

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. A query remains regarding the use of employment land that is not currently in retail use to provide a turning area for service vehicles serving the new units. Further details have been requested from the applicant and these will be reported as an update.

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. Subject to the satisfactory outcome of this matter, there are no adverse impacts associated with the proposal that would significantly and demonstrably outweigh the benefits.

Accordingly the application is recommended for approval subject to the satisfactory resolution of the outstanding matters.

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 16/0138M and 16/0802M). 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)

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)

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.

Handforth Parish Council – No objections

REPRESENTATIONS

3 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

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 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.

The additional area is required to provide a turning area for the new units, and it is accepted that the area of employment land lost to the proposed development is relatively small scale.

However, further details are considered to be required to justify the use of this area of employment land for a purpose associated with the retail use of the site. Further details have been requested from the applicant and will be reported as an update.

Subject to the satisfactory resolution of this matter 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.

However, as noted within other application reports on this agenda it is necessary to now necessary to consider the cumulative retail impact of the current proposal together with the other applications on the agenda: 16/5678M, 16/0138M and 16/0802M. Further details are awaited from the applicant and the applicant for 16/5678M, so this will be reported 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 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.

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. For the Next scheme and the Orbit scheme in this area, the requirements were factored down to provide a more realistic figure to mitigate for the impact of the development. Discussions are ongoing with the applicant in this regard and an update will be provided.

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. A query remains regarding the use of employment land that is not currently in retail use to provide a turning area for service vehicles serving the new units. Further details have been requested from the applicant and these will be reported as an update.

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. Subject to the satisfactory outcome of this matter, there are no adverse impacts associated with the proposal that would significantly and demonstrably outweigh the benefits.

Accordingly the application is recommended for approval subject to the satisfactory resolution of the outstanding matters.

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

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

RECOMMENDATION: Approve subject to following conditions

1. A01OP - Submission of reserved matters
2. A03OP - Time limit for submission of reserved matters
3. A06OP - Commencement of development
4. A01AP - Development in accord with approved plans
5. A06EX - 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

