

## ITEM 1

<b>Application Reference</b>	<b>DC/085975</b>
<b>Location:</b>	Farmers Arms 209 Stockport Road Cheadle Heath Stockport Stockport SK3 0LX
<b>PROPOSAL:</b>	Demolition of vacant public house and development of a single restaurant with drive-thru lane (Class E)
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	22.07.2022
<b>Expiry Date:</b>	20220916
<b>Case Officer:</b>	Jane Chase
<b>Applicant:</b>	Greene King Brewing and Retail Ltd
<b>Agent:</b>	Walsingham Planning

### **DELEGATION/COMMITTEE STATUS**

Cheadle Area Committee – 4 or more objections and called up by Cllr Meller  
Central Area Committee – referred due to proximity to Area Committee boundary  
Decision by Planning & Highways Committee.

### **DESCRIPTION OF DEVELOPMENT**

This application proposes the demolition of the existing public house on the site and the erection of a single storey building accommodating a restaurant and drive through sales. Access into the site would remain as existing from Edgeley Road albeit widened to accommodate a 2 way flow of traffic. In terms of site layout the building would be positioned to the north west of the site, closest to Stockport Road with parking for 24 vehicles including 2 disabled spaces and 4 spaces for the charging of electric vehicles to the south east of the building along with cycle parking for 10 bicycles. The drive through lane would route around the front south west, north west and north east elevations of the building between it, Edgeley Road and Stockport Road, where customers would place and collect their orders. 2 bays for waiting customers are proposed to one side of the drive through lane to the north east of the building. Pedestrian access separate from that for vehicles is proposed from Edgeley Road and Stockport Road.

As originally proposed the building would be of a flat roofed construction, externally clad in blue and grey Kingspan panelling. Amended plans have been secured since the submission of the application to show a hipped roof over a blue and grey rendered building. The main front elevation would be to the south west facing Edgeley Road containing an aluminium shopfront with customer access into the building. A larger similar shopfront is proposed to the south east side elevation facing the car parking, again with customer access into the building. The rear elevation to the north east would be largely blank accommodating doors into areas for services and staff access into the building. The remaining side elevation to the north west, Stockport Road, would be largely blank save for the service pod window to the drive through where customers receive their orders and a window to the main customer

area to the front of the building. The internal layout of the building confirms that there would be 8 tables each seating 2 customers together with 4 larger tables with benches either side most likely being able to each accommodate up to 6 customers (seating therefore for circa 40 customers). Around the building it is proposed to create an external seating area with 8 tables each most likely seating 4 people under 2 jumbrellas together with 5 further tables also most likely each seating 4 people (52 people in total).

The site would be enclosed by a low level knee rail fence to Edgeley Road and Stockport Road with soft landscaping in the form of hedge planting to part of the Edgeley Road frontage extending around the junction and along the entire Stockport Road frontage. Additional planting is proposed to either side of the vehicle access onto Edgeley Road extending along the south east boundary of the site and in part along the north east boundary (save for that where parking is proposed immediately adjacent to part of the north east boundary). Amended plans have also been submitted showing the planting of 12 trees to the boundaries of the site; 7 to Edgeley Road and 5 to Stockport Road. 4 additional new trees are proposed within the site, 1 to either end of the bank of parking spaces immediately adjacent to the proposed building and 2 within the corner of the car park.

To the junction of Stockport Road and Edgeley Road beyond/outside the extent of the knee rail fence and hedging enclosing the site and in part along the frontage to Edgeley Road, a grassed area is proposed. This grassed area is within the application site however the alignment of the drive through lane and adjacent boundary treatment adjacent to it has been adjusted slightly during the consideration of the proposals to facilitate potential junction improvements for pedestrians and cyclists that are being explored by the Council.

Lighting is proposed throughout the site in the form of 7no. columns 4m to 6m high.

The application advises that the proposals would generate 35 full time equivalent jobs. The restaurant would be open during the hours of 6am to 11pm 7 days a week.

Aside from application forms and plans, the submission is accompanied by the following documents:

Design and Access Statement

Planning Statement

Drainage Statement

Heritage Statement

Demolition Report

Extraction Specification

Odour Impact Assessment

Ventilation Report

Noise Impact Assessment

Ground Report

Preliminary Ecological Appraisal and Preliminary Roost Appraisal

Bat Emergence Report

Tree Survey

Transport Statement

Highways Technical Note

## **SITE AND SURROUNDINGS**

The application site is located at the junction of Stockport Road and Edgeley Road and currently accommodates the former Farmer's Arms public house. Stockport

Road, the A560, is one of the main routes from Stockport town centre to Cheadle and Gatley to the west and also provides access to the M60 via Roscoe's roundabout. Access into the car park serving the pub is from Edgeley Road. The pub building, comprising 2 floors of accommodation with a pitched roof above is positioned to the west of the site on the back edge of the footpath to both Stockport Road and Edgeley Road. To the rear of the building and fronting Edgeley Road is a large flat roofed single storey building. The car park wraps around the building to the east with a frontage to both Edgeley Road and Stockport Road and is enclosed by a low level brick wall. There are no trees within the application site however there is a line of trees adjacent to it within the boundary of Go Outdoors and 2 street trees on the back edge of the pavement to Stockport Road.

Adjoining the application site to the north east on Stockport Road is the large car park serving Go Outdoors. To the south east on Edgeley Road is a terrace of 2 storey residential dwellings. Opposite the site on Stockport Road are a variety of commercial uses as there are also on the opposite side of Edgeley Road.

The UDP Proposals Map identifies the application site as being within a large scale existing retail site. This designation also includes Go Outdoors and the adjacent terrace of residential dwelling. Adjacent development on Stockport Road and Edgeley Road opposite the site is within an Other Local Shopping Centre (Cheadle Heath). The application site along with adjacent development is also identified as being within an area liable to flooding (flood zone 1).

## **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 31<sup>st</sup> 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 17<sup>th</sup> March 2011.

### **Saved policies of the SUDP Review**

NE1.2 Sites of Nature Conservation Importance

EP1.7 Development and Flood Risk

PSD1.2 Large Scale Existing Retail Sites

MW1.5 Control of Waste from Development

### **LDF Core Strategy/Development Management policies**

CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change

SD1 Creating Sustainable Communities

SD3 Delivering the Energy Opportunities Plans – New Development

SD6 Adapting to the Impacts of Climate Change

CS5 Access to Services

CS6 Safeguarding and Strengthening the Service Centre Hierarchy

AS3 Main Town Centre Uses, Hot Food Takeaways and Prison Development Outside Existing Centres

CS8 Safeguarding and Improving the Environment  
SIE1 Quality Places  
SIE3 Protecting, Safeguarding and Enhancing the Environment  
CS9 Transport and Development  
T1 Transport and Development  
T2 Parking in Developments  
T3 Safety and Capacity on the Highway Network

### **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.

Sustainable Transport SPD  
Sustainable Design and Construction SPD

### **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 20<sup>th</sup> July 2021 replaced the previous NPPF (originally issued 2012 & revised 2018, 2019). 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 representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. 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<sup>1</sup>. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Para 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para 9 - These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Para 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

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 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. 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. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. 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 55 - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Para 56 - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Para 57 - Planning obligations must only be sought where they meet all of the following tests:

- 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.

Para 81 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Para 86 - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town

centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Para 87 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Para 88 - When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Para 90 - When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Para 91 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 93 - To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Para 104 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Para 105 - The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Para 110 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 112 - Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus



or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Para 113 - All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Para 119 - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 120 - Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Para 123 - Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

Para 124 - Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Para 126 - The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Para 130 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 131 - Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Para 134 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Para 152 - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Para 159 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para 167 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (see footnote 55). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Para 168 - Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55.

Para 174 - Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at

unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 180 - When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Para 182 - The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Para 183 - Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Para 184 - Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Para 185 - Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Para 186 - Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel

management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Para 187 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Para 188 - The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Para 189 - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Para 194 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 195 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Para 196 - Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Para 197 - In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para 203 - The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 204 - Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Para 205 - Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>69</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Para 218 - The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.

Para 219 - However, 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.

### **RELEVANT PLANNING HISTORY**

Various applications but none directly relevant.

### **NEIGHBOUR'S VIEWS**

The occupiers of 28 neighbouring properties were notified of the original receipt of the application in writing.

1 letter has been received neither supporting nor opposing the application but making the following comments:

- Increasing the width of the access without a central pedestrian refuge is dangerous especially for those with limited mobility. Please can a central refuge be included in the plans.

2 letters have been received supporting the application on the following grounds:

- The current site is in a terrible condition and really affects the already rapidly declining area. I have lived in the area for going on 30 years and have seen it go from bad to worse over the years. Cheadle Heath local shops/area really needs an injection to bring it to life. Shops around here are an absolute disgrace and if Greggs open here, it might spur other shop owners to improved their premises. This really is a depressing and deprived place to live. I think that the site would benefit from the new outlet and landscaping.
- I have read on social media that the Headteacher of Cheadle Heath Primary School would oppose this development due to it being close to the school. I cannot see why this would affect children at this school because it is a primary school and they are not allowed out during school breaks. Also, if there is an argument that it is too close, then you can also throw into the argument that other food retailers and take away shops are adjacent to the school.....  
Morrison's Cafe (also sell sandwiches) Go Outdoors Cafe, Shuhel take away, Stockport Road Chippy take away, Kung Foos take away, Taste Express take away, Freddy's Chicken take away, Saffron's Spice take away, Sugar Buns take away and Aldi (selling sandwiches). There is no way that the head teacher could oppose this development on these grounds because of all of the other food outlets in the vicinity.

64 letters have been received objecting to the application on the following grounds:

#### Traffic

- I am very concerned about this as it's right next to our primary school. Stockport Road and Edgeley Road are busy roads as it is. There are often jams up Edgeley road which is already causing problems for the children and the bus stop right there. If there is now a drive through the traffic will only get worse. People eating while leaving the drive through won't pay proper attention to the children, terrible accidents are basically prone to happen.
- This is on my main route to work, traffic is already bad on this road and at this junction. The potential for increased disruption and accidents is huge.
- The junction at that end of Edgeley Road is already congested enough without this addition. It would make access to the M60 more problematic also.
- I know people have a choice to a certain degree about the diet they consume, but having this place on the doorstep is like a passport to obesity and diabetes in such a deprived area.
- It would make the junction at this end of Edgeley Road even more dangerous for the children that attend Cheadle Heath Primary School.
- The proposal is on a very busy crossroads of Stockport Road and Edgeley Road where the vast majority of pupils attending the school cross. As we do not have any parking for parents on site, families are asked to 'Park & Stride' from Morrison's which has access both on Stockport Road and Edgeley Road. There is no crossing patrol at this junction, nor on any of the roads surrounding the school as this much needed resource was removed during council funding cuts a number of years ago. This means that pupils cross the road independently using the traffic lights only.
- There is a bus stop on Edgeley Road, at the corner of Churchley Road and opposite the proposed entry / exit route for Greggs. This would cause visibility issues for pupils crossing to and from school.
- This will dramatically increase the traffic in an already ridiculously busy area. This will majorly affect parents such as myself getting to and from school on

time to drop off and pick up our children, not to mention children that are travelling on buses or foot to or from other local schools in the area. Also, there has been multiple road traffic accidents in the area especially during busy traffic. Myself and my youngest daughter have witnessed several of these during the school run which have left her scared of crossing the road now. That area of road is made unsafe by unfocussed drivers and people rushing to drive somewhere which is probably going to be exacerbated by this drive through restaurant if successful. There is also a moderate to high crime rate in the area. I hope the applicants know what they are letting themselves in for. I for one will not be supporting the restaurant in any way, shape or form as the idea of making our roads busier and therefore more dangerous is absolutely ridiculous and mind boggling.

