

ITEM 3

Application Reference	DC/088368
Location:	Land North of Stanley Green Retail Park Cheadle Hulme Stockport
PROPOSAL:	Construction of a restaurant (Use Class E/Sui Generis) with associated internal access, car parking, servicing, hard and soft landscaping, and other associated works.
Type Of Application:	Full Application
Registration Date:	05.04.2023
Expiry Date:	22.12.2023
Case Officer:	Osian Perks
Applicant:	McDonald's Restaurants Ltd
Agent:	Mrs Katie Howarth

DELEGATION/COMMITTEE STATUS

This application is located within the Cheadle Committee Area and is situated close to the boundary shared with the Bramhall & Cheadle Hulme South Area Committee Area. In accordance with the scheme of delegation, the application is referred to both area committees for comment/recommendation and will be determined at the Planning & Highways Regulation Committee.

DESCRIPTION OF DEVELOPMENT

This application seeks permission for the erection of a restaurant with takeaway function along with associated hard and soft landscaping. A drive-thru is not proposed. The restaurant would open 24 hours a day, 7 days a week, be single storey and appear of contemporary design. Its vehicular access is positioned to the north of the site, adjacent to the roundabout at the junction of Stanley Road and the Wilmslow-Handforth Bypass (A34) and is already partially formed. Exiting the site, vehicles would travel through and along the east and south boundaries of the Stanley Green Retail Park, finally exiting on to Earl Road. A pedestrian access would also be created, leading onto the shared cycleway and footway on the Handforth Bypass.

Much of the site would be hard landscaped to allow for manoeuvring and parking vehicles on site. Areas of soft landscaping would be positioned along the boundaries of the site and along the vehicular exit from the site.

SITE AND SURROUNDINGS

The application relates to an area of land immediately to the southwest of the roundabout at the junction of Stanley Road and the Wilmslow-Handforth Bypass. To the west of the site is Bowery Avenue. The rear boundaries of the rear amenity

spaces of terraced residential properties fronting Bowery Avenue are positioned in close proximity to the west boundary of the site.

Adjacent to the north-west corner of the site, fronting Stanley Road, there is a row of terraced properties. The access to the site would run parallel and adjacent to the east side elevation and east side curtilage boundary of the end-of-terrace property in this row (No.89 Stanley Road).

Much of the site is located within a designated Employment Area with the exit road running along the boundary of the retail park outside.

In October 2015, a planning application seeking permission for the erection of an A3/A4 use (Restaurant and cafes/Drinking Establishment) following the demolition of existing dwellings on the site was refused by committee (ref: DC/058874). The application description was as follows:

Hybrid application comprising demolition of vacant cottages and erection of a new access road, boundary treatments, landscaping, lighting (application in full) and erection of A3/A4 unit (outline application with all matters reserved except for access).

The application was refused for the following reasons:

- 1. The applicant has failed to demonstrate that the proposed A3/A4 unit would be a genuinely complementary commercial or leisure use, providing a service to local firms or people working in the Employment Area and therefore fails to accord with principles of sustainable development. The proposal is thereby contrary to saved policy E3.1 of the UDP Review.*
- 2. The proposed access road by reason of its proximity to properties on Stanley Road and Bowery Avenue would result in conditions detrimental to the residential amenities thereof, contrary to policy SIE-1 Quality Places of the Stockport Core Strategy DPD.*
- 3. The proposed development by reason of the layout of the access would adversely impact on the movement and safety of pedestrians on Stanley Road, contrary to policy T-3 'Safety & Capacity on the Highway Network' of the Stockport Core Strategy DPD.*

The applicant subsequently appealed the Council's decision which was then overturned by a Planning Inspector. The vacant cottages on the site were demolished and an access partially formed. As such the permission is considered to have been implemented and planning permission remains on the site to complete this development in full.

A subsequent reserved matters application which sought the approval of the appearance; landscaping; layout and scale of the restaurant approved at outline (ref: DC/073827) was submitted and approved in September 2019.

POLICY BACKGROUND

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

The Development Plan includes-

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

Saved policies of the SUDP Review

- GBA1.1 Extent of Green Belt
- GBA1.2 Control of Development in Green Belt
- LCR1.1 Landscape Character Areas
- E3.1 Protection of Employment Areas
- PG1.9 Earl Road, Stanley Green

<https://www.stockport.gov.uk/topic/current-planning-policies>

LDF Core Strategy/Development Management policies

- SD-3 Delivering the Energy Opportunities Plans -New Development
- SD-6 Adapting to the Impacts of Climate Change
- CS5 Access to Services
- CS7 Accommodating Economic Development
- CS8 Safeguarding & Improving the Environment
- SIE-1 Quality Places
- SIE-3 Protecting, Safeguarding and Enhancing the Environment
- AS-3 Main Town Centre Uses, Hot Food Takeaways and Prison Development Outside Existing Centres
- AED-3 Employment Development in Employment Areas
- AED-5 Education, Skills and Training Provision
- CS9 Transport & Development
- T-1 Transport & Development
- T-2 Parking in Developments
- T-3 Safety & Capacity on the Highway Network

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National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) in December 2023 replaced the previous NPPF (originally issued 2012, revised 2018, 2019, 2021 & September 2023). 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”.

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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

RELEVANT PLANNING HISTORY

DC/073827 - Approval of Reserved Matters in relation to application DC058874 (appearance; landscaping; layout and scale of approved A3/A4 development (restaurant/drinking establishment)). Granted 12.09.2019.

DC/058874 - Hybrid application comprising demolition of vacant cottages and erection of a new access road, boundary treatments, landscaping, lighting (application in full) and erection of A3/A4 unit (outline application with all matters reserved except for access). Granted at Appeal 22.04.2016.

DC/048145 - Screening Opinion for demolition of 2 No semi-detached dwellings. EIA not required 19.10.2011.

DC/004189 - Erection of two storey office unit (B1) and construction of access from Stanley Road and associated car parking and landscaping (outline). Withdrawn 03.04.2002.

DC/004414 - Construction of new access road from Stanley Road and alterations to car park layout of retail park. Withdrawn 02.04.2002.

J/74519 - Various signs (directional and road traffic) 06.09.2000. Withdrawn 06.09.2000

J/74520 – Illuminated signage. Withdrawn 06.09.2000

J/74144 - Erection of restaurant (A3) associated highway works, alterations to existing car park, new access, car parking and landscaping. Refused 05.04.2000.

J/42177 – Residential development. Refused 21.06.1988.

