

ITEM 2

Application Reference	DC/078831
Location:	16-22 Mersey Square Stockport SK1 1RA
Proposal:	Change of use from retail (Use Class E) to a flexible use permitting Class F1 uses (including public library use) and Class E uses (commercial, business and service uses including retail). Upper floor to be used for ancillary staff room and storage.
Type Of Application:	Full Application
Registration Date:	20 th November 2020
Expiry Date:	10 th February 2021 (Extension of Time Agreed)
Case Officer:	Rebecca Whitney
Applicant:	Stockport Council
Agent:	None

DELEGATION/COMMITTEE STATUS

Four or more objections have been received, contrary to the Case Officer's recommendation.

DESCRIPTION OF DEVELOPMENT

This application seeks permission for the change of use of an existing retail unit at Mersey Square to flexible use, permitting Class E (Commercial, Business and Service) and Class F1 (Learning and non-residential institution) uses. These include retail, food and drink, financial and professional services, indoor sport and leisure, recreation or fitness, healthcare, childcare, education, museum and library facilities, religious uses and use as a public hall.

The supporting statement indicates that the short term use of the site is to be a temporary public library at ground floor with archive storage at first floor level.

No external alterations or extensions are proposed.

SITE AND SURROUNDINGS

The site was most recently in retail use (previously occupied by Argos) and is currently vacant. The site is located at one of the entrances to the Merseyway Shopping Centre, fronting Mersey Square. The site is within a primary shopping frontage, within the Town Centre's Core Retail Area.

The site is located within the St Peters Conservation Area and the setting of listed buildings including the Wellington Bridge and Plaza Cinema.

The site is also located within Flood Zone 2.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes:

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Policies relevant to the determination of this application are as follows:

Saved policies of the SUDP Review:

TCG2.1 Central Shopping Area

PSD2.2 Service uses in the Town Centre

EP1.7 Development and Flood Risk

HC1.3 Special Control of Development in Conservation Areas

HC1.4 New uses for buildings in Conservation Areas

LDF Core Strategy/Development Management policies:

SD1 Creating sustainable communities

SD6 Adapting to the impacts of climate change

CS5 Access to services

CS6 Safeguarding and strengthening the service centre hierarchy

AS1 The vitality and viability of Stockport's service centres

AS2 Improving indoor sports, community and education facilities and their accessibility

CS7 Accommodating economic development

AED1 Employment development in the Town Centre

CS8 Safeguarding and improving the environment

SIE1 Quality places

SIE3 Protecting, safeguarding and enhancing the environment

CS9 Transport and Development

CS10 An effective and sustainable transport network

T1 Transport and development

T2 Parking in developments

T3 Safety and capacity on the highway network

CS11 Stockport Town Centre

TC1 Stockport Town Centre

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Guidance documents relevant to the determination of this application are as follows:

- Sustainable Transport SPD
- Town Centre Masterplan SPD
- Shopfronts and Advertisements SPG

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The

NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF represents the government's up-to-date planning policy which should be taken into account in assessing applications. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 "The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".

Para.2 "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para.7 "The purpose of the planning system is to contribute to the achievement of sustainable development".

Para.8 "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective*
- b) a social objective*
- c) an environmental objective"*

Para.11 "Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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".

Para.12 ".....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but

only if material considerations in a particular case indicate that the plan should not be followed”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.153 states “In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

NEIGHBOUR REPRESENTATIONS

Eleven representations were received. One comment was received in support of the proposal, stating that if the library was situated here it would allow better access, potential for more people to use it and can be adapted to better support a library in the modern day (including the needs of the community).

Eleven objections were received, with the grounds summarised as follows:

- a. The potential impacts upon the continued operation of Stockport Central Library. In particular, should the proposed library use replace the existing service at the Central Library, objections are raised with regard to the level of service to be offered including in respect of local history archive access and document preservation. Objections are raised with regard to the impact of closure upon the significance of the building as a heritage asset, and concerns are raised in relation to its reuse.
- b. The cost associated with the proposed relocation of library services.
- c. The site is not suitable for use as a library due to its siting within the shopping precinct, and is not secure for use by children.
- d. It is requested that reassurance is given that the Central Library is guaranteed to remain as it is and in good order.
- e. Lack of space available for social distancing.
- f. Accessibility.
- g. The quality of the submission and supporting documents.

CONSULTEE RESPONSES

SMBC Highways Engineer

This application seeks permission for the change of use of an existing retail unit at Mersey Square to flexible use, permitting Class E and Class F uses. These include retail, food and drink, financial and professional services, indoor sport and leisure, recreation or fitness, healthcare, childcare, education, museum and library facilities, religious uses and use as a public hall. Whilst I note that the Planning, Design and Access Statement outlines that they intend to use the unit as a temporary library and the majority of details relate to this, as a wider range of uses have been applied for, I have considered all uses that have been applied for.