- As a parent of a child who attends the nearby primary school and regularly has to contend with the extremely high volumes of traffic passing through the area, the proposal of a drive through restaurant will only exacerbate the traffic problems in the area nearby the school.
- There are already a number of businesses, Aldi, Morrison's, B&M, Go Outdoors which bring in large numbers of vehicles but with parking areas. A drive through will only cause potential queues out onto the main roads and create further traffic issues in an already problematic area.
- The planning proposal for a drive through Greggs is completely inappropriate for the area. Cheadle Heath Primary School is opposite and already has congestion problems during drop off and pick up times. Children are often crossing the road at the former Farmers Arms site and extra traffic entering and exiting a drive through would cause mayhem.
- This application does nothing to enhance the local area and community. The number of jobs created will be minimal whilst causing additional traffic on an already very busy junction. This will cause delays for traffic heading to the motorway, therefore backing up on the road outside the school and causing a dangerous situation for parents and children.
- The drive through will not be busy during the daytime, only at rush hour periods, ie breakfast when the traffic in that area is already at peak, being the main access route to the M60 in both directions. Any other items can be purchased very locally at the number of existing fast food outlets or Morrison's. I cannot see the benefit of this at all when there is a huge shortage in local affordable housing and this land is prime to redevelop in a more favorable way. This application must be considered to be of detriment to the area rather than enhancing it. I am fully in favour of investment but this must be done in the correct way and with suitable projects.
- If there was an overflow of vehicles from the drive-thru, this would block both Stockport road and Edgeley road and back up traffic. It will also slow traffic given the additional number of vehicles turning into or out of the drive-thru area.
- Greggs will no doubt offer a delivery service through Just Eat, Uber, Deliveroo etc. which will also have an adverse effect on the traffic in the area as well as a tendency that these delivery drivers have to ignore parking regulations and many other rules of the road causing a danger and inconvenience to other road users.
- The 3 lanes with big width restriction curbs are bad enough to deal with. Without parked cars or congestion from people turning in and out of the car park.



## Health

- Greggs hasn't got the healthiest image, is this really appropriate across the road from the primary school when we're trying to encourage healthy eating amongst our youngsters?
- The school serves an area of high social deprivation and operates a weekly food bank to support families who are struggling financially. In addition, we also operate a free summer holiday club (government funded HAF) for children eligible for free school meals to support parents. Low income families may be encouraged to buy food from Greggs en route to and from school as it is cheap. In an era when finances are increasingly 'tight' and the cost of living is rising, fast food could be a quick and easy option for many.
- This would impact the quality of the air they breathe, which would impact the well-being of children that attend this school.

## Heritage

- The current building and site's historical use as a public house dates back to the late 19th century. The Farmer's Arms pub is recorded in a historical photo (ref. Cheadle Civic Society) showing its position at the toll gate, at the key junction of Stockport Road and Edgeley Road. It is disappointing that no other viable uses have been identified or explored in detail that seek to retain and re-develop the existing building and significant site. Architecturally, the existing building provides a 'point block' focus at the junction, providing strong street definition at the confluence of two major historic routes.
- The proposal involves the demolition of a historic existing building. This building has provided value as a meeting point as a public house with a strong urban identity and character for over 120 years. Its proposed replacement will be a low quality, blue plastic clad building, set back from Stockport Road and encircled by a 'drive-thru' circuit.
- I am therefore surprised to see that no heritage assessment reports have been carried out. In addition, there is no information or commentary on heritage significance or architectural value within the submitted planning and design and access statements. I would expect this to be a mandatory requirement with this application in order to fully judge and justify the proposals.
- More needs to be done to creatively retain and re-use existing building stock and be less wasteful. Not only because we will miss these characterful historic buildings when they're gone(!) but also importantly to minimise our carbon footprint and be more sustainable in the way we develop our built environment and communities.
- In terms of the built structure, the Farmers Arms has provided a historic prominent landmark building in the local area, at a key junction. The current structure extends into the corner of the site giving that prominence. To replace that with a factory built pre fabricated building which has not been designed with the history and unique shape of the site in mind will be detrimental to the look and feel of the local built environment. Whilst the Farmers Arms is not of significant architectural interest, its shape and presence within the existing site creates a built form that should be replicated with any future redevelopment to respect the shape, size and history of the site. A Greggs drive thru does nothing to add to the built form of Cheadle Heath or respect the history of the area.

## Design

- Urban context design and the building position on the site demonstrate a very low bar in quality. This development will have a detrimental impact on the characteristics of the neighbourhood by removing a key 'anchor' to the corner

of the site. The new building has no positive relationship with the adjacent buildings. This site layout will damage the quality of the urban environment.

- The building proposed has a very low design quality. Poor colour choices and signage design. The materials proposed are unsustainable and unsuitable for the adjacent urban context.

### Other

- The proposed landscape treatment is predominantly vehicular focused with no proposed new trees or extensive planting indicated on the application.
- This is also not an industrial area. There are shops with very little parking, and residential areas around there, the drive through would stick out like a sore thumb. I very much doubt it will bring much to the area (people don't have much money anyways, they won't spend it there). In addition there are several little take away places in that area, as well as Cheadle village.
- There is already an existing Greggs unit located on Cheadle Village High Street. This unit is 1.1 miles from the site location, which is just over a 20 minute walk. The principle of another Greggs in this location is highly questionable considering this proximity. I would argue that an out-of-town food outlet, so close to the village is both unnecessary and serves to have a negative impact on local high streets. This is a vital time at which high streets require support and investment and proposals such as this are completely detrimental to their success and even survival.
- The nature of promoting car use (to obtain convenience food) should also be discouraged in light of current environmental and health issues.
- Greggs is also the last type of establishment the area needs. Everything Greggs sells is already available 200 metres away at Morrison's. The Cheadle Heath area needs wholesome businesses that will attract more consciously minded residents. Greggs will only attract more chavs.
- In addition this area already suffers from anti social behaviour due to the high number of take aways in a small area, I'm concerned that this project will attract more anti social behaviour and rubbish in the area due to the type of development.
- I agree the building is an eyesore and needs something doing to it but Cheadle Heath area needs a nice family pub.
- Everyone I have spoken to has raised concerns that the pub has closed. The pub was not perfect however everyone in our area was hoping that this site would continue as a pub. It just needs a new investor with money. This would also add to the variation of businesses.
- Will Greggs endeavour to pick up the litter that will inevitably follow them opening?
- The impact of noise and presence of delivery drivers would also be a negative factor for the school and the neighbourhood.
- There are a number of independent cafes/sandwich shops trying really hard and doing well and the opening of a drive through will have a detrimental effect on them.
- Light pollution.
- Devaluation in property.
- More housing is needed not fast food restaurants.
- There are no attempts for on-site energy generation, reduced embodied carbon, or evidence of a robust response to the climate emergency.
- I feel this would become a prime location for anti-social behaviour, of which the area already suffers enough.

Letters have been sent to neighbouring occupiers and those who have commented on the application (67 in total) notifying them of the receipt of amended plans in

relation to the revised design of the building and additional tree planting. At the time of writing this report 15 further letters have been received objecting to the application for reasons already stated above together with those additional points outlined below. Any further comments made in response to this letter after the publication of this agenda will be reported orally to Members.

- The lighting would cause our bedrooms to be illuminated all night long. The lighting provisions at the proposed development need to take this into account and suitable modifications to the plans be made.
- We have paid for the metal fence between our house and the pub car park, unfortunately lots of drivers misjudged their parking and as you will see on inspection it has sustained numerous dents due to poor parking, if the development is granted we would appreciate the fitting of metal posts or something to prevent any more damage.
- Though I am of course in favour of the former Farmer's Arms being developed or renovated, my concern for the health and safety of the children at Cheadle Heath Primary, which includes my own, and the impact on the already busy Edgeley and Stockport Roads, leads me to object to this proposal. More appropriate locations for this business model should be explored by Gregg's, and more appropriate use of the former Farmer's Arms Pub site investigated by Stockport Council. Having seen first hand on multiple occasions the fantastic job Stockport Highways do, and the efforts they go to in order to provide safe and professional work sites, I will be guided in the end by their decision of course, as long as my concerns are logged.

### **CONSULTEE RESPONSES**

**Planning Policy (Retail)** - The application site includes a building formerly used as a public house and is located at the edge of a designated 'Large-Scale Existing Retail Site' under Policy PSD1.2.

The proposal is for the demolition of the public house and construction of a single drive-thru restaurant under Class E. The applicant has confirmed that, despite it being described as having a dual purpose of serving drive thru customers and non-drive thru customers, the operation is distinct from that of a hot food take away in that the sale of food and drink will be consumed mostly on the premises and the preparation of food on the premises is not too dissimilar from a bakery or sandwich shop. The approach of classifying such an operation as a Class E use and not sui generis appears to be generally well-adopted by other local planning authorities and therefore I am satisfied that the proposal can be regarded as a Class E use and subsequently a main town centre use, by virtue of being a 'drive-through restaurant' as defined by the glossary of the NPPF.

Paragraph 87 of the National Planning Policy Framework is clear in directing main town centre uses towards defined centres in the first instance. As the site's location is beyond the Cheadle Heath Other Local Centre listed at Core Policy CS6, and within 300 metres of the centre boundary, it is judged to be in an 'edge of centre' location.

As such a sequential test is required under Paragraph 87 of the NPPF, and the principle of whether the proposal satisfies Policy PSD1.2 is dependent on its outcome. The agent has submitted information on a search for sequentially preferable sites within Cheadle Heath and the nearby district centres of Cheadle and

Edgeley, and it has been found that no such sites are suitable and available to meet the tightly-defined requirements for this use relating to on-site circulation and car parking. I have reviewed this evidence and I judge that Paragraph 87 is met.

The agent relies upon Core Strategy Development Management Policy AS-1 although it is advised that this policy is not relevant as it applies to locations within the service centres.

As the proposed restaurant will comprise 187 sqm of gross external floorspace, there is no requirement for an impact assessment under Paragraph 90 of the NPPF as the local threshold set under Core Policy CS5 and DM Policy AS-3 is not engaged and the application is not for a former A1 retail use.

Director of Public Health – While the public health department generally welcomes economic development that has the potential to provide extra employment opportunities within the borough, this proposal generates particular concerns, given its likely impacts on both diet and physical activity.