NEIGHBOUR'S VIEWS

Local residents were consulted by way of site notice and neighbour letters. 23 letters of support were received and the views raised in these are summarised below:

- The nearest McDonalds, in Wythenshawe, is always very busy and has poor service.
- The proposed McDonalds will offer job opportunities to local people, especially young people.
- McDonalds should make the most of landscaping, enhance the area and attract wildlife due to the loss of Green Belt land in and around the area.
- How far will the cleaning team go from its location? Will it commit to clean ups in local villages where waste may accumulate and assist in community initiatives?
- It is not felt that the business will add to local traffic.
- The development will provide jobs and investment in the area.
- The resident is pleased that an additional venue will be employing people.
- Children will buy junk food and litter regardless of the outlet but at least McDonalds use more recyclable packaging than other outlets in the area.
- The development would provide residents with a welcoming and well-known brand.
- Residents have received leaflets that claim the development will lead to increased traffic, litter, anti-social behaviour; will effect wildlife, pedestrian safety, local businesses and drainage issues and is inappropriately close proximity to schools however it is the view of this resident that these claims are tenuous at best and should be discounted.
- The restaurant would slightly increase traffic but this would slowly die down as the day progresses as most people would go for breakfast.
- The development would provide more opportunities for delivery and takeaway food and people would purchase items more locally.
- Stanley Green and Handforth Dean are lacking a food operator.
- The development would improve the retail offering of Cheadle, and bring well paid, stable jobs to the area at a time they are needed most.
- The significant investment in the area and the income that will be generated to support local public services is welcomed.
- A McDonalds has been needed in this area for a long time and it would be a great spot to fill for Stanley green.

147 letters of objection were also received and the views raised are summarised below:

- The development will exacerbate existing traffic issues and result in tailbacks and accidents.
- Accessing and leaving the development will pose a danger to motorists, pedestrians and cyclists.
- The slip road to the site is unsafe.
- It is unfair to expect local residents to have to police illegal parking by McDonalds customers in order for them to access and exit their own properties.
- The smell from the McDonalds will have a detrimental impact.
- The development will encourage vermin.
- The development is likely to cause a rise in anti-social, criminal behaviour and fear of crime.
- There was a huge car meet at the nearby Stanley Green Industrial Estate in 2023.
- The scheme will have serious effects on wildlife.
- The scheme will adversely impact upon livestock in local fields through the discarding of litter.
- A fast food restaurant should not be in such close proximity to schools.
- Increased litter and noise will bring the perception of the area down.
- The development will adversely impact upon house prices locally.
- There is a shortage of workers, providing more jobs would exacerbate this problem.
- McDonalds is a company where young members of staff have experienced bullying and abuse.
- The Transport Assessment submitted is inaccurate and does not appropriately take into account local levels of traffic and the need for parking on the site.
- Outdoor eating proposed in this highly trafficked location is inappropriate.
- Pre-application consultation was insufficient and did not engage many local residents and Heald Green Councillors.
- The delivery vehicle manoeuvring arrangement is much too tight and relies on the affected parking spaces being kept vacant and the car park being out of use during the manoeuvring period. This is likely to create a queue back to the A34.
- Business rates estimates given are overstated.
- The development will have detrimental impact on health and put strain on the NHS.
- The development will be a hub for youths and people who have consumed alcohol and put strain on the police.
- The proposal is unfair on local businesses which may struggle or close as a consequence of increased competition.
- The development will have an adverse visual impact on the area, change the character of the area and harm residential amenity.

- Piling on site may lead to damage to nearby properties.
- The development would have an adverse impact upon local centres.
- The development will cause disruption and disturbances.
- Children will have McDonalds food at school lunch times and other times, increasing childhood obesity.
- Barriers are used within B&Q car park to prevent late night usage/anti-social behaviour and illegal parking. These could not be used if the proposed use was 24 hour.
- The development could exacerbate existing drainage issues.
- The local area is residential and residents do not want a McDonalds.
- This is a green bit of land in an over populated area, why could this not be put on land that people have already used?
- Caution should be applied to the applicant's report regarding anti-social behaviour and crime as the period covered was during the pandemic and Greater Manchester Police have failed to record many crimes.
- Idling/queuing cars would give out harmful emissions.
- Noise from loud, drunk people will adversely impact upon residents.
- The siting of the proposed restaurant close to an existing high school is deeply cynical and only concerned with commercial opportunity rather than amenity provision.
- There is currently adequate provision of food outlets in the area.
- Applications for changing existing shops into fast food outlets have been disputed in the Gillbent Rd/Church Rd area due to the proximity of residential properties. This site is immediately next to housing and will operate 24/7 and for long hours.
- Money has been spent improving cycle lanes nearby to keep young cyclists off Gillbent Rd, the development will funnel them towards a more deadly highway.
- The entrance to the proposed facility will also act as a cut through for people seeking to access the retail park which will cause H&S and traffic issues.
- If the operating hours of the proposed facility extend longer than the retail park the retail park becomes an easy congregation ground for vehicles to cause nuisance, littering anti-social behaviour and the like.
- The impact on the local residents will be huge - increased traffic, noise, light pollution, air pollution, cigarette smoke, social disturbances. The development will remove the current natural barrier between them and the busy A34.
- The development will affect the mental health of residents living very close to the site.
- The development would attract racers and other anti-social behaviour.
- The fast food restaurant is contrary to principles of protecting the environment and climate.
- It would be better to have a social space for teenagers/young adults with activities to promote sport, physical and mental well-being.
- Customers will be attracted to nearby areas including residential streets, throwing litter, attracting vermin and the development will result in a loss of privacy.

- How will it be ensured that litter picks are carried out?
- Protesters on a Thursday evening on the A34 roundabout cause disturbances.
- We will not be able to open windows in the evening as our children will be scared, polluted and hearing bad language and conversations. We will not be able to use our home and garden freely or safely.
- Vehicles using the site could hit local properties.
- Residents would all have to look at privately paying to put safety measures in place, bollards up in Bowery Avenue, private CCTV cameras, extra lighting.
- This land was never intended for this kind of establishment, and it has not been fully explored as to the original intentional use of this land.
- This land could be used for office space or office rentals by the hour/day for example, which would generate income but also taking the residents into consideration with opening times.
- Children may be tempted to access the restaurant before and after school and even attempt to leave the school site during the school day, creating a safeguarding risk. Local schools have spent considerable time and efforts on improving sustainability and eco credentials and educating the students on ways to reduce carbon emissions. This planned development would go against much of those lessons.
- It is unclear how the establishment of a fast food restaurant at this location would benefit the local community.
- The proposals significantly misses the Greater Manchester Combined Authority Guidance for BNG target of a 10% gain in biodiversity and as this area is identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) the opportunity for nature recovery in this area will be completely annihilated.
- There also seems to be no mention of the protected Great Crested Newts which are situated within close proximity to the area and what impact the restaurant would have on this population. There is no evidence that the Newts do not use this area and its great biodiversity as a hunting ground/food source during the night.
- This area would benefit much more from being a small nature reserve, which are dwindling away in this area, allowing local wildlife to retreat to and thrive.
- There are other, more suitable locations for the development.
- The development will encourage unhealthy lifestyles amongst adults and children.
- There's enough traffic on A34 and the impact of several thousand additional houses being built nearby has not yet been felt by those living in the vicinity.
- People will not even be able to dry their clothes outside without smelling of McDonalds and it may inadvertently cause issues with damp and mould.
- McDonalds is known to promote gambling through their promotions.
- Delivery drivers parking on local roads will cause obstructions, noise disturbance, disturbance from headlights.
- Insufficient parking will be available on site leading to nuisance and dangerous parking elsewhere.
- The ground contains hazardous gases requiring use of amber 1 and 2 conditions and ventilated floors.
- The operating hours of the previous permission were restricted to between 11.30am and 11.00pm Monday to Saturday and 11.30am to 10.30pm Sunday.

