proposal is therefore contrary to the requirements of paragraphs 24 and 26 of the Framework.
2. The development will have a significantly adverse impact on existing, committed and planned public and private investment in centres within the catchment area of the proposal, including Macclesfield Town Centre. In accordance with paragraph 27 of the Framework the application should be refused.
3. The development will also lead to a significant adverse impact on town centre vitality and viability. In accordance with paragraph 27 of the Framework, the application should be refused.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Loss of employment land
2. Sequential test not satisfied
3. Adverse impact on town centre investment
4. Adverse impact on town centre vitality and viability

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