This application is a proposal to replace a vacant pub premises with a drive-through establishment serving predominantly high calorie food of low nutritional value for consumption on or off the premises.

The proposed development is within a more deprived area (within the most deprived 20% of LSOAs in England), which is likely to have high rates of obesity and overweight among both adults and children. Obesity rates have increased since last measured prior to the COVID-19 pandemic, and these increases are larger in more deprived areas. This increased obesity within the local area contributes to poorer health outcomes for local residents. Achieving healthy weight reduces risks of other lifestyle diseases such as hypertension, coronary heart disease and stroke. Reducing risks of such diseases also reduces pressures on current and future public sector health budgets (Stockport's JSNA).

The Council's existing Core Strategy (policy AS-3) requires that Hot Food Takeaways and fast food restaurants are located at least 300m away from schools and parks. While the developer's proposed Use Class for this development (class E) isn't identical to the former class A5 (hot food take away), a restaurant with a drive through land should be classed as a fast food restaurant, at least on account of the drive through, and exactly the same issues with respect to the public's health and the general amenity of the area arise. The site is in a deprived area, is approximately 100m from two schools (the Cheadle Health Primary School and the Pendlebury Centre Pupil Referral Unit), and is on the most direct walking route between the schools and the Swythamley estate, a major part of the primary school's catchment. It is also within 300 metres of the playing area at Walnut Tree playing fields. Finally, while we have not been able to assess this, it is possible that the proposal gives rise to an excessive concentration of fast food restaurants, hot food takeaways and similar premises.

Active travel is an important way for people to be physically active as part of their daily lives. This has multiple benefits for their health. The local plan and the NPPF are consistent that development should be designed so as to promote active travel in preference to travel by private car. A drive-thru, by its very nature, is explicitly designed to promote and encourage access by motor car over and above active travel modes. Custom may include new trip generation, as well as becoming an additional stopping point for existing trips. A drive-thru may therefore make private

car use more attractive for existing trips, further reducing opportunities for active travel.

The promotion of active travel and public transport is key to maintaining physical and mental health through fostering activity, social interaction and engagement, managing healthy weight, reducing emissions from vehicles and enabling social interaction. The proposed provision of cycle parking is welcomed by Public Health since promoting active travel (which includes sufficient infrastructure for active travel modes) contributes to management of good public health in the Borough, especially healthy weight. In Stockport 42.3% of adults and 86.4% of 15 year olds are not physically active enough to maintain their health in the medium to long term (as measured against the Chief Medical Officer for England guidance). In addition, an appropriately designed built environment can contribute to reducing social exclusion, as well as offering cycle and pedestrian routes for commuters, shoppers and recreational users.

Any comments made and conditions proposed by the Council's Highway Engineer are critical to enabling the use of sustainable (including active) travel modes in and around this development and have been discussed with representatives of the Public Health and Transport Policy teams. An accurate assessment of transport options should inform this application, but it should be noted that the design of the site as a drive through presents barriers to equal access to its offer by people on foot, bicycles, mobility scooters and other forms of transport.

Consideration of trees and biodiversity are key to enabling public health benefits from green infrastructure enhancement not just around addressing flood risk but also in terms of tackling stress and its exacerbating effect on health, through provision of pleasant relaxing environments and views. Any comments of the Council's Senior Tree & Arboricultural Officer should be taken into careful consideration regarding opportunities to improve biodiversity since this can have public health benefits. Planting offers opportunities for the site to contribute beneficially to the nearby Green Chain asset. The summertime comfort and well-being of the urban population has become increasingly compromised. In contrast to rural areas, where night-time relief from high daytime temperatures occurs as heat is lost to the sky, the urban environment stores and traps heat. This urban heat island effect is responsible for temperature differences of up to 7 degrees (Centigrade) between urban and rural locations. The majority of heat-related fatalities during the summer of 2003 were in urban areas (Designing urban spaces and buildings to improve sustainability and quality of life in a warmer world).

Our assessment of this application, considering the above issues, is that the proposed development, if permitted to proceed, would have a substantial detrimental impact on health locally, and would impede the council and its partners' work to support people living locally in their attempts to improve their health. These are among the impacts that policies within both the core strategy and the NPPF seek to prevent. It is not apparent to us that this detrimental impact can be sufficiently mitigated by the use of planning conditions.

GMAAS - The application is supported by a Heritage Statement (HS) (Wardell-Armstrong, September 2022), which provides a good historic overview of the Farmer's Arms and heritage interests within the surrounding area. The archaeological potential and built-heritage significance of the application site is informed by documentary research, a historic map regression and indicative photographic record compiled during a site visit. This allows for an assessment of the impacts of the proposed development.

Whilst the building has clearly undergone significant alteration both internally and externally, the impact of the development will amount to the full loss of a building that is recorded on the Greater Manchester Historic Environment Record (GMHER), is depicted on historic mapping dating to at least the 1830s (and so has an unknown construction date), holds a landmark position within the streetscape, has the potential to retain historic fabric, and should be considered a non designated heritage asset. Therefore, GMAAS agree with the conclusions of the HS that a programme of historic building recording should be secured by any condition of consent to provide mitigation to the proposed impacts.

The historic building record should build on the information already compiled in the HS, and due to the development leading to the full loss of the building, should be undertaken to the standard of a Historic England 2 to 3 survey (scalable where appropriate). The survey will include measured floor plans and phased plans of the buildings, detailed photographs of elevations, rooms, and features of architectural/archaeological interest, a detailed written description of the historic fabric, history, and comparative analysis, and an assessment of significance of the building and its components. The survey should inform the requirement for a strip-out and/or an intra-demolition watching brief so that any previously concealed historic fabric and evidence for phasing can be recorded. Interior survey, strip-out and demolition works may enable the identification of timbers that could be suitable for dendrochronological dating that can inform on the earliest construction date of buildings at this site.

GMAAS recommend that the archaeological works are secured by a condition, worded as follows:

No demolition or development works shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI), submitted to and approved in writing by the local planning authority.

The WSI shall cover the following:

1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
  - i – historic building survey to Historic England Level 2 to 3
  - ii – informed by the above, an archaeological watching brief during any soft-strip or demolition works which have potential to reveal concealed historic fabric (including identification of timbers suitable for dendrochronological dating) that can further enhance the record.
2. A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds
  - production of a final report on the significance of the heritage interest represented.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 - "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible". The work should be undertaken by a

suitably experienced and qualified archaeological contractor, funded by the applicant, and in accordance with guidance provided by GMAAS who would also monitor the implementation of the works on behalf of Stockport MBC.

Conservation Officer – The application seeks permission for the demolition of the existing buildings and redevelopment of the site for a drive-thru Greggs Bakery. The existing site is a prominent corner plot location occupied by a presently vacant public house (which has been closed since 2020). The Farmers Arms is a large brick building with car parking to the rear. The site is entered on the Greater Manchester HER and is recognised as a non-designated heritage asset for the purpose of the NPPF. As such CS policies CS8, SIE1, SIE3 and chapter 16 of the NPPF are particularly relevant to the application.

The application is supported by a Heritage Statement (HS), in accordance with the requirements of para 194 of the NPPF. The HS provides a good historic overview of the Farmer's Arms and other heritage assets within the surrounding area. The archaeological potential and built-heritage significance of the application site is informed by documentary research, historic map regression and indicative photographic record compiled during a site visit. The building is depicted on historic mapping dating from at least the 1830s (and so has an unknown construction date pre-dating this) and there remains strong correlation between the existing plan form of the building and that shown on earlier mapping. Whilst the building has clearly undergone significant alteration both internally and externally and does not present an external appearance of particularly special architectural significance, it is of local social and historic interest with its siting, construction and early use likely related to the former Toll Bar, which served the Stockport Road turnpike, situated close to the application site on the opposite corner of Edgeley Road. Further, the building holds a landmark position within the streetscape and has the potential to retain historic fabric that is presently unknown and unrecorded. As such, the proposal, which would amount to complete loss of the building and the significance it holds, would be regrettable, resulting in harm to the heritage asset and the character and appearance of the townscape, given the prominent landmark location it has occupied since at least the early part of the 19th century and which is a surviving remnant of a building type associated with the historic importance of Stockport Road as a former turnpike route.

Policy SIE3 states 'loss or harm to the significance of a heritage asset, through alteration, destruction or development within its setting, will require clear and convincing justification'.

Paragraph 197 of the NPPF requires local planning authorities to take account of:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Heritage Assessment provides justification for the loss of the existing building on the grounds that conversion of the site is not viable, on the basis of lack of market interest, anticipated high costs to bring the existing building back into a sustainable, viable end use, low attractiveness of the location of the premises and the post Covid environment where food and drink operators are particularly vulnerable (paras 1.1.4 and 1.1.5). Whilst these statements may not appear to be unreasonable assumptions, no viability assessment or formal viability evidence has been submitted for analysis / assessment.

Further justification relates their intimation that 'Stockport Council has made clear its plans to upgrade the junction between Stockport Road and Edgeley Road at the application site's north western corner. These enhancements would require the partial or most likely full demolition of the former Farmers Arms, regardless of this application coming forward or not' (para 1.1.7). I am not aware of any background to the application relating to the Council intention to seek permission for demolition of the building so am unable to comment further on this.

The benefits that are presented in the revised information appear to largely relate to the Highways improvement scheme and the verbal support that the developer has had from the Council's Highway Department and Greene King's Highway Consultant in that the removal of the public house would assist in delivering an aspiration of the Council's Highway Department to improve Stockport Road and the junction with Edgeley Road (para 1.1.6). Again I am unable to comment on this. It doesn't appear that any heritage benefits would arise from the scheme and the public benefits they refer to – in assisting the delivery of Council Highways Team aspirations, are outside of my knowledge and so I can't comment. As such I suggest that the benefits arising from the scheme will be for the recommending Planning Officer and decision maker to weigh in the overall planning balance (whilst also having regard to the policies listed below).

The existing building is not of particular architectural interest and, given the alteration that has been undertaken to the building over the years it would not meet criteria as a designated heritage asset. Nevertheless it is recognised as a non-designated asset, it holds local historic significance being associated with the historic development and use of Stockport Road as an important / strategic route and is located in a very prominent position acting as a landmark building and does contribute to local character and distinctiveness. The site also has the potential to hold archaeological significance. Again it will be down to balancing public benefits against the complete loss of the non-designated heritage asset (whilst having regard for policies listed below). If the Council are minded to grant permission for demolition of the building and redevelopment of the site I would support the GMAAS request for conditions to include recording of the site to Historic England level 3 survey.

Highway Engineer – The proposed development involves redevelopment of a former public house serving food to a restaurant including a car park and drive through. In considering the potential impact of the development it is necessary that a comparison between the existing or previous use, and the proposed use, be made.