- Insufficient evidence has been provided on why the approved use cannot be delivered.
- Having a 24hr McDonalds in this location would be unfair on local businesses which have a curfew.
- The development would exacerbate existing issues regarding air quality.
- The slip road proposed will be unsafe.
- It is not appropriate for a McDonalds Restaurant to be sited in a rural area.
- The building of a McDonalds in this location does not comply with the National Planning Policy Framework or local policy. There are several sequentially preferable sites available.
- Not many people would choose to go to a non-drive thru McDonald's for food. More evidence is need for this to be a viable business model.
- The socioeconomic status of the area is likely to suffer as a result of introducing an additional McDonald's. The land could be used for an alternative chain less associated with poor socioeconomic status.
- Number of jobs that applicant has suggested would be created is overstated.
- Removing trees on site will result in a loss of privacy afforded to the occupiers of neighbouring dwellings.
- A McDonald's restaurant applied to build here over 10 years ago and was rejected.
- Children living near the site will overhear inappropriate language.
- The proposed building will encourage flocks of birds- dangerous for local airfields and airport.
- The development will lead to a loss of employment land which could be better used as offices.
- The development is not a modest use ancillary to the purposes of the trading estate.

CONSULTEE RESPONSES

Cheshire East Council:

No comments received.

Arboricultural Officer:

The development would have an impact on low value, naturally regenerated trees on site. A detailed landscaping scheme has been submitted however there is opportunity for its enhancement with increased tree cover and improvements to biodiversity. In its current format, the landscaping scheme could be considered favourable but improvements should be made to replace existing trees and provide biodiversity netgains. Conditions should be attached to any subsequent approval which require tree protection measures and an enhanced landscaping scheme.

Transport for Greater Manchester:

Colleagues within TfGM UTC have reviewed the modelling and noted that there are errors. However, it is considered that given the improvement works already commissioned for the area, mitigation at the junction as part of the development will

not be necessary from TfGM's perspective and as such no further modelling work is required.

Environmental Health Officer (Contaminated Land):

A Southern Testing Phase 2 Site Investigation Report has been submitted. The report recommends remedial works. As such conditions requiring the validation of these remedial works should be attached to any subsequent approval.

Environmental Health Officer (Light, Noise and Odours):

The applicant has submitted a CEMP. The above document fulfils this services requirements for the preservation of environmental quality of life, residential and community amenity, during site clearance and construction of the development at this location.

This service has no objection to the proposal. Noise, odour and light spillage reports submitted in support of the proposal, have been accepted by this service.

Environmental Health Officer (Air):

Redmore Environmental Ltd was commissioned by McDonald's Restaurants Limited to undertake an Air Quality Assessment in support of a proposed commercial development at Stanley Green Retail Park, Cheadle Hulme.

Air quality impacts from fugitive dust emissions were assessed as a result of earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level - it is recommended that the development if approved is conditioned inline with the mitigation measures outlined in the report. If conditions to mitigate the impact on air quality were implemented then based on the report the authority would have no objection to the development.

Drainage Officer:

Following detailed discussions and having reviewed the below documentation for this application.

- 4210600-1200 – C1 - Proposed Drainage

The LLFA recommends that the application is acceptable in principle subject to a detailed design.

The development shall be completed and maintained in full accordance with the approved details.

United Utilities:

Additional information requested in regards to connection to surface water pipe and foul water disposal prior to a decision being made. If planning permission is granted it is requested that a condition is attached to any subsequent approval which requires details of surface water and foul water drainage schemes to be submitted.

Nature Development Officer:

A Preliminary Ecological Appraisal has been carried out and submitted with the application. The survey was carried out in June 2022 and updated in July 2023 by a suitably experienced ecologist and followed best practice survey guidelines (Practical Ecology, October 2023). Habitats on site were mapped and the potential for protected species to be present was assessed. Habitats on site include dense scrub, scattered trees and grassland. Early purple orchids were also recorded on site. It would be good practice to translocate the orchids into areas of retained/new grassland.

Under Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to kill, disturb bat species or damage or destroy a breeding place or resting site of such an animal. No potential bat roosting features were observed within the trees on site and they were assessed as offering negligible potential to support roosting bats.

Trees and vegetation have the potential to support nesting birds. The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).

The scrub on site offers suitable habitat for hedgehog. Hedgehog are listed as a Species of Principal Importance on Section 41 of the NERC Act 2006. Precautionary working measures relating to vegetation and site clearance are advised to protect any hedgehogs which may be present on site.

Ponds and their surrounding terrestrial habitat have the potential to support amphibians such as great crested newts (GCN) and toad. GCN receive the same level of legal protection as bats (outlined above), whilst toad are listed on the NERC Act 2006 as a Species of Principal Importance. No ponds are present on site, but six ponds have been identified within 250m of the application site boundary. Records for GCN exist within this pond cluster with evidence of breeding GCN having been previously recorded. The application site offers suitable terrestrial habitat for GCN. Stanley Road. The permanent GCN fencing that was placed at the corner of Stanley Road and the A34 as part of A6MARR scheme are considered however to represent a barrier to newt dispersal into the site. The risk of GCN therefore being present on site is considered to be low and Reasonable Avoidance Measures can be implemented during site clearance and construction works to further minimise this risk.

A Biodiversity Net Gain Assessment (BNG) This is accompanied by the Biodiversity Net Gain Design Stage Report V5 (Practical Ecology, December 2023) and is considered acceptable.

The Metric calculations show a baseline habitat unit score of 4.68 Habitat Units and loss of 0.64 Habitat Units (-13.77%) due to loss of scrub habitat. Creation of scrub

and grassland habitats are proposed, along with new tree planting (all moderate condition) but there would still be an overall loss of habitat units associated with the scheme.

There will be an increase of 1.16 Hedgerow Units through the planting of approx. 270m of predominantly mixed native species hedgerow (target of poor condition). It is not possible to provide this as a % since baseline for hedgerow is 0.

Since the overall BNG for habitat units is currently a loss, a habitat offsetting strategy is required to ensure delivery of measurable overall BNG and ensure the proposals accord with the NPPF. The applicant may provide payment of a commuted sum to the LPA to deliver appropriate habitat enhancements off-site. Further details of a potential suitable strategy are provided below.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). The submitted DEFRA Metric 4.0 calculation shows there is currently a deficit in habitat units once BNG has been maximised on site. This would need to be addressed via delivery of off-site BNG to ensure the development achieves measurable BNG overall. It is advised that a minimum 10% BNG is sought as this is stated within the Environment Act 2021 which has received Royal Assent (and is due to become mandatory later in 2024). A minimum of 10% BNG is also required in accordance with the GMCA BNG Guidelines for Greater Manchester (February 2021).

In terms of habitat offsetting, SMBC can accept a contribution for offsetting plus an appropriate management fee. This is an interim figure based on advice from the Greater Manchester Ecology Unit (GMEU) following pilot studies carried out within Greater Manchester and work undertaken by DEFRA.