Consideration of the proposal concludes that the site would be acceptable for such uses from an accessibility perspective, being within Stockport Town Centre and within reasonable walking distance of Stockport Bus and Train Stations, as well as bus and cycle routes. The proposal should also not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site. In addition, the main servicing requirements of the various uses should not differ significantly and there is an existing service yard to the rear of the premises that should be suitable for servicing the different uses. Different uses may, however, have different bin storage requirements and full details of bin storage have not been provided as part of the application and therefore I would recommend that any approval granted is subject to a condition which requires the submission of details on bin storage so as to ensure that bins are not stored in locations that would block the service yard. I am also aware that delivery / collection of high value items (e.g. cash) can be problematic where there are shared service facilities and, noting that service vehicles would not be permitted to service the premises from the front of the building, I would recommend that any approval granted is also subject to a condition which requires the submission and approval of a servicing method statement.

With respect to parking, there are a number of public car parks within the vicinity of the site which should be able to meet the general parking demand of the development and, whilst nearby disabled parking spaces may not always be available and others may be too far from the premises for some people to use, the shop mobility scheme that operates in the town centre could assist people with disabilities accessing the premises. The public car parks, however, would not be suitable for use for the drop-off or collection of children and, as such, I do not

consider the site suitable for use as a children's nursery, school or similar. As such, I would recommend that any approval granted is subject to a condition which prevents such uses. Finally, in order to permit and encourage cycling to the site, cycle parking and facilities that would allow staff to cycle to the site (e.g. showers and lockers) need to be provided. Although there is some on-street provision in the vicinity of the site, no secure long-stay cycle parking is presently provided and different uses will generate different levels of demand. The requirement to provide an appropriate level of parking, as well as associated facilities, however, could be dealt with by condition.

Finally, having regard to Paragraph 111 of the National Planning Policy Framework (NPPF), Policy T-1 'Transport and Development' of the Core Strategy DPD, Chapter 4 of the Sustainable Transport SPD, the thresholds outlined in 'Good Practice Guidelines: Delivering Travel Plans through the Planning Process' (DCLG/DfT) and the size of the building, if the building was to be used for the following uses, a Travel Plan will be required:

- E(e) Provision of medical or health services
- E(f) Creche, day nursery or day centre
- F1(a) Provision of education
- F1(b) Display of works of art (otherwise than for sale or hire)
- F1(c) Museums
- F1(d) Public libraries or public reading rooms
- F1(e) Public halls or exhibition halls
- F1(f) Public worship or religious instruction (or in connection with such use)
- F1(g) Law courts
- F2(b) Halls or meeting places for the principal use of the local community

As such, I would recommend that any approval granted is also subject to a condition which requires the submission, approval and implementation of a Travel Plan if one of these uses is implemented (excluding the education uses which I do not consider should be permitted for the reasons outlined above).

To conclude, subject to conditions, I raise no objection to this application.

SMBC Conservation Officer

The proposed change of use will have no detrimental impact upon the character and appearance of adjacent heritage assets (St Peters Conservation Area or the setting of listed buildings including the Wellington Bridge and Plaza Cinema). The potential for long term closure of the Central Library (a Grade II listed building, also located within the Conservation Area) is of some concern: this is a nationally important, purpose-built Carnegie library of special architectural and historic interest and, if vacated, it would be challenging to convert the building to alternative uses without causing harm to its special interest.

SMBC Environmental Health Officer (Noise)

No objection/comments.

Environment Agency

The application is for a change of use and falls within Flood Zone 2, therefore please refer to the Flood Risk Standing Advice.

ANALYSIS

Principle of Development

The application seeks planning permission for a flexible change of use of a vacant unit within the Merseyway Shopping Centre, formerly occupied by Argos.

A flexible consent is sought to permit Class E and Class F1 uses, which are considered main town centre uses as defined by the NPPF.

Class E uses include retail, food and drink, and financial and professional services. At present, the site could be used for any purpose within Use Class E by virtue of its lawful retail use. Class F1 uses include indoor sport and leisure, recreation or fitness, healthcare, childcare, education, museum and library facilities, religious uses and use as a public hall.

The flexibility of use sought, supported by the permitted changes granted by Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), would provide the applicant with appropriate flexibility to adapt to the challenges facing the Town Centre Primary Shopping Area that reflect wider national trends.

The site is identified in the Saved UDP Policies as being primary shopping frontage within the Town Centre's Core Retail Area. Saved UDP Policy PSD2.2 seeks to control the loss of retail uses within primary shopping frontages. The proposed flexible uses do not preclude retail use and the wording of Policy PSD2.2 explicitly stresses the need to avoid rigid application. Given that policy flexibility and the current challenges facing the Core Retail Area (highlighted by the number of vacancies in Merseyway) no policy conflict is considered to arise in this case, noting that Policy PSD2.2 was adopted nearly 15 years ago and the overall vitality and viability of the Core Retail Area has changed significantly since then.