As a public house with eating facilities morning peak traffic would be expected to be minimal so the proposed development would in that instance bring all new traffic in the AM peak. It should be noted that whilst not historically open in such a manner, a re-opened pub could provide a breakfast service with consequent traffic to the site, for the purposes of this application it has been assumed that all traffic to the site in the AM peak is new to the site, as worst case in respect of anticipated impact. During the evening peak, a public house use would be expected to generate traffic. The



difference in traffic between pub use and proposed use at the evening peak would be anticipated to be in the region of 16 trips, an increase which is not judged significant. In assessing the potential impact of the scheme, the morning peak period is of most significance.

I considered that the original application did not contain sufficient information to enable a full assessment to be made of the likely impact. My concerns were that the traffic generation data provided was not properly representative of the proposed development. The TRICS database, which is a standard tool employed in assessing development, was initially used to provide the likely traffic generated by the development. My judgement was that the existing developments, (from Burger King, KFC and McDonalds), used to provide the data were not adequately representative of the proposed use. These operate differently from Greggs. The proposed use is relatively new, and no historical data was therefore available within TRICS.

In order to provide more relevant data, surveys were undertaken of Greggs facilities already opened. Traffic counts from 9 sites were considered and averaged. On closer investigation only one of the sites closely resembles the proposed site in respect of location and surroundings and a separate study of this site was carried out. The traffic generated from this site was higher than the average, so it was considered that use of that data would enable a suitably robust assessment. The trip rate derived from the survey is higher than that suggested by TRICS for a typical drive through, which again provides some comfort that the assessment is robust.

The majority of visitors to the development will already be on the highway network with the visit to the site being a part of a wider journey; for example to work. The trip rates from the survey suggest the additional traffic will not be of a volume such as to result in a severe impact on the overall operation of the local highway network.

The traffic entering and leaving the site as a result of the proposed development will be circa 123 vehicles in the morning peak period (2 vehicles per minute). The majority of this will already be on local roads diverting to and from Stockport Road and Edgeley Road.

In relation to the junction of Stockport Road and Edgeley Road, the development will result in 60 vehicles passing through the signalised junction to or from Edgeley Rd in the morning peak hour, 46 diverted trips from drivers already on Stockport Rd. (23 drivers already using Stockport Rd will divert from Stockport Rd to the site and 23 will leave the site and return to Stockport Rd), and 14 new trips through the junction (7 to and 7 from the site). With new and diverted trips totalling 60 in both directions combined that averages an additional 1 vehicle per minute. This would not be expected to result in any noticeable impact on the operation of the junction. The development would add approximately one vehicle per signal cycle to the Edgeley Rd arm and at worst the same to the Stockport Rd arms right turns (assuming a 2-minute signal cycle), that is one vehicle heading towards the site and one away. In relation to Edgeley Road the development will result in 63 trips. Of these only 16 are forecast to be new trips (1 every 4 minutes).

Current two-way traffic flow along Edgeley Rd is in excess of 1300 vehicles in the morning peak hour. (October 2018 survey totalled 1368 vehicles). Additional traffic resulting from the development would therefore not be significant in terms of overall traffic. The signalised junction at Stockport Rd/Edgeley Rd includes controlled pedestrian crossing facilities enabling pedestrians to safely access the southern side of Edgeley Rd, the side where Cheadle Heath Primary School is located. There are

also controlled pedestrian crossing facilities on Edgeley Rd near the school entrance.

Evidence has been provided that there is adequate capacity for customer vehicles queuing in the drive-through element within the site to avoid any disruption to the operation of the highway. That there have been no recorded personal injury accidents on Edgeley Rd in the area of the site in the last 5 years would indicate that the area is relatively "safe" for users. The level of additional traffic generated from the proposed development is not of a level which is expected to result in any significant change to the nature of the local highway, nor therefore result in any detrimental impact on highway safety.

Given the information submitted I am satisfied that the proposed development will not result in any severe impact on the operation or safety of the highway such as to warrant a recommendation for refusal on highway grounds. The scheme includes cycle parking and electric vehicle charging facilities to support sustainable transport aspirations and provides sufficient levels of vehicle and cycle parking to meet Stockport's adopted standards. I recommend conditions to secure adequate vehicle and cycle parking and EV charging.

A management plan outlining the demolition and construction process should be submitted to minimise disruption to neighbours and to ensure the safe operation of the highway during demolition and construction.

Given the unique nature of Greggs business model and operations I recommend that a condition be attached to any approval restricting the restaurants operation solely to Greggs, any future change to require consideration of traffic generation for the new use.

The development requires some off-site highway works which I am satisfied may be undertaken under S184 of the Highways Act. Separate approvals outside any granted through the planning process will be required for highway works. To enable future improvements to the Stockport Rd /Edgeley Rd junction, the developer is to undertake works to widen the footway adjacent to the site, at the junction, and subsequently dedicate this as adopted highway.

A pre-start survey of the footways and carriageway fronting the site will be required, with a post completion survey establishing if any damage has resulted from the development. In which case developer would be responsible for necessary repairs.

An operational method statement outlining delivery times and frequency and staff numbers should also be submitted to provide some comfort in control of delivery times particularly to minimise impact on neighbours and highway users. With respect to deliveries, it is worth noting that there would have been regular deliveries of food and beverage to any pub occupying the site.

Recommendation: no objection subject to conditions and informatives.

Tree Officer- The proposed development is not within a Conservation Area or affected by this development. There are no legally protected trees within this site or affected by this development.

The proposed development is unlikely to have a negative impact of trees. The proposed works are outside of the root zones of several trees and significantly distant from the retained trees to the rear. As long as no encroachment occurs to the

trees no further details will be required to be submitted. The risk of chemical spillage from works or future use will need to be considered and where appropriate be limited to the extremities of the root system.

The existing trees will also need to be protected at all-times throughout the development and protective fencing should be erected prior to any works commencing on site.

Consideration will need to be given to the impact of construction works, construction vehicles and deliveries in relation to the trees located in the neighbouring site so not to cause damage or compaction to the trees.

There is also an opportunity to enhance the sites biodiversity with some additional front and rear tree planting which has not been identified on the proposed landscaping plan; this can be conditioned.

The following conditions are required if the scheme is approved;

No existing tree within the site shall be cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the prior written approval of the local planning authority, with the exception of those indicated otherwise on the approved plan. Any hedgerows, woody plants or shrubbery removed without such consent or dying or being severely damaged or being seriously diseased, within 5 years of the development commencing, shall be replaced within the next planting season with trees of such size and species as may be approved in writing by the local planning authority.

No development shall take place until all existing trees on the site except those shown to be removed on the approved plans, have been fenced off in accordance with BS 5837:2012 "Trees in relation to construction - Recommendations". The fencing shall be retained during the period of construction and no work, excavation, tipping or stacking of materials shall take place within any such fence during the construction period.

No development shall take place until details of all proposed tree planting, including the intended dates of planting, have been submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the approved details prior to the development being brought into use.

Ecology - The site has no nature conservation designations, legal or otherwise as listed in Stockport Council's Local Plan (e.g. Site of Biological Importance, Local Nature Reserve or Green Chain).

It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

An ecology survey has been carried out and submitted with the application. This involved an extended Phase 1 habitat survey to map the habitats present on site and assess their potential to support protected species. The survey was carried out in February 2022 by a suitably experienced ecologist (RSK Biocensus, March 2022). It is acknowledged that February is a suboptimal time of year to undertake botanical surveys, but given the site conditions this is not considered to be a significant

limitation to the assessment. The site comprises hard standing and building with scattered trees along the northeast site boundary.

Many trees and buildings have the potential to support roosting bats. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Bats are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
  - a) the ability of a significant group to survive, breed, rear or nurture young.
  - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019).

No suitable bat roosting features were identified within the trees. The building was subject to an external and internal inspection to search for signs indicative of bat presence and assess the potential for a roost to be present. No signs of roosting bats was recorded but potential roosting features were observed due to slipped tiles, missing mortar at gable end verges and gaps behind barge boards. It was not possible to access two of the loft voids due to the dilapidated condition of the building however the report states that the voids appeared damp and that this access limitation has been taken into account within the assessment. Overall, the building was assessed as offering low potential to support a bat roost (mostly suitable for crevice dwelling species). In accordance with best practice survey guidelines, further survey work in the form of a bat activity survey was carried out. A dusk emergence survey was undertaken in May 2022. No bats were observed to be roosting within the building. Low levels of common pipistrelle and noctule bat activity were recorded (bat echolocation calls were distant indicating the bats were not flying around the immediate site).

Buildings and trees offer suitable nesting habitat for breeding birds. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended).

No evidence of or significant potential for any other protected species was identified during the ecology surveys.

No non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were observed on site during the ecology surveys.

There is considered to be sufficient ecological information available to inform determination of the application. The works are considered to be of low risk to roosting bats as no bat roosts were recorded on site. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that roosting bats can regularly switch roost sites and can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of bats (or any other protected species) is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice

In relation to nesting birds, building demolition and/or any vegetation clearance works should be timed to avoid the nesting season where possible and the following condition should be used: No demolition/ tree /vegetation clearance works should take place between 1st March and 31st August inclusive, unless a competent ecologist (or otherwise suitably qualified person) has undertaken a careful, detailed check of buildings/vegetation for active birds' nests immediately before (no more than 48 hours before) such works commence and confirmed that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site (e.g. implementation of appropriate buffer zones to prevent disturbance).

Ecological conditions can change over time. In the event that works have not commenced within two years of the 2022 survey (i.e. by May 2024) it is advised that update survey work is undertaken by a suitably experienced ecologist to ensure that the ecological impact assessment and protection measures are based on sufficiently up to date survey data and so that any required amendments to proposed mitigation can be identified and incorporated into the scheme. This can be secured by condition.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) and in section 5.3.4 of the RSK Biocensus March 2022 ecology report).

The plans indicate that the trees along the northeast boundary will be retained. All retained trees should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer. Should any tree loss be unavoidable, mitigation for any proposed tree loss will be required via new tree planting on site.

Landscape planting should be maximised and comprise a range of wildlife-friendly species (locally native where possible). The submitted proposed landscaping plan shows provision of *Cotoneaster horizontalis* within the planting schedule. This species is listed as an invasive species under the Wildlife and Countryside Act and so should be replaced with a more suitable alternative. It is also recommended that the proportion of native species is increased within the planting schedule to maximise benefits for biodiversity (e.g. mixed native species hedgerow at site boundaries rather than ornamental shrubs).

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Suitable enhancement measures would be particularly welcomed given the designation of the site as an opportunity area within the LNRS for Greater Manchester. In addition to a sensitive landscaping scheme as per recommendations in section 5.4 of the March 2022 ecology report (see also comments above), bat and bird boxes should be provided on site. Details of the proposed number, type and location of boxes to be provided should be submitted to the LPA for review. It is advised that a minimum of two bat boxes and two bird boxes would be appropriate and this can be secured by condition. Boxes can be mounted on to retained mature trees or integrated within/mounted on the proposed building (in an unlit location). Boxes should be made from woodstone/woodcrete to maximise their longevity.

EHO Air – The application site is in an air quality management area. Notwithstanding that, as the development is unlikely to result in an increase of more than 100 vehicles per day, an air quality assessment is not required.