This commuted sum can be secured via a legal agreement to cover the habitat enhancement, maintenance and monitoring costs at the receptor/off-setting site. A potentially suitable site for delivery of BNG offsetting for this application has been identified at SJ871846: South Park, south of Grove Lane. The commuted sum would contribute towards habitat works (including but not necessarily limited to) new tree and native shrub planting and would follow the spatial hierarchy (the proposed offsetting site is located near the development site).

Plans submitted with the application include tree and native hedgerow planting along with grassland and mixed scrub and are welcomed within the proposals. The landscape strategy for the scheme should create structural diversity within proposed planting and aim to utilise a range of native wildlife-friendly species which will provide a year-round nectar/berry resource for invertebrates and birds. Details regarding the future long-term management and monitoring (30 years) of habitat areas will need to be provided to ensure that the proposed habitats will reach their target condition in accordance with the submitted metric.

No development shall take place until a Biodiversity Net Gain Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall follow the targets set out in Design State BNG Report V5 by Practical Ecology dated December 2023. The management plan shall detail how the scheme will deliver a

minimum of 10% Biodiversity Net Gain in Habitat Units and minimum increase of 1.16 Hedgerow Units and be demonstrated by the DEFRA Metric. The biodiversity net gain management plan shall include:

- a) Detailed habitat creation proposals, for each habitat proposed
- b) Detailed habitat management and enhancement proposals for retained and improved habitats;
- c) Maintenance measures during the establishment periods;
- d) Maintenance measures beyond establishment until target condition acquired;
- e) Management and maintenance beyond target condition up to a minimum of 30 years;
- f) Monitoring and review procedures with the Local Planning Authority (including regular update monitoring reports to be submitted to the LPA for review to demonstrate delivery of the required BNG (i.e. in years 1, 2, 5, 10, 15, 20, 25, 30))
- g) Potential contingencies should a proposed habitat and/or target condition be concluded to be unachievable; and
- h) Details of the organisations responsible and relevant legal/funding mechanisms for implementing, managing and monitoring the works.

The management plan shall also include mitigation and enhancement measures for nesting birds, bats and other wildlife: including a minimum of 1 bat box, 3 bird boxes, 3 bee/invertebrate bricks and hedgehog gaps in any boundary fences. Product types, numbers of installations, locations, timetable for installation and details of management of the facilities within the development will be provided to the local planning authority for approval in writing.

The approved biodiversity measures shall be provided and maintained in accordance with the approved details whilst the development is in operation.

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.

The trees on site were assessed as offering negligible bat roosting potential and so the proposed works are considered to be of very low risk to roosting bats. Bats can roost in seemingly unlikely places however and so it is recommended that an informative is attached to any planning consent granted so that the applicant is aware of the (low) potential for roosting bats to be present. 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 roosting bats (or any other protected species) is discovered on site, works must cease and a suitably experienced ecologist contacted for advice.

In relation to nesting birds, the following condition can be used: No vegetation clearance should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately (no more than 48 hours) before vegetation clearance works commence and provided written confirmation 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)

Wall Cotoneaster (*Cotoneaster horizontalis*) and Japanese knotweed were recorded on site. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of *Cotoneaster horizontalis* and Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme

The proposals are considered to be low risk to GCN. As a precautionary measure Reasonable Avoidance Measures should be adopted during works to minimise the risk of wildlife being impacted should they pass through the site and prevent the site from becoming more attractive to wildlife during works (e.g. building materials providing potential refuge sites). If at any time during works evidence of GCN (or any other protected species) is discovered on site then works must cease and a suitably experienced ecologist be contacted for advice

Vegetation removal to be carried out sensitively and in a phased manner.

Any works which involve the creation of trenches or with pipes shall include creation of sloping escape ramps for wildlife. Materials to be stored on raised pallets or in skips.

No evidence of badger activity was recorded, but the dense scrub on site meant it was difficult to access all areas. As outlined in section 3.9.4 of the PEA report, it is advised that a pre-works survey for badger is carried out no more than three months in advance of works commencing, to confirm badger sett absence and ensure no change in baseline conditions since the June 2022 and July 2023 surveys and allow mitigation measures to be updated as appropriate. This survey should be carried out by a suitably experienced ecologist and in accordance with best practice survey guidance and can be secured by condition.

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. The CEMP shall include:

- a) risk assessment of potentially damaging construction activities
- b) identification of 'biodiversity protection zones'
- c) measures and sensitive working practices to avoid or reduce impacts during construction
- d) location and timing of sensitive works to avoid harm to biodiversity

- e) times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) roles and responsibilities on site of an ecological clerk or works (EcOW) where one is required
- h) use of protective fences, exclusion barriers and warning signs

And shall include details of measures to:

- Avoid the impact on nesting birds
- Avoid negative impact on sensitive ecological features during construction and protect all retained features of biodiversity interest, including translocation of orchids.
- Sensitive working measures to be adopted relating to bats (construction lighting etc)
- Sensitive measures to be adopted in relation to badgers (including pre-works survey), amphibians and hedgehog

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: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting-2> and also section 3.5.4 of the submitted PEA report).

Ecological conditions can change overtime. If works have not commenced within 2 survey seasons of the PEA survey (i.e. by July 2025), an update survey will be required prior to commencement of works. This is to ensure that the impact assessment is based on sufficiently up-to-date survey data. This includes updated assessment for protected species and habitats, review of mitigation measures and an updated BNG metric calculation should there be any changes in baseline habitats. This update work can be secured via a suitably worded condition.

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 through its likely impact on diet and its possible impact on highway safety.

Regular intake of high calorie food with low nutritional value contributes to a wide range of health conditions including cardiovascular disease and cancer, as well as leading to excess weight gain. Childhood obesity within Stockport is a growing problem. 2021/22 data showed that 35.9% of Stockport children leaving primary school were overweight or obese. 65.6% of adults in Stockport are overweight or

obese. This increased obesity within the local area contributes to poorer health outcomes for local residents. Achieving a healthy weight reduces risks of 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.

The development would be contrary to the Council's Core Strategy policy AS-3 due to its proximity to St James Catholic High School. In addition to concerns about diet and obesity, we are also concerned that the placement of a hot food takeaway close to a school, but separated from that school by an extremely busy multi-lane roundabout might encourage school children to cross that road, including before school, after school and during lunch periods. Should they be at risk of being late for morning or afternoon registration at the school, children might be tempted to cross the road in an unsafe way, rather than waiting for the 'green man' at the pedestrian crossing points. 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. An accurate assessment of transport options should inform this application.

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 policy AS-3 within the core strategy seeks to prevent. This development fails to comply with the policy and should be rejected accordingly.

Planning Policy:

The proposed McDonald's restaurant is smaller in size than the previously approved consented scheme and supporting national policy and evidence continue to support flexibility from traditional employment uses, the Class E restaurant use can be judged as a complementary commercial alternative use in line with Policy E3.1 in principle, and consequently would not represent a departure from the development plan. The development is considered to be compliant with adopted policy E3.1.

DM Policy AED-5 in the Core Strategy places requirements on developers of new proposals that generate employment to provide training or funding to help residents access education and training and improve their skills. The Local Employment and Training Benefits SPD provides further guidance on how planning obligations can be set up to implement this requirement.