It should be noted that Class V of Part 3 of Schedule 2 of the GPDO would permit changes within and between the approved uses for a period of ten years only. At this point, the current use becomes the lawful use of the site.

For the reasons stated above, the proposed development is considered acceptable in principle subject to all other material planning considerations, as assessed below.

Highway Safety

The Council's Highway Engineer has assessed the proposal and their comments are set out in full under the "Consultee Responses" section of this report.

It is noted that the Highways Engineer does not consider the site suitable for use as a children's nursery, school or similar as the use of public car parks would not be suitable for use for the drop-off or collection of children. Officers also raise concerns that this use would not be acceptable given the lack of suitable outdoor play space. It is therefore considered necessary to impose a condition preventing the site from being used as a creche, day nursery or day centre as the

application does not demonstrate that this use would be appropriate in the proposed location.

It is noted that one objection was received which raised concerns regarding accessibility. No objections are raised in relation to the accessibility requirements of planning policies. Additional conditions are recommended in respect of the provision of servicing, cycle parking, changing facilities and a travel plan to promote sustainable transport methods.

Flood Risk

The application site is located in Flood Zone 2 owing to the risks posed by failure of the Audenshaw Reservoir upstream on the River Tame that connects to the River Mersey on the eastern edges of the Town Centre.

Given limited scale and nature of the proposed development, it is classed as 'minor development' in flood risk terms. Neither the sequential or exception tests apply to minor developments.

The Environment Agency (EA) and Lead Local Flood Authority were consulted on the application. Although the EA have not provided a detailed, bespoke response their online standing advice has been considered.

A Flood Risk Assessment has been submitted in support of the application. Due to the nature of the proposed works, it is deemed that the site will not be at any greater risk than already exists. There is to be no increase in impermeable area and therefore there will be no increase in discharge rate on the existing situation. The report concludes that the development is accessible for emergency access and egress during times of extreme flooding. No changes are proposed to the internal finished floor levels.

It is recommended that a condition is attached to any planning permission granted to ensure that the site owner/occupier is signed up for flood warnings and has an emergency escape plan in place. This is particularly important for the proposed changes of use that result in the vulnerability classification of the uses changing from 'less vulnerable' to 'more vulnerable' (e.g. clinics, health centres, education and training centres). Any such emergency escape plan will be expected to address the full range of vulnerabilities authorised by the approved flexible consent.

Subject to the above, no significant conflicts with national or local planning policies are expected to arise.

In relation to surface water drainage, no external alterations or additions are proposed, and no changes to the current surface water drainage regime are proposed. No objections are raised in this regard.

Heritage impacts

The Council's Conservation Officer has assessed the proposal and their comments are set out in full under the "Consultee Responses" section of this report. No objections are raised in relation to the impacts on designated heritage assets.

Future Use of the Existing Central Library

The Conservation Officer has noted that the potential for long term closure of the Central Library (a Grade II listed building, also located within the Conservation Area) is of some concern. This is a nationally important, purpose-built Carnegie library of special architectural and historic interest and, if vacated, it would be challenging to convert the building to alternative uses without causing harm to its special interest. This concern has also been raised in a number of objections received, as well as concerns regarding a reduction in the services to be offered and the cost of any relocation.

Whilst the application proposes the use of the application site as a library, there is no indication that the existing library would no longer operate. Moreover, the cost of the project and any future uses of the existing library building are not material considerations in the assessment of this planning application.

Other Matters

Objections raised concerns regarding the suitability of the site for use as a library due to its siting within the shopping precinct. The location of the site may result in some noise and disturbance, however no objections have been raised by Environmental Health Officers, and the potential impacts are considered negligible.

Objections raised concerns regarding the security of the site for use by children. It should be noted that a flexible permission is sought to permit a number of uses which would be open to the public. Public safety has been considered in assessing impacts upon highway safety and flood risk, and the proposed use is not considered to result in increased crime and antisocial behaviour by virtue of the scale and nature of the development.

Objections raised concerns regarding internal layout plans and a lack of space available for library use or to accommodate social distancing. Internal arrangements are not controlled by the planning process, and these concerns are not material considerations in the assessment of this planning application.

Objections raised concerns regarding the quality of the application and supporting documents. The submission is considered to be sufficient in order for a thorough assessment to be made.

SUMMARY

Overall, it is considered that the proposed change of use would constitute a sustainable form of development. The proposed uses would not result in adverse impacts upon the character and appearance of the site or the wider area, and would not result in detriment to highway safety or the nearby designated heritage assets. The proposed change of use is compliant with the relevant planning policies and would ensure the long-term use of a currently vacant unit in a prominent location.

In conclusion, the proposal is considered acceptable in relation to the relevant Saved UDP and Core Strategy DPD policies and does not conflict with the policies of the NPPF. As such, the application is recommended for approval.

RECOMMENDATION

It is recommended that the application is APPROVED, subject to conditions.