EHO Noise – The assessment submitted with the application determines that the predicted rating level during the daytime and night-time periods would fall below the background sound level. As such, no mitigation measures are required. Considering this, it is concluded that there should be no adverse impact due to the operations of the proposed unit upon existing receptors, day, or night.

EHO Odour – No objections.

EHO Lighting – No objections.

EHO Contamination - I have reviewed the Remada Phase 2 site investigation report dated March 2022. The report recommends a cover system for any soft landscaped areas. No gas remediation is required. I would recommend the imposition of a condition to secure the submission and approval of a validation report (CTM3 (Validation) Condition).

LLFA - We have reviewed the drainage statement and drainage strategy drawing. The drainage strategy discusses discharge by infiltration which is supported with site based testing results. The proposal are acceptable subject to a condition requiring the development to be carried out in accordance with the reviewed documents.

United Utilities - Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 8210598-SK01, Rev P1 - Dated 01.04.22 which was prepared by Glanville. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

## **ANALYSIS**

By way of introduction, the application site occupies a visually prominent position at the junction of Stockport Road and Edgeley Road. The applicant's proposals for this site have been the subject of lengthy discussion with Officers over a significant period of time seeking to clarify elements of the proposal and address consultation responses.

The application raises a number of key issues for consideration and those most pertinent are as follows:

- Loss of existing use
- Principles of development in terms of land use
- Loss of the heritage asset
- Visual impact and residential amenity

- Highway Impacts
- Pollution (noise, air and ground)
- Ecology, trees and landscaping
- Flood risk and drainage

The NPPF reminds us that purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs (para 7). 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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (para 9).

At the heart of the NPPF is a presumption in favour of sustainable development (para10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date, granting planning permission unless:
  - the application of policies in the Framework that protect areas or assets of importance provides a clear reason for refusing planning permission or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, the policies which are the most important for the determination of this application are not out of date. As such para 11 of the NPPF directs that the

development should be approved if it is in accordance with the development plan. This assessment is set out below.

### Loss of Existing Use

Paragraph 92 of the NPPF supports the retention of community facilities, which should be retained for community use. It states:

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.”

In response to the NPPF the application advises that following a sustained period of poor trading the property was placed on the market in July 2019. During the marketing period no offers were received by any party wishing to continue the use as a pub. The pub then ceased operation and closed in May 2020.

It is understood that within a relatively close distance of the site there are several other pubs serving food:-

- The Printers Arms, Stockport Road, Cheadle, SK8 5BT – 0.4 miles
- The Red Lion, Stockport Road, Cheadle, SK8 2AJ – 0.7 miles
- The Royal Oak, Stockport Road, Cheadle, SK8 2AA – 0.9 miles
- The James Watts, Stockport Road, Cheadle, SK8 1AX – 1 mile
- Ashlea, Manchester Road, Cheadle, SK8 2NP – 1 mile
- The Alexandra, Northgate Road, Edgeley, SK3 – 1 mile

It is considered that reasonable attempts to find another operator for this public house have been made and failed. It is also considered that notwithstanding the loss of this pub through the redevelopment of the site, the presence of other pubs within close proximity to the site would enable the community to meet their day to day needs. For this reason the proposal is considered to accord with para 92 of the NPPF.

### Proposed Land Use

The application site is identified on the UDP Proposals Map as being within a large scale existing retail site. Saved UDP Review policy PSD1.2 notes that this site along with others contain a considerable quantity of existing mainly large scale retail uses (although it is noted that the existing use of this site comprising a pub does not constitute a retail use as such, being Sui Generis rather than Class E (a) retail). Here the scope for further retail development is limited and will generally be restricted to the subdivision of units and on the range of goods that can be sold so as to protect the vitality and viability of defined shopping centres.

The Core Strategy at policy CS6 confirms that the main focus for additional main town centre uses is within the identified centres of the hierarchy which includes ‘Stockport Town Centre’ at the top, followed by District Centres and then Local Centres. Cheadle Heath is listed as an ‘Other Local Centre’.

Policy AS-3 confirms that impact assessments are required for planning applications for A1 use exceeding 200 sqm net floorspace at out-of-centre locations in relation to the District and Local Centres. Outside the service centres, proposals for hot food takeaways and fast food restaurants (former A5



use) will be required to be located over 300 metres away from schools and parks. Exceptions will be permitted where the A5 use would be more than an easy walking distance away from the school(s) or park(s) due to physical barriers such as a major road, railway line or river where such separation from the A5 use would not be overcome via a pedestrian route.

The NPPF at para 87 sets out the parameters for a sequential test for applications that are main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Furthermore, it states that main town centre uses should be located in town centres then edge-of-centre and then out-of-centre. Para 88 notes that applicants and LPAs should 'demonstrate flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored'. Para 90 sets out that an impact assessment is only required when assessing applications for retail and leisure development outside town centres which are not in accordance with an up-to-date plan and where the development is over a proportionate, locally set floorspace threshold. If this is not set then the default threshold is 2500 sqm of gross floorspace. It is noted that the glossary to the NPPF confirms a town centre to include 'the primary shopping area and areas predominantly occupied by town centre uses within or adjacent to the primary shopping area...' and main town centre uses to comprise 'retail development...; leisure, entertainment and more intensive sport and recreation uses...'

The application proposes the erection of a building serving hot and cold food along with drinks for consumption on the premises. In addition to this a drive through lane is proposed such that hot and cold food along with drinks can be consumed off the premises. There has been much discussion between the applicant and Local Planning Authority as to which Use Class that proposed falls into noting that the application has been submitted on the basis of the development falling within Use Class E (that being the sale of food and drink for consumption (mainly) on the premises (Class E (b))). For clarity, hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) do not fall within a Use Class and therefore are Sui Generis (in a class of its own).

In support of the proposals the applicant advises accordingly:

- *The proposed building includes a substantial internal customer area supplemented by external seating space for up to 52 customers at any one time, 32 of which spaces will be undercover. The Use Classes Order defines E(b) uses as being for 'the sale of food and drink for consumption (mostly) on the premises'. The consideration of the development by this operator within this Use Class is wholly consistent with other LPA's across the country notably South Lakeland District Council, City of Bradford MDC, St Helen's Council and Sheffield City Council.*
- *Greggs has confirmed that all of its applications in recent years have been under a Class E heading, no sites have been applied for or approved as Sui Generis Hot Food Takeaways. Further, Greggs has not been subject of any enforcement action where any party has sought to allege that an existing Greggs operation should appropriately be trading as a Sui Generis use.*
- *Greggs' roots are as a bakery which has subsequently evolved to meet the changing needs of customers. A bakery was always a retail Class A1 use under the old Use Class Order. As Greggs evolved and increasingly*

*had seating areas permissions for Greggs to occupy premises were often sought under use Class A1/A3 (retail/café) under the old Use Class system. However, recently the A use classes have been amalgamated into Class E with the exclusion of hot food take aways which are now Sui Generis uses.*

- *The relevant phraseology for takeaways is 'hot food take aways' specifically referring to 'hot food'. Sandwich shops and the like, including bakeries, continue to be considered Class E. Sandwich bars and off-sales of other cold food was included in the former Class A1 shops class, with superseded Circular 13/87 stating that a sandwich bar did not cease to be in the shops class merely because it sold hot drinks, or if a few customers ate on the premises. 'Hot food take aways' involve the cooking of food and sales of hot food and generally operate longer/late hours and come with a whole host of other issues including issues odours, noise, litter, behaviour etc. The Government's definition of Sui Generis (hot food takeaways) is 'hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises'.*
- *Historically, applications for Greggs, including for drive thru operations, it has always been for class A1/A3 and now Class E and Councils have been satisfied with this despite it being obvious that there is some 'takeaway' element associated with the drive thru. Greggs are not 'cooking' food on the premise beyond what would normally be expected from a bakery, so its operation is akin to a bakery/sandwich shop or maybe a coffee shop, specifically not a hot food takeaway. Therefore, we think the idea of Greggs being a 'hot food takeaway use' is misconceived and, for the reasons explained above that Greggs use falls wholly within Class E.*
- *Over recent years, the range of goods offered from many Greggs stores has broadened to include a very limited range non-baked hot food items, such as pizzas and potato wedges. This being said, much like traditional Greggs baked products, these are not cooked and assembled on site – as would be the case with a pizza, kebab or burger ordered from a traditional takeaway – these are delivered to the site prepared and are simply warmed and kept warm at the Greggs unit prior to sale. This is a very different process compared to deep fat frying etc.*
- *The proposed development will follow the same menu as that currently offered from the Greggs unit on Cheadle High Street. If one ignores the 'deals' and 'meal deals', 84 separate product lines are offered from the Cheadle store and of these 84 items, even if pizzas and wedges are classed as 'hot food', these make up just 3.6% of the individual product lines available from the menu. Evidently, Greggs are not 'hot food takeaways' given that 96.4% of menu items are not hot food. Warm sandwiches and baked products are not hot food, in the same way that paninis or toasted sandwiches are not when sold at Coffee Shops, to give just one example.*

Members are advised that it is for the decision maker to come to a planning judgement on the facts presented by this application as to whether the proposal is indeed for Class E development or is Sui Generis. In coming to this judgement it should be noted that hot and cold food will be offered to customers for consumption on the premises and that to facilitate this there is seating for circa 40 customers internally and 52 customers externally (92 covers in total). There

will be no cooking of food on the premises beyond that traditionally expected by a bakery and cold food as well as hot will be available for consumption off the premises. The drive through lane however clearly offers the potential for food and drink to be bought and consumed off the premises.

Having taken legal advice on this it is the opinion of Officers that the proposed use falls within Use Class E(b) that being for the sale of food and drink for consumption mainly on the premises. The factors considered which lead to this conclusion are as follows:

- The proposed business retains many elements of a bakery offering cold as well as hot food. Prior to the introduction of the current Use Classes Order such a use was historically an A1 retail use, latterly falling within mixed retail/café (A1/A3) when seating was offered for customers to consume food and drink on the premises. A1 and A3 uses now fall within Use Class E.
- There is no cooking of food as one would find in a takeaway nor any beyond that traditionally carried out by a bakery. This is evidenced by the lack of need for extraction equipment to disperse cooking fumes and odours.
- The application proposes a significant level of seating for consumption of food on the premises.
- Whilst a drive through lane is proposed which will clearly facilitate the consumption of hot and cold food off the premises, given all the above considerations, there is little evidence to substantiate the view that the predominant use will be for the sale of hot food off the premises and would therefore fall within the definition of a Sui Generis takeaway.