The agent has prepared an initial outline Employment and Skills Plan which will need to be developed further following consent. The plan notes the SPD and CITB standards and commits to minimum outcomes being fully and established in a ESA as a pre-occupation condition. It is considered that the above approach is in line with Policy AED-5 and the SPD. As recognised by the agent, a suitably worded condition will be required to ensure the Employment and Training Statement is produced following approval.

The proposed restaurant will collectively comprise 373 square metres of gross new external floorspace. The threshold for an impact assessment under Paragraph 94 of

the NPPF is set at 2,500 sqm which this application does not exceed. The local threshold set under Core Policy CS5 and DM Policy AS-3 is not engaged as the application is not for an A1 use. As such, an impact assessment is not required.

The listed use requirements of Saved UDP Policy PG1.9 'Earl Road, Stanley Green' of B1, B2 and B8 and non-food retail uses of 929 sqm gross or above do not apply to the application site. Whilst the proposal represents an extension to the retail park, the designation only covers the access road and alterations to the car park and cannot apply to land outside it.

Amendments should be made to the sequential test submitted to ensure other sites are suitably considered.

Planning Policy (Energy):

Air source heat pumps are proposed to provide heating, cooling and hot water demand, together with 7m² of solar PV panels to ensure compliance with Part L requirements.

The statement demonstrates that the scheme is compliant with the latest Part L 2021 building regulations and will exceed the policy requirements of SD3. I would encourage the applicant to consider maximising the amount of solar PV on the roof of the development in order to further reduce carbon emissions and help us meet the challenges posed by the climate emergency.

Design for Security (Greater Manchester Police):

we are happy to support the application at this stage. Consequently, if the Local Planning Authority is minded to approve the application, I respectfully suggest the inclusion of the following condition:

The development hereby approved shall, where feasible, be designed and constructed in accordance with the recommendations and specification set out in section seven of Crime Impact Statement, ref: Version 1 dated May 2023, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy and the National Planning policy Framework.

If permission is granted the applicant would then need to apply for the SBD accreditation and achieve either Bronze, Silver or Gold accreditation at which point we would support the discharge of said condition.

Highways Officer:

There is already approval for what is now Class E use (including restaurants) on the site, granted following an appeal by the developers (DC/058874) and a reserved matters approval (DC/073827) for a 446m² A3/A4 unit (the then class covering restaurants). The proposed development has a floor area of 373 m². There is no

drive through facility within the scheme, the proposal being for a standalone restaurant under Class E, together with a takeaway facility which falls within sui generis use. Discussion took place prior to the application confirming that a drive through restaurant would not be supported by highways officers given the anticipated impact of that type of operation on the local highway network.

There are significant number of objections to the proposed scheme, expressing concerns in respect of the impact of traffic to the site resulting from the development, and the poor accident record of the local roads.

Objectors have made reference to accidents occurring frequently in the locality but accident statistics do not seem to confirm these assertions. The majority of collisions being rear end shunts due to driver error. There are no identified concerns regarding highway safety. A specific consideration within the appeal was the effect on the safety of pedestrians resulting from the proposed access layout. The inspector concluded that there would be no highway safety issues resulting from the proposed access with appropriate design features to reduce vehicle speeds.

Whilst objectors refer to the dangers for pedestrians crossing the local roads, there were no recorded accidents involving pedestrians within the last 5 years and controlled crossing facilities for pedestrians and cyclists are currently provided to arms of the roundabout. Pedestrian access points are provided into the site along potential desire lines incorporating controlled road crossing points.

Access to the site has already been formed as a part of the previous approval. The principle of linking this access through the development to the existing retail park was also established in the previous approval. A separate pedestrian/cycle link is to be formed onto the A34 as part of the development.

In linking the proposed development to the existing retail park there is potential for a reduction in traffic from the existing signalised junction at Earl Rd.

I note that the inspector was satisfied at the appeal of the previous application that there were no reasons for refusal on highway grounds.

It is expected that a significant number of visitors to the site will already be on the highway network as "passing trade". Others will visit the site in conjunction with trips to the retail park. Transport Assessments for both the previous approval and this application considered the anticipated level of traffic generated by the proposed development. In the original application generic data for restaurants was used. In this application, though the proposed development lies predominantly within the same use class for which approval is already granted, specific data from other McDonalds sites was utilised to derive anticipated traffic, taking into account the proposed element of takeaway customers. This use of this base data is considered to be appropriate in leading to a robust assessment of anticipated traffic generated by the development. I should emphasise that this is not a drive through but a standalone McDonalds with takeaway facilities which would generate less traffic than the drive thru type more commonly encountered.

Assessments of anticipated changes in traffic resulting from the proposed development and resulting impact on the operation of the local highway network demonstrate that whilst there would be an impact on the local roads, any impact would not be of a severe nature, such as to warrant refusal on highway grounds.

Junctions would operate within theoretical 100% capacity, though at some times of day the optimal capacity would be exceeded. This is not uncommon on major road junctions. I note that having assessed the submitted traffic modelling TfGM have raised no concerns nor requirement for further mitigation measures.

The traffic modelling undertaken in assessing potential impact of the development has taken account of other future developments within the area.

The overall level of parking provided meets the requirements of the SMBC parking policy, and the submitted Transport Statement used TRICS data for other sites to confirm that parking demand would be met. I have some issue with the figures provided within the report under Parking Accumulation where rounding of figures has led to what appear to be arithmetical errors, but having done an assessment myself based on the raw data provided, at worst case parking demand (43 vehicles) is below the level of parking provided. There is also parking for users within the retail park when shared trips to both sites are undertaken. An appropriate level of motorcycle parking is provided.

As commented upon within the application supporting information, the access to the site has been constructed as part of the earlier approval. This area lies outside of the application boundary and outside the control of the applicant; adequate space is retained outside the application boundary for completion of the programmed works on the A34 junction.

The landscape plan and site plans show appropriately marked and located disabled parking bays and designated pedestrian routes are marked through the site including marked crossing points.

The proposed cycle storage takes the form of Sheffield stands. Whilst acceptable for visitor use, to encourage staff use of cycles secure covered storage should be provided for 2 cycles. I recommend that a condition be attached to any approval to secure this.

Full details of the proposed EV charge facilities to be provided are required outlining management of same. The site should be future proofed to ease increased future EV use by including the installation of ducting serving additional spaces within the car park. The submitted site plan shows two EV bays but no EV facilities available to disabled users. This would possibly be easiest remedied by retaining the 2 EV bays shown and adding an additional EV point to a disabled bay.

The car park surfacing and drainage will be required to comply with sustainable drainage policies. In respect of highway implications, the proposed tarmac surfacing is appropriate if drained to meet requirements of LLFA and UU.

I recommend that an appropriate condition be applied to any approval to fully define and subsequently ensure continued compliance with the site servicing methodology outlined within supporting documents.