On this basis, comprising a main town centre use (as defined in the NPPF) and being in an edge of centre location (outside of any defined shopping area), as required by para 87 of the NPPF the applicant is required to demonstrate that there are no sequentially preferable sites within Cheadle Heath and the nearby district centres of Cheadle and Edgeley. This exercise will also demonstrate compliance with saved policy PSD1.2 has been undertaken and it has been found that no such sites are suitable and available to meet the tightly-defined requirements for this use relating to on-site circulation and car parking. Having reviewed the application in this respect it is important to note that unlike a conventional restaurant, which could relatively be easily accommodated on many identified sites, that with a drive-through, which by definition, requires vehicular access and circulation through or around the building is more difficult to accommodate and requires a larger site. The applicant has reviewed all properties and sites being offered for sale at the time of the submission on the applicant and within the centres of Cheadle Heath, Cheadle and Edgeley found that none with the required site area were available. On this basis Members are advised that the proposal in terms of land use meets the requirements of para 87 of the NPPF and does not conflict with policies PSD1.2 or CS6.

Given that there will be less than 200m<sup>2</sup> of floorspace, there is no requirement for an impact assessment and the proposal accords with para 90 of the NPPF as well as Core Strategy policy CS5. It is noted that policy AS-3 confirms that former A5 uses (hot food takeaways – now Sui Generis) should be located over 300m from schools and parks. Whilst the application site is within 300m of Cheadle Heath primary school and Walnut Tree playing fields, the application does not propose a Sui Generis hot food takeaway and as such this requirement is not engaged.

Noting that Use Class E encompasses a wide variety of uses (such as retail, financial and professional services, indoor sport and recreation, medical and health services, day nursery or day centre or offices, light industry, research and development), many of which would have different land use implications to that proposed by this application, it is considered necessary to impose a condition restricting the use of the site that for the sale of food and drink for consumption (mostly) on the premises (Class E (b)) and for no other purpose within Class E.

Objections regarding the cheap and unhealthy nature of food offered by the applicant are noted however a similar range of goods (and other perhaps more unhealthy) are already available in the locality noting the large supermarket within close proximity. In any event, planning policies relating to the location of Class E development do not seek to regulate the price and nature of goods sold in such establishments.

The policies with which this proposal accords do not require consideration of whether development will result in an excessive concentration of typologies within specific Use Classes. As such this consideration is not material to the determination of this application.

For the above reasons the proposed use is compliant with saved UDP Review policy PSD1.2, Core Strategy policies CS5 and CS6 together with para's 87 and 90 of the NPPF.

#### Loss of the Heritage Asset

Within the Core Strategy, policy CS8 sets out the Council's recognition of the unique place the historic environment holds in Stockport's cultural heritage and the multiple ways in which it supports and contributes to the economy, society and daily life. It also recognises the historic environment as a non-renewable resource. In determining planning applications policy SIE1 confirms that specific account should be had of a number of issues, the potential to incorporate the qualities and local distinctiveness of the historic environment. Policy SIE3 requires applications that result in the loss or harm to the significance of a heritage asset to present clear and convincing justification.

Para 130 of the NPPF confirms that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Para 197 requires Local Planning Authorities to take account of:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para 203 of the NPPF).

The application site benefits from an entry on the Historic Environment Record (HER) with the building being depicted on historic mapping dating from at least the 1830's. The building has however been the subject of significant alteration both internally and externally and is not considered to be of particularly special architectural significance. It is however of some local social and historic interest given its likely association with the former Toll Bar, which served the Stockport Road turnpike, situated close to the application site on the opposite corner of Edgeley Road.

In line with the requirements of the above mentioned policies, the application is supported by a Heritage Statement which considers the significance of the asset and the impact of the development upon it. This Statement notes that the building has been the subject of significant alteration both internally and externally and is not considered to be of particularly special architectural significance. It is however considered to be of some local social and historic interest given its likely association with the former Toll Bar, which served the Stockport Road turnpike, situated close to the application site on the opposite corner of Edgeley Road.

Both GMAAS and the Council's Conservation Officer have considered that Statement and agreeing with the above assessment advise that for the purposes of considering this application the building should be treated as a non designated heritage asset. Whilst GMAAS are fully accepting of the case for demolition as presented by the applicant, the Council's Conservation Officer finds the loss proposed as regrettable. Both however conclude that should planning permission be approved, that a condition be imposed to secure the proper recording of the building and site for future reference.

Members are advised that being a non designated heritage asset, the building is placed at the low end of the historic hierarchy and as such is afforded less protection than designated assets such as listed buildings (locally or nationally) and conservation areas. That is not to say that there should be no protection however in accordance with para 203 of the NPPF when considering development proposals, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset (para 203). In this respect it is noted that the building has been the subject of somewhat unsympathetic flat roofed extensions and any soft landscaping within the site which may have historically existed has been replaced in its entirety such that the entire curtilage not occupied by the building is hardsurfaced and used for car parking. The conclusions of GMAAS and the Council's Conservation Officer that the building is limited in terms of its architectural significance is therefore accepted.

Whilst there is some local historical interest, it is not considered that this would be undermined by demolition in that the condition as recommended by GMAAS and the Council's Conservation Officer would secure the recording of the building and the deposition of this with the Greater Manchester Historic Environment Record. As such the limited interest that the building does present would be recorded for future benefit.

The report above sets out how the development accords with the Development Plan and NPPF in terms of the loss of the existing use and acceptability of the proposed use, concluding that the proposals are compliant in this respect. Subject to a satisfactory assessment in relation to the impact of the development upon the character of the locality, residential amenity, highway safety and all other material considerations, Members are advised that the harm arising from the loss of this undesignated heritage asset would not be sufficient to justify the refusal of planning

permission. On this basis and subject to the imposition of the condition as requested by GMAAS and the Council's Conservation Officer, the proposal would accord with Core Strategy policies CS8, SIE1 and SIE3 together with the NPPF.

#### Impact on the Character of the Locality and Residential Amenity

Core Strategy policy CS8 which welcomes development that is designed and landscaped to a high standard and which makes a positive contribution to a sustainable, attractive, safe and accessible built and natural environment. Policy SIE-1 of the Core Strategy also confirms that development which is designed to the highest contemporary standard, paying high regard to the built/and or natural environment within which it is sited, will be given positive consideration. Specific regard should be paid to the use of materials appropriate to the location and the site's context in relation to surrounding buildings (particularly with regard to height, density and massing of buildings). Satisfactory levels of privacy and amenity for future, existing and neighbouring users and residents should be provided, maintained or enhanced.

The NPPF confirms at para 119 that planning decisions should promote an effective use of land in meeting the need for development while safeguarding the environment and ensuring safe and healthy living conditions. Planning decisions should support development that makes efficient use of land taking into account several factors including the desirability of maintaining an area's prevailing character and setting and the importance of securing well designed and attractive places (para 124).

Chapter 12 of the NPPF confirms that the Government attaches great importance to the design of the built environment. 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 126).

Planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible (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 132).

The application site occupies a prominent position at the junction of Stockport Road and Edgeley Road. The character of development in the locality is derived from the commercial uses within and adjacent to the designated Other Local Shopping Centre as well as the adjacent residential development on Edgeley Road. Here buildings are generally 2 storeys in height and dating from the early 20<sup>th</sup> century are of a traditional brick built form with pitched tiled roofs and bay windows. The application site however forms part of the designated large scale

existing retail site. This designation includes Go Outdoors, Morrison's and the B&M store. These developments are of a markedly different character being very large in their size and scale. Whilst Morrison's through its use of red brickwork and a tiled pitched roof is more reflective of the traditional development in the surrounding locality, both Go Outdoors and B7M comprise flat roofed 21<sup>st</sup> century retail warehousing and are mainly constructed from grey profiled metal sheeting albeit with brick plinths at ground level to tie in with adjacent development.

Within the designated shopping centre development is generally positioned on the back edge of the footpaths forming the public highway. The existing development on the application site follows this form with the building being positioned immediately adjacent to the boundaries of the site with Stockport Road and Edgeley Road. The residential properties adjoining the site on Edgeley Road are positioned behind small front gardens enclosed by low brick walls however development at Go Outdoors and B&M on Stockport Road is set back from the boundary with the highway which creates a more spacious and open environment.

Soft landscaping is mainly limited to trees planted within the highway on the back edge of pavements and on site boundaries such as that between the application site and Go Outdoors. To Edgeley Road there is soft landscaping in the small front gardens of the adjacent residential dwellings.

The application proposes the erection of a hipped roofed building rising to a height of 6.9m, of a modern design and constructed from rendered grey and blue masonry, facing brickwork, grey/black roof tiles and punctuated by shopfronts and windows framed in grey aluminium. The building would be positioned away from the boundaries with Stockport Road and Edgeley Road behind a low level knee rail fence and hedging; the drive through lane would follow a route between the building and these boundaries such the building is positioned away from the boundary of the site. A triangular grassed area is proposed at the junction of Edgeley Road and Stockport Road between the fence and hedge enclosing the site and the highway; this grassed area then extends in a narrow strip along part of the boundary with Stockport Road. The car park is positioned between the building and the south eastern boundary with residential dwellings on Edgeley Road. Around this car park, on either side of the access and along the boundaries with the dwellings on Edgeley Road and Go Outdoors, it is proposed to plant beds with trees and shrubs.

The proposed building is clearly of a commercial design commensurate with the commercial character of the area. The form and materials of construction have been amended during the course of the application to reflect the traditional forms of architecture in the adjacent shopping centre. Since the original submission of the application amended plans have also been secured that incorporate an additional opening to the elevation fronting Stockport Road. Noting that other than the pod where customers will collect their drive through orders, the application as originally submitted proposed an otherwise largely blank elevation to this frontage. The additional opening adds more visual interest to this elevation and interaction between the development and the public realm.

The siting of the building away from the boundaries with Stockport Road and Edgeley Road will open up this junction and together with the low level boundary wall and landscaping proposed, will comprise an acceptable form of development in terms of its layout. Since the original submission of the application revised plans have been secured to address the comments of the Tree Officer. These

include tree planting along the boundary of the site with Stockport Road and Edgeley Road as well as within the car park. As originally submitted, whilst the shrub planting and hedging around the site was welcomed, no trees were proposed. Tree planting whilst lacking within the application site at present, forms a strong feature in the streetscene to Edgeley Road and Stockport Road. As amended, the proposal will make a significant contribution to the streetscene through the planting of 12 trees to the boundaries of the site; 7 to Edgeley Road and 5 to Stockport Road. 4 additional new trees are also proposed within the site, This additional tree planting is welcomed not just in the benefits that the development will bring to biodiversity but also in terms of the resulting enhancement to the streetscenes and 'greening up' of the site where landscaping is currently very limited and almost non-existent.

The closest residential occupiers to the site are the houses on Edgeley Road; this terrace shares a boundary with the proposed car park. It is therefore important to consider the impact of the development upon the amenities of these residential occupiers in terms of noise, air, ground and light pollution.

The application proposes that the building and drive through will be operational and open to customers between the hours of 6am and 11pm seven days a week. Given the nature of the proposed use the applicant has confirmed that there is no need for extraction equipment other than a small vent to the toilets and 2 enclosed air conditioning units that will be positioned on the rear wall of the building facing Go Outdoors. Lighting within the site is proposed in the form of 7no. freestanding lighting columns 4m to 6m high, positioned along the drive through lane and around the car park. All lights are orientated to face down and into the site.

The application is accompanied by an extraction specification, odour impact assessment, ventilation report, noise impact assessment, ground report and lighting assessment. The submitted reports have been considered by the Council's Environmental Health Officers who all advise that they are accepting of the proposals.

The application site is located within a busy, well lit commercial location at the junction of 2 main roads between Stockport, Cheadle and the M60; the site is also under the flight path into and out of Manchester airport. As such it is acknowledged that background noise and light levels will be higher than in other parts of the Borough that are more residential in their nature. Commercial uses in the locality are able to trade from early in the morning to late at night. The existing pub on the site is not fettered by planning conditions restricting the hours of opening or servicing. Notwithstanding the lack of planning control over the hours at which the existing use of the site can operate, such is controlled by licencing and therefore the amenities of the neighbouring residential occupiers are protected in that respect.

In relation to noise, the predicted rating level during the daytime and night-time periods would fall below the existing background sound level. As such it is concluded that there should be no adverse noise impact due to the operations of the proposed unit upon existing receptors, day, or night. Notwithstanding this, given that the proposed use would not be controlled in the same way as that existing and noting the presence of residential occupiers immediately adjacent to the application site, it is considered necessary to impose a condition restricting the hours at which the proposed use would operate (as per the hours specified in the application) in order to protect the amenities of these neighbours. Without



such a condition the proposed use could operate 24 hours a day, 7 days a week and have an impact not assessed within the current scope of this application.

The application site is located within an air quality area where the Council seek to control air pollution. As the proposed development will not result in more than 100 additional traffic movements to the site a day, an air quality assessment is not required and the EHO raises no objection.

Given that no cooking is proposed, there is no need for extraction equipment to disperse odours and fumes. As such there will be no loss of amenity in this respect.

In relation to lighting, the application has been amended since submission to reduce the height of the lights on the frontages with Stockport Road and Edgeley Road to 4m so to reduce their prominence having regard to other existing street lighting. The applicant advises that the height of columns to the drive through lane cannot be reduced further for safety and operational reasons. The Council's EHO has confirmed that there will be no adverse impact to amenity in relation to pollution from that proposed. Objections to the lighting are noted and in this respect Members are advised that the fittings are shown as being angled into the site such that they would direct light towards neighbouring properties. Having regard to this and the comments of the EHO it is not considered that neighbouring occupiers will be disturbed by the lighting. A condition can however be imposed to ensure that the lighting is only switched on during the operational hours of the development. As well as being a sustainable approach, this will at least help in reducing levels of illumination at times when it is not required for the safe operation of the site and in general amenity terms as well.

The Ground Report submitted with the application advises that a desk based survey and intrusive ground investigation have been carried out. This reveals low levels of contamination on the site. Noting that much of the site will be covered either by buildings or hardstanding, the report advises that this will act as a break layer between the source and end user. In order to mitigate any risk in areas of soft landscaping, it is proposed to either remove the source of contamination or that a clean cover layer minimum 300mm is installed. In relation to ground gas the report advises that 4 rounds of monitoring reveal that no protection measures will be required in the proposed development. The Council's EHO has considered the Ground Report and agrees with its findings. A condition can be imposed to secure the required remediation to the areas of soft landscaping together with the submission and approval of a validation report.

The proposed site layout does not appear to show any external refuse bins for use by customers. To ensure that the proposed development incorporates measures to help reduce litter, details of bins can be secured by condition.

In response to objections regarding damage to existing boundary fencing outside of the ownership of the applicant, Members are advised that the application proposes no changes to the boundary treatments other than to Stockport Road and Edgeley Road. Damage to 3<sup>rd</sup> party property is, in any event, a private matter and not for consideration as part of a planning application.

For the above reasons the proposed development is considered to be in keeping with the character of the locality and will not give rise to an unacceptable impact on the amenity. The proposal therefore accords with Core Strategy policies CS8, SIE1 and SIE3 together with the abovementioned paragraphs of the NPPF.

## Highways

Policy CS9 of the Core Strategy DPD requires development to be sited in locations accessible by walking, cycling and public transport. This policy also confirms that the Council will support development that reduces the need to travel by car, a position which is followed through in policy T1. Parking (including accessible spaces and cycle parking) should be provided in accordance with the maximum standards (policy T2) and development which will have an adverse impact on highway safety and/or the capacity of the highway network will only be permitted if mitigation measures are proposed to address such impacts. Developments shall be of a safe and practical design (policy T3).

The NPPF at Chapter 9 confirms that safe and suitable access to the site should be achieved for all users. Opportunities for sustainable modes of transport should be identified and pursued. The layout of development in terms of transport should contribute to high quality places. Significant development should be focussed on locations which are or can be made sustainable to help reduce congestion and emissions and improve air quality and public health. Local parking standards should take account of accessibility, differing development types, public transport availability, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug in and other ultra low emission vehicles.

In considering development proposals appropriate opportunities to promote sustainable transport should be achieved and safe and suitable access for all. The design of the highway infrastructure should reflect national guidance and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Applications for development should give first priority to pedestrian and cycle movement and secondly facilitate access to high quality public transport. The needs of people with disabilities and reduced mobility in relation to all modes of transport should be addressed and places that are safe and attractive to use should be delivered. There should be an allowance for the efficient delivery of goods and access by emergency services and development should be designed to enable the charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.

All development that will generate a significant amount of movement should be accompanied by a travel plan and supported by a transport statement or assessment so that the likely impacts can be considered.

The Council offers guidance in the form of Supplementary Planning Documents (SPD) to inform development. In addition, whilst not with the status of an SPD guidance is also issued in relation to electric vehicle charging noting that both the Core Strategy and NPPF support measures to promote sustainable modes of travel, to reduce the impacts of climate change and improve air quality.

Submitted with the application is a Transport Statement and Highways Technical Note. These documents consider the proposed development in terms of the location of the application site in relation to the highway network, the accessibility

of the site by modes of transport other than the private car, the acceptability of the access, parking provision and servicing, trip generation and traffic impact.

During the consideration of the application, the Council's Highway Engineer has requested the submission of additional evidence to support the proposed development and has also secured the submission of amended plans. His detailed comments are noted above.

The application site is clearly within a sustainable location adjacent to a designated shopping centre close to other similar commercial uses as well as the resident population. The site is accessible by walking, cycling and public transport. From a highways perspective it is therefore appropriate that development such as that proposed be delivered in this location.

The development will benefit from an access that is appropriate in its width and layout for that proposed and one that will benefit from an acceptable and appropriate level of visibility. Requests from members of the public that a central island be incorporated into the access are noted. The proposed access will be circa 6.2m wide to facilitate 2 way access, an increase of 3m from the one way access as currently existing. Given the level of traffic movements likely to be generated by the proposed development, it is not considered that a centrally positioned refuge is necessary to ensure the safety of those crossing the access into the site. Pedestrians and other users of the pavements will be clearly visible to those either entering or exiting the site such that there should not be any conflict arising.

Parking within the site is provided in accordance with the Council's maximum parking standards and to a level that will cater for the demand generated by the use. This includes provision for the disabled in a location close to the entrance to the building, provision for the charging of electric vehicles and provision for cycle parking.

Traffic generation is assessed using data stored within the trip rate information computer system (TRICS). This is a nationally held and accepted database of trip rates for all manner of developments in the UK. That proposed in terms of traffic generation must be compared against that which does or could arise as a result of the lawful use of the site not just in terms of the level generated but also the timing thereof. Noting that the concept of a drive through bakery is relatively new and that there are no comparable trip rates within TRICS, the applicant has been asked to undertake surveys of existing Greggs facilities with a drive through in order that a thorough assessment can be undertaken. Surveys of 9 sites were carried out and the results submitted to the Council for consideration. One of these closely correlated to the application site in terms of its location and surroundings and as such further readings of traffic were taken at this site and submitted to the Council. The comments of the Highway Engineer noting that the traffic generated from this existing Greggs site is higher not only than the average taken from the other Greggs sites but also from other drive through sites in TRICS are important to note. In this respect it can be concluded that the consideration of traffic generation arising from the proposed development undertaken by the Highway Engineer is robust.

It is accepted that there will be new trips associated with the proposed use, however given the nature of the use proposed it is considered that most of those visiting the site would already be on the highway network and would visit the site as part of another journey. For the purpose of this application it has been assumed that there is nor would be any traffic to the site in the morning peak

associated with the lawful use of the site (8am to 9am). As such all traffic in the morning peak associated with the proposed use would be new traffic. This approach enables the consideration of a worst case scenario in respect of the anticipated impact. In the evening peak (5pm to 6pm) however a pub does generate traffic and this should be compared against that likely to arise in connection with the proposed use.

In the morning peak it is calculated that there will be around 123 movements in and out of the site in total; this equates to 2 movements per minute. Of this figure it is estimated that there will be 60 movements through the signalised junction of Stockport Road and Edgeley Road with 46 being associated with trips already on the highway network simply diverting to the site (on the way to work for example) with only 14 being new and specifically undertaken to access the proposed development. 1 additional movement through the signalised junction every minute is not expected to having any impact on the operation of this junction. The remaining 63 movements will pass along Edgeley Road and again, only 16 are forecast to be new and specifically undertaken to access the proposed development. Resulting in 1 new trip every 4 minutes, it is not considered that there will be any impact upon the operation of Edgeley Road noting that current flow here is surveyed as being in excess of 1300 vehicles in the peak morning hour.

In terms of pedestrian safety, even allowing for the very small increase in traffic, the presence of a controlled crossing with pedestrian refuge areas at the junction of Edgeley Road and Stockport Road together with a another controlled pedestrian crossing on Edgeley Rd near the school entrance will ensure that there is no harm arising.

In the evening peak noting that the lawful use of the site is as a pub serving food, there will already be traffic generated associated with that existing. That proposed will give rise to only 16 new trips. For the above reasons it is not considered that this will give rise to any concerns relating to traffic generation in terms of highway safety or the operation of the highway network.

The Highway Engineer has also considered the issue of queuing vehicles associated with the drive through and advises that evidence submitted with the application, through the surveying of similar sites, satisfies him that there is sufficient space within the site for such vehicles not to cause an obstruction.

It is noted that the Highway Engineer has requested the imposition of a condition restricting any planning permission granted to that of a Greggs restaurant with a drive through. The reason cited for this condition is that of the unique nature of Greggs business model and operations which have been considered in the highways determination of the application. Members are advised that national planning policy guidance confirms that it is rarely appropriate to impose a condition limiting a planning permission to a particular person. Furthermore, a condition limiting a planning permission to a company is inappropriate as its shares can be transferred to other persons without affecting the legal personality of the company. On this basis it is not reasonable to impose such a condition.

Notwithstanding this, given that the highway considerations of this application are based upon a very specific and relatively new use, it is considered appropriate that a condition be imposed restricting the use of the site that for the sale of food and drink for consumption (mostly) on the premises (Class E (b)) and for no other purpose within Class E. Without this condition the site (and built development

approved) could be used for any other purpose in Class E (such as retail, financial and professional services, indoor sport and recreation, medical and health services, day nursery or day centre or offices, light industry, research and development), many of which would have different highway implications to that proposed by this application.