The submission includes a Travel Plan to encourage minimised use of private vehicles by staff. I recommend that a suitable condition be applied to any approval to secure its implementation. Conditions should be attached which require the following to be submitted and approved by the Local Authority:

- Construction Method Statement which includes details of phasing, access, manouevring, deliveries, storage and traffic management.
- Highway Survey of Stanley Rd from the A34 to Earl Rd and Earl Road and a scheme to reconstruct / resurface / repair any parts of the highway that the survey has identified has been affected through the construction of the development.
- Servicing method statement shall include details of times of servicing, the size and type of vehicles that will service the site, where service vehicles will load / unload and how servicing will be managed.
- The car parking and servicing facilities for the development, and link through to the retail park.
- Details of EV charging points
- Details of cycle parking including long-stay cycle parking for a minimum of 2 cycles and short stay cycle parking for a minimum of 4 cycles.

ANALYSIS

In the assessment of this application, the main issues to consider are:

- Principle of Development
- Impact upon Green Belt and Landscape Character Area
- Impact upon Residential Amenity
- Visual Amenity
- Trees, Landscaping & Ecology
- Highways

Principle of Development

The majority of the site is located in a designated Employment Area and as such the first issue to be considered is how/if the proposed development complies with saved UDP policy E3.1 'Protection of Employment Areas'. This policy supports the provision of former use classes B1 (light industry), B2 (general industry) and B8 (storage/distribution) in employment areas, however, also allows for the provision of modest complementary food and drink outlets that can provide services to local firms or people working in the area. Such uses will accord with the principles of sustainable development if they draw a significant proportion of their trade from the Employment Area. To be defined as modest, complementary uses will normally be expected to occupy small sites of less than 0.4ha. The part of the site within the designated Employment Area, including landscaped areas, and proposed for Class E/Sui Generis development is approximately 0.35ha and is considered to be suitably modest in scale. Whilst a different restaurant development was previously approved on the site, it worth noting that similar conclusion were drawn by the Planning Inspector when appraising the previous appealed application on the site.

Paragraph 12.35 pertaining to policy E3.1 stipulates that the '*presence of convenient services and facilities will accord with the principles of sustainable development if they draw a significant proportion of their custom from the Employment Area and proposals will be expected to detail this at planning application stage*'. Whilst a '*Significant proportion of their custom*' is not defined in the policy and it is acknowledged in the Planning Statement submitted that the development will service a wider catchment due to its location in relation to the highway network, it is

recognised that the development is likely to attract some trade from the Employment Area. However, substantial weight also needs to be given to other material considerations:

Weight needs to be given to Policy AED-3 of the Core Strategy DPD which supports a more flexible approach to development in employment areas:

'The Council will protect employment areas for employment generating uses. Within these areas the Council will have regard to the requirement for flexibility for employment generating uses beyond the traditional employment uses of B1, B2 and B8, based on the criteria set out in PPS4.'

Weight also needs to be given to paragraph 85 of the NPPF which provides a more up-to-date policy position and advises that:

'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 Economic Statement submitted advises that there will be 60 fulltime equivalent jobs generated on the site, contributing to the economy of the borough and as such, the development is considered to broadly align with NPPF para 85. Weight also needs to be given to the likelihood of the site being redevelopment for employment uses. In accordance with the views of the Inspector given in their report pertaining to the previous appealed application on the site, B2/B8 (General Industrial/storage or distribution) employment uses are likely to be unacceptable on the site, given its relationship to dwellings on Stanley Road and Bowery Avenue. In addition, in its planning history, since 2002 when an application for office use was withdrawn, an application for neither office nor light industrial use has been submitted, indicating that there is little market interest for such uses. Furthermore, the previous permission for a restaurant/drinking establishment on the site has been implemented, remains extant and could be completed. As such, given the limited scope for traditional employment uses on the site, the need for a flexible approach set out in policy AED-3, the need to support the investment of businesses and give significant weight to the support of economic growth set out in para 85 of the NPPF, it is considered that the development would satisfy policies AED-3 and para 85 of the NPPF.

The second issue in considering the principle of the development, is whether the proposed use complies with paragraphs 91 to 95 of the NPPF and policies CS6 and CS7 of the Core Strategy. Policies CS6, CS7 and, in greater detail, paras 91 to 95 of the NPPF, require a sequential test to be carried out when a main town centre use is proposed outside a local centre (such as the current proposal). 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 and it is the role of the sequential test to ascertain if a sequentially preferable site is available. Following discussions with the Planning Policy team, the applicant has submitted an amended, thorough sequential test which assesses available sites and addresses concerns initially raised. It reviews available sites within Bramhall District Centre,

Cheadle District Centre, Cheadle Hulme District Centre, Gatley Local Centre, Handforth Key Service Centre and Heald Green Local Centre. 17 individual sites were identified, and their suitability appraised. Based upon the assessment made it is considered that there are no sequentially preferable sites which could accommodate the development proposed and as such the proposal satisfies the requirements of the Core Strategy and NPPF. Moreover, it is important to note that an extant permission exists for the creation of a restaurant on the site and could be constructed irrespective of whether there were sequentially preferable sites available.

Policy AS-3 (Main Town Centre Uses, Hot Food Take Aways and Prison Development Outside Existing Centres) stipulates that hot food take aways and fast food restaurants will be required to be located over 300 metres away from schools and parks. The proposed fast food restaurant would be situated approximately 317m, along the shortest walking route, from the entrance gates of St James' Catholic High School. It would also be sited approximately 476m from South Park along the shortest walking route. In light of the above, it is considered that the proposed development would accord with this policy.

Policy AED-5 states the following:

'Where appropriate, viable and feasible, developers of new employment uses will be required to provide training or funding to provide education and training, in order to help local residents develop the necessary skills to access the jobs being created in the borough. In addition, where appropriate end users will be required to recruit a certain percentage of the workforce from particular geographical areas, focusing on Neighbourhood Renewal Priority Areas'

The agent has prepared an initial outline Employment and Skills Plan which will need to be developed further following consent. The plan commits to minimum outcomes being fully established as a pre-occupation condition. It is considered that the approach is suitably in line with local policy and the Local Employment and Training SPD. As recognised by the agent, a suitably worded condition will be required to ensure the Employment and Training Statement is produced and followed, following approval.

In light of the above, it is considered that the development is acceptable in principle.

Impact upon Green Belt and Landscape Character Area

A proportionally very small area of the site, directly adjacent to and running parallel to Stanley Road and the Wilmslow-Handforth Bypass is located within the Green Belt and Heald Green Fringe Landscape Character Area. The proposed restaurant building would not be contained within the green belt or Landscape Character Area with only pedestrian and vehicular accesses to the restaurant and boundary landscaping contained within it.

Paragraph 142 of the National Planning Policy Framework (NPPF) states:

'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 143 of the National Planning Policy Framework (NPPF) lists five purposes of the Green Belt:

*'a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

Saved Policy GBA1.2 (Control of Development in Green Belt) of the UDP stipulates the following:

'Forms of development other than new buildings, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. Proposals for the re-use of buildings will be assessed against the provisions of Policy GBA1.6.'

Proposed development falling within these categories will be permitted only where it will not act to make adjoining Green Belt areas less defensible against encroachment.'

By virtue of the nature and form of the development contained within the green belt, it is considered that it would maintain openness and would not conflict with the purposes of including land within it. By virtue of the neighbouring areas of Green Belt being busy highways, it is not considered that the proposal would make adjoining areas of Green Belt less defensible. As such, it is considered that the development would accord with policy GBA1.2.

Paragraph 155 of the National Planning Policy Framework stipulates that material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. For the reasons given above, it is considered that the development proposed would comply with this.

Saved UDP Policy LCR1.1 (Landscape Character Areas) advises that development in the countryside will be strictly controlled, and will not be permitted unless it protects or enhances the quality and character of the rural areas. It also advises that development should:

- be sensitively sited, designed and constructed of materials appropriate to the landscape character area in which it is located; and
- be accommodated without adverse effect on the landscape quality of the particular character area.

- protect or enhance the natural environment in accordance with policies in Chapter 3.
- improve the appearance of the countryside.

The area of the site contained within the Landscape Character Area (LCA) would be very small. Given its small size, opportunities for enhancement are very limited and therefore so are opportunities for undue harm. By virtue of the nature and scale of development contained within the LCA, it is considered that this part of the development would have a neutral impact upon the quality and character of the land within it. As such it is considered to sufficiently accord with the above policy.

In light of the above, it is considered that the development would comply with relevant policy pertaining to the designated area of green belt and the Landscape Character Area.

Impact upon Residential Amenity

Policy SIE-1 of the Core Strategy DPD indicates, amongst other things, the importance of the provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents.

Whilst the development is positioned close to residential properties on Bowery Avenue and Stanley Road, it is considered that, provided appropriate boundary treatments are in place, secured by condition, the development would not cause an unacceptable loss of privacy to neighbouring properties. By virtue of its size, design and siting approximately 11m from the nearest curtilage boundary shared with neighbouring dwellings and approximately 21m from the nearest rear elevation of a residential property, it is not considered that the building proposed on site would have an overbearing impact or cause an unacceptable loss of light to neighbouring dwellings.

Concern has been raised that trees would be removed on the site and this could result in a loss of privacy to neighbouring residents. However, it should be noted that trees on site are not protected nor deemed worthy of legal protection. They could be felled by the applicant without the need for permission by the local authority.

Concern has also been raised that vehicles may park outside nearby properties, resulting in a loss of privacy or causing disturbance in the evening through headlight usage. However, as discussed later in the report, it is considered that sufficient parking is available within the scheme and as such, this concern would not warrant the refusal of the application. The lighting columns, by virtue of their profile, and siting are not considered to cause an unacceptable level of overshadowing nor have an overbearing impact.

Objections have been raised by neighbouring residents in relation to noise disturbance and light pollution. It is imperative to note however that the part of the application site which would contain the proposed restaurant and is positioned adjacent to the residential properties on Stanley Road and Bowery Avenue, is

designated as an Employment Area on the UDP Proposals Map and that this designation also includes these residential properties. As such, the preferred use for this part of the site, in compliance with UDP & CS policy is office, light industry, general industry and warehousing. Added to this, the residential properties on Stanley Road and Bowery Avenue are already subjected to a degree of noise and light pollution arising from their location on/adjacent to a busy junction on the strategic road network. Furthermore, there is an extant permission on the site for a restaurant. Notwithstanding this, it is correct to consider residential amenity issues and to impose where appropriate conditions to mitigate against unreasonable harm, however, on account of the location of the site and its designation in the UDP, it cannot be expected that the same level of protection can be afforded in comparison to dwellings located with Predominantly Residential Areas.

In regards to the potential for nuisance light from the development to affect neighbouring residents, a Lighting Impact Assessment report has been submitted. The Environmental Health Officer consulted has accepted the outcome of this report, indicating that the lighting proposed would not unacceptably adversely impact upon residents. It is advised that, if the application is approved, it should only be built in accordance with the lighting scheme detailed in this report.

In regards to the noise impacts of the proposal, a Noise Impact Assessment has been submitted. It proposes mitigation measures including the use of an acoustic enclosure & silencer to attenuated noise from the kitchen extraction fan and the restriction of delivery times to between 5am and 11pm. The Environmental Health Officer consulted has advised that the impact of the development during the construction phase may be significant and as such a Construction Environmental Management Plan should be submitted to control noise disturbance and dust emanating from the site. In regards to operational noise, the Environmental Health Officer consulted has concluded that the plant proposed will not exceed the background sound level at the nearest noise sensitive receptor. The noise levels generated by customer vehicle movements and the operation of the restaurant will increase the sound level outside the closest sensitive neighbours by less than 1dB. In regards to this, the Environmental Health Officer consulted has advised that a noise level change needs to be 3 dB in order to be perceptible to humans as such the 1db increase will not give rise to a negative impact. Car doors on site are likely to slam at a maximum volume of 56 dB. The Environmental Health Officer consulted has advised that even with the windows of neighbouring properties open, this would not be expected to exceed the World Health Organisation's advised maximum of 45dB inside dwellings.

Activities on site related to delivery & refuse collection are considered likely to generate significant noise, measured at 67 dB LAeq. The assessment submitted advises that between 5am and 11pm this will be less than background noise. As such, in accordance with recommendations of the Environmental Health Officer consulted, it is advised that a condition is attached to any subsequent approval which restricts delivery times to within this time period.

An odour impact assessment has been submitted and it advises that a high level of odour control is necessary to mitigate the impact upon local sensitive receptors. The applicant is proposing a bespoke odour abatement system, to go further than the

'High Level of Odour Control' required. This would entail providing 'additional odour control measures' to exceed the requirements of the EMAQ (Emission Monitoring and Air Quality) 'Very High' level of odour abatement. The proposed extract systems would satisfy the requirements of the EMAQ guidance for the control of odour from commercial kitchen exhaust systems and as such, no objection to this has been raised by the Environmental Health Officer consulted. Should the development be approved, conditions requiring the following should be imposed:

- A suitably qualified and experienced ventilation systems engineer shall design and install the ventilation system in accordance with the recommendations of the report by CDM Partnership 'McDonald's Restaurant Stanley Green retail Park, Cheadle Rev 00, December 2022'.
- The mitigation recommended in the by CDM Partnership 'McDonald's Restaurant Stanley Green retail Park, Cheadle Rev 00, December 2022', shall be implemented in full prior to first use of the development.
- The extraction equipment shall be installed, operated and maintained in accordance with the approved details whilst the use is operating.
- The installed equipment shall be operated and maintained in accordance with the manufacturer's instructions and used at all times when any cooking activities are occurring.
- The commercial kitchen cooking processes shall cease to operate, if at any time, the filtration or extraction equipment ceases to function.

In light of the above, provided appropriate conditions area attached, it is considered that the scheme complies with the local policy aims in regards to residential amenity.

Visual Amenity

Policy SIE-1 (Quality Places) stipulates the following:

'Development that is designed and landscaped 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.'

Paragraph 131 of the National Planning Policy Framework states:

'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.'

Paragraph 135 states:

'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.'

The size and contemporary design of the proposed development appears adequately sympathetic to the buildings populating the adjacent retail park and employment area. In this context, it is considered that it would accord with the visual amenity aims of local and national policy and guidance.

The planning statement submitted advises that it is the McDonalds company policy to conduct a minimum of three daily litter patrols whereby employees pick up not only McDonald's packaging but also any other litter that has been discarded in a 150m vicinity of the restaurant. It also indicates that litter bins are provided outside all restaurants. Whilst it would not be reasonable, in the context of planning, to secure the daily litter patrols indicated in the statement by planning condition, it is considered appropriate to attach a condition requiring on site litter bins to remain in a useable condition during operating hours to help reduce litter on site, in the interests of visual amenity.

In light of the above, provided appropriate conditions are attached, it is considered that the development would accord with the relevant national and local visual amenity policies.

Trees, Landscaping and Ecology

Paragraph 180 of the NPPF indicates that development should minimise impacts on and provide net gains for biodiversity.

Core Policy CS8 of the adopted Core Strategy DPD states:

'Development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity and geodiversity. Sites, areas, networks and individual features of identified ecological, biological, geological or other environmental benefit or value will be safeguarded.'

Core Policy CS8 of the Adopted Core Strategy DPD also stipulates the following:

'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 will be given positive consideration.'

It goes on to state:

'Development will be expected to make a positive contribution to the protection and enhancement of the borough's natural environment, biodiversity and geodiversity. Sites, areas, networks and individual features of identified ecological, biological, geological or other environmental benefit or value will be safeguarded.'

And

'Proposals which seek to sustainably manage areas of nature conservation value as a resource, including for purposes of recreation, education and/or the small-scale harvesting of woody matter as a fuel, will be given positive consideration so long as they are not harmful to the environmental value of the area.'

Policy SIE-3 (Protecting, Safeguarding and enhancing the Environment) states:

'Development proposals affecting trees, woodland and other vegetation which make a positive contribution to amenity should make provision for the retention of the vegetation unless there is justification for felling, topping or lopping to enable the development to take place. Even where there is a strong justification for a proposal the design should maximise the potential for retaining some mature planting, and replacement planting of appropriate species and covering a similar area should be provided within the site or nearby.'

The proposed development will have an impact on low value, naturally regenerated trees on site as they are cited within the proposed formal hard standing area as well as the part of the retail park within the development site. The proposed new development including the access road and car parking will impact on the trees and hedges on and adjacent to the site.

A landscaping scheme has been submitted and in its current format the scheme is considered favourable. It is the view of the Arboricultural Officer consulted that there are opportunities for further enhancements and it would be appropriate for conditions which ensure trees to be retained on site are protected and a detailed landscaping scheme is submitted are attached to any subsequent approval.

A Biodiversity Net Gain (BNG) assessment was carried out by the applicant's Ecologist in July 2023 using the DEFRA Metric Version 4.0 to assess baseline conditions. This is accompanied by the Biodiversity Net Gain Design Stage Report V5 (Practical Ecology, December 2023). The DEFRA metric version 4.0 has subsequently been replaced by the Statutory Metric but this was not released until late November 2023 and so it is acceptable to continue to use version 4.0 for the current application.

The metric calculations show a baseline habitat unit score of 4.68 Habitat Units and loss of 0.64 Habitat Units (-13.77%) due to loss of scrub habitat. Creation of scrub and grassland habitats are proposed, along with new tree planting (all moderate condition) but there would still be an overall loss of habitat units associated with the scheme.

There will also be an increase of 1.16 Hedgerow Units through the planting of approx. 270m of predominantly mixed native species hedgerow.

Since overall there will be a loss of habitat units, a habitat offsetting strategy is required to ensure delivery of measurable overall biodiversity net gain (BNG) and ensure the proposals accord with the NPPF. Off-site BNG is required to ensure the development achieves measurable BNG overall. A minimum 10% BNG is sought as this is stated within the Environment Act 2021 which has received Royal Assent and is due to become mandatory later this year.

In terms of habitat offsetting, the Council can accept a financial contribution for biodiversity unit offsetting plus an appropriate management and monitoring fee. This commuted sum can be secured via a legal agreement to cover the habitat enhancement, maintenance and monitoring costs at the off-setting site. A suitable site for delivery of BNG offsetting for this application has been identified at South Park, south of Grove Lane, approximately 330m to the east of the application site. The commuted sum would contribute towards habitat works (including but not necessarily limited to) new tree and native shrub planting and would follow the spatial hierarchy (the proposed offsetting site is located near the development site). The applicant has agreed to making such a contribution which would be secured by way of legal agreement if members grant the approval of this application.

Plans submitted with the application include tree and native hedgerow planting along with grassland and mixed scrub and are welcomed within the proposals. The landscape strategy for the scheme should create structural diversity within proposed planting and aim to utilise a range of native wildlife-friendly species which will provide a year-round nectar/berry resource for invertebrates and birds. Details regarding the future long-term management and monitoring of habitat areas will need to be provided to ensure that the proposed habitats will reach their target condition in accordance with the submitted metric.

Conditions should be attached to any subsequent approval which require the following:

- Submission and approval of a Biodiversity Net Gain Management Plan which follows the targets set out in Design State BNG Report V5 by Practical Ecology dated December 2023.
- Protection of birds during nesting season
- Submission and approval of measures to control invasive, non-native species on site.

- Whilst the proposals are considered to be low risk to Great Crested Newts, as a precautionary measure, reasonable avoidance measures should be adopted during works to minimise the risk of wildlife being impacted should they pass through the site.
- No evidence of badger activity was recorded, but the dense scrub on site meant it was difficult to access all areas. A pre-works survey for badger should be carried out by a suitably experienced ecologist, no more than three months in advance of works commencing, to confirm badger sett absence, ensure no change in baseline conditions since the previous surveys and allow mitigation measures to be updated as appropriate.
- No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA to ensure suitable protection for wildlife during construction.
- Ecological conditions can change overtime. If works have not commenced within 2 survey seasons of the PEA survey (i.e. by July 2025), an update survey will be required prior to commencement of works. This is to ensure that the impact assessment is based on sufficiently up-to-date survey data. This includes updated assessment for protected species and habitats, review of mitigation measures and an updated BNG metric calculation should there be any changes in baseline habitats.

In light of the above, provided appropriate conditions are attached, the application is considered to comply with the relevant policies pertaining to trees, landscaping and ecology, given above.

Highways

Policies CS9, T-1, T-2, T-3 and T-4 of the Councils Core Strategy DPD are considered pertinent to assessing the Highways Implications of the proposal.

Policy CS9 indicates that developments should be situated in locations which are accessible by sustainable modes of transport.

Policy T-1 advises that developments which generate a significant number of trips will be required to be sustainably accessible by public transport, walking and cycling. It also advises that minimum cycle parking standards and vehicular parking standards should be adhered to.

Policy T-2 advises that developments shall provide car-parking in accordance with maximum parking standards and developers will need to demonstrate that developments will avoid resulting in inappropriate on-street parking that has a detrimental impact upon the safety of the highway, and they will also need to avoid impacting negatively upon the availability of public car-parking.

Policy T-3 states the following:

- Development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues.
- Developments shall be of a safe and practical design, with safe and well designed access arrangements, internal layouts, parking and servicing facilities.

Turning to national policy, paragraphs 108, 114, 115 and 116 of the National Planning Policy Framework (