On the basis of the above it is concluded that the level of additional traffic generated from the proposed development beyond that which could occur as a result of the existing lawful use will not result in any significant change to the nature of the local highway. As such objections relating to traffic generation causing harm to highway safety cannot be sustained.

The layout of the development has been revised during the consideration of the application to facilitate the aspirational improvements of the Council to the junction of Stockport Road and Edgeley Road. These improvements which are at an early stage of development will enhance the highway network for pedestrians and cyclists. The small triangular area of land at this junction within the application site but outside of the boundary to the proposed development is essential to the delivery of these improvements. The applicant will dedicate this portion of the site to the Highway Authority so that they can deliver the improvement scheme in the future. Prior to these works being implemented the area to be dedicated will simply be planted with soft landscaping.

The amendment of the application in this respect is welcomed and will enable the improvement works to be implemented if they are progressed by the Council. In the event that such works are not progressed then this portion of the site will simply be retained in its landscaped form. Currently this area is shown as being laid with turf. Noting that it is in an area that is subject to a high level of pedestrian movements which could erode the grass quickly, it is considered that a condition should be imposed to secure more robust landscaping.

On the basis of the above the proposals can be considered compliant with Core Strategy policies CS9, T1, T2 and T3 along with Chapter 9 of the NPPF.

### Ecology and Biodiversity

Saved UDP Review policy NE1.2 confirms that the habitats and biodiversity of sites of biological importance will be protected and enhanced where possible. Development should seek to ensure the continuing viability of the habitat or wildlife interest of the site through the nature, scale, layout and density of development, measures which remove or minimise damage to habitat and disturbance to wildlife and appropriate provision for the future maintenance of the site.

The Core Strategy at policies H1, CS8 and SIE1 requires development to be landscaped to a high standard, paying high regard to the natural environment, within which it is cited. Incorporating Green Infrastructure into development schemes also contributes to addressing key issues such as climate change. Policy SD6 also acknowledges the importance of landscaping particularly in the urban area and seeks to secure provision of appropriate green cover (shaded green space and tree cover), green roofs, walls and boundaries.

Policy SIE3 confirms that the Borough's landscapes and biodiversity combine to create a unique and distinctive local character of importance to residents and visitors alike. Planning applications should identify mitigation measures that keep disturbance to a minimum and provide alternative habitats to sustain at least the current level of population as well as setting out a long term management for the

site. Development proposals affecting trees which make a positive contribution to amenity should make provision for their retention unless there is justification for their removal to enable development to take place.

The NPPF at para 131 acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees in development, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity, by minimising impacts on and providing net gains for biodiversity (para 174). When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Submitted with the application are ecological surveys of the site which, as confirmed by the Council's Ecologist, demonstrate that there are no bat roosts on site. On this basis it is concluded that the site is of low biodiversity value. As requested, if permission is approved, an informative can be attached to the decision notice reminding the applicant of the need to report any protected species or their habitats if found during construction.

Conditions can also be imposed to ensure that demolition and site clearance is not carried out during bird nesting season unless an ecologist has confirmed that no birds will be harmed or that appropriate measures are implemented to protect them. Noting that ecological conditions can change over time, a condition can also be imposed to secure a repeat ecological survey of the site in the event that development has not commenced by May 2024. Further details of the lighting will be secured to ensure that such follows the principles outlined in Bat Conservation Trust guidance. Biodiversity enhancements in the form of bat and bird boxes (2 of each) can be secured by condition.

The landscaping of the site has already been considered above in relation to the impact of the development upon the character of the locality. It is noted that both the Council's Tree Officer and Ecologist recommend that the proposed landscaping of the site be enhanced to improve its contribution to biodiversity and this has been secured through the submission of amended plans showing additional trees within the site. Further details in terms of size, species and density of planting can be secured by condition (and which should include locally native species) as well as the removal of *Cotoneaster horizontalis* from the landscaping proposals as requested by the Council's Ecologist.

On the basis of the above the proposal can be considered compliant with Saved UDP Review policy NE1.2, policies SD6, H1, CS8, SIE1 and SIE3 of the Core Strategy and the NPPF.

#### Accessible Development

Accessibility for all is key to the attainment of sustainable development and is recognised as such within Core Strategy policies CS1, SD1, H1, CS8, SIE1, CS9, T1 and T2 which seek to influence the design and layout of new

development. This is reflected throughout the NPPF in seeking to create places that are inclusive and accessible.

The application proposes the location of the disabled parking spaces closest to the building with space to the side of each to access the forecourt around the building. The entry doors to the building give a minimum clear width opening of 1000mm to meet DDA requirements. Access into the building appears level at both entry points with clear access internally to the accessible toilet.

On this basis the proposal can be considered compliant with Core Strategy policies CS1, SD1, H1, CS8, SIE1, CS9, T1 and T2 together with advice contained within the NPPF.

### Flood Risk and Drainage

The application site is identified by the Environment Agency as being within flood zone 1. As such the site is at the lowest risk of flooding and a flood risk assessment is not required. Given the scale of the development proposed, the application must however be accompanied by a Drainage Strategy.

The Core Strategy at policy SD-6 requires all development to be designed to avoid, mitigate or reduce the impacts of climate change. All development will be expected to incorporate SUDS so as to manage surface water run off from the site and development on previously developed land must reduce the unattenuated rate of surface water run off by a minimum of 50%.

The NPPF confirms at chapter 14 major developments should incorporate sustainable drainage systems with maintenance arrangements in place for the lifetime of the development.

The application is accompanied by a Drainage Statement which advises that at present, the site is drained to the public sewer and that the rate of such is not restricted. Given the favourable ground conditions it is proposed that surface water would be drained via infiltration techniques consisting of a series of geo-cellular crates to facilitate the discharge of water via infiltration to the underlying soil strata. The incorporation of soft landscaping areas will also see a reduction in run off volumes and impermeable areas. The application proposes further investigation to facilitate this approach however should it prove not feasible then surface water would be discharged to the public sewer as it currently is but with the rate of discharge restricted to 50% of the brownfield run off rate with the required attenuation provided on site.

Having considered the strategy the LLFA advises that the proposals are acceptable subject to the imposition of a condition to secure the implementation of the strategy proposed. On this basis the proposals are considered compliant with Core Strategy policy SD6 and the NPPF.

### Sustainable Design

Core Strategy policy CS1 seeks to ensure that all development meets an appropriate recognised sustainable design and construction method where viable to do so in order to address both the causes and consequences of climate change. In particular all development will be required to demonstrate how it will contribute towards meeting the Borough's carbon footprint reduction by achieving carbon management standards. As confirmed by policy SD3, applications should include an energy statement showing how carbon reductions will be achieved.

Given the scale of the development proposed, the application is not expected that this stage to evidence how it will contribute to sustainable design. Compliance with this policy position can be secured by an appropriately worded condition.

### Summary and Conclusions

There is no objection to the loss of the existing public house noting that reasonable attempts to find another operator for this public house have been made and failed. The presence of other pubs within close proximity to the site would enable the community to meet their day to day needs. For this reason the proposal is considered to accord with para 92 of the NPPF.

The applicant has satisfactorily demonstrated that there are no sequentially preferable sites within Cheadle Heath and the nearby district centres of Cheadle and Edgeley that could accommodate the proposed development. The proposal in terms of the land use is therefore compliant with saved UDP Review policy PSD1.2 and Core Strategy policy CS6 together with para 87 of the NPPF.

Given that there will be less than 200m<sup>2</sup> of floorspace, there is no requirement for an impact assessment and the proposal accords with para 90 of the NPPF as well as Core Strategy policy CS5. Noting that the proposed use does not comprise a hot food takeaway (Sui Generis) the requirement of Core Strategy policy CS5 that it should be located over 300m from schools and parks is not relevant to the consideration of this application.

The existing building is a non designated heritage asset and is of low significance. A balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset versus the planning merits of the proposal has been undertaken. Noting the low significance of the building and the ability to record what does exist by way of the deposition of a written scheme of investigation and given the compliance of the proposals with the Development Plan in all other respects, it is considered that the harm arising from the loss of this undesignated heritage asset would not be sufficient to justify the refusal of planning permission. On this basis the proposal would accord with Core Strategy policies CS8, SIE1 and SIE3 together with the NPPF.

The proposed development is considered to be of a size, siting, layout and design commensurate with the mixed, commercial character of the locality. Landscaping including tree planting where currently there is none on the site, will enhance the setting of the development. Subject to the imposition of conditions to control the hours of operation, to secure the remediation to the areas of soft landscaping and the submission and approval of a validation report together with details of refuse storage, it is considered that the development is in keeping with the character of the locality and will not give rise to an unacceptable impact on amenity. The proposal therefore accords with Core Strategy policies CS8, SIE1 and SIE3 together with the abovementioned paragraphs of the NPPF.

The application site is in a sustainable location adjacent to a designated shopping centre close to other similar commercial uses as well as the resident population. The site is accessible by walking, cycling and public transport. From a highways perspective it is therefore appropriate that development such as that proposed be delivered in this location. The development will benefit from access that is safe and practical to use and will have parking in accordance with the Council's maximum standards sufficient to cater for demand. The level of traffic



generated by the proposed use beyond that which could arise should the lawful use of the site recommence will be low and not of a level that will cause disruption to the highway network or cause harm to highway safety. Subject to the imposition of conditions as requested by the Highway Engineer (with the exception of that restricting the planning permission to the applicant only), the proposal can be considered compliant with policies CS9, T1, T2 and T3 of the Core Strategy together with the NPPF.

The site has no nature conservation designations, legal or otherwise. Information submitted with the application demonstrates that there will be no harm to protected species or habitats. The landscaping of the site will enhance its biodiversity value noting that at present this is very low. Subject to the imposition of conditions the development can be considered compliant with Saved UDP Review policy NE1.2, policies SD6, H1, CS8, SIE1 and SIE3 of the Core Strategy and the NPPF.

The layout and entry into the development is acceptable in terms of facilitating access for all. On this basis the proposal is in compliance with Core Strategy policies CS1, SD1, H1, CS8, SIE1, CS9, T1 and T2 together with advice contained within the NPPF.

The drainage strategy submitted with the application proposes a sustainable approach to the disposal of surface water. Subject to the imposition of a condition requiring compliance with this strategy the proposals are compliant with policy SD6 and the NPPF.

Subject to the imposition of a condition to secure the submission, approval and implementation of an energy statement, the proposal is compliant with Core Strategy policies CS1 and SD3.

Members are reminded that the purpose of the planning system is to contribute to the achievement of sustainable development. Compliance with the Development Plan as set out within this report will ensure that the development achieves the objectives of sustainable development, those being economic, social and environmental.

At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving developments that accord with an up to date development plan.

As set out within this report it is considered that the proposed development accords with the Development Plan and thus, in accordance of para 11 of the NPPF, this application seeking planning permission should be approved.

**RECOMMENDATION** Grant Subject to Conditions and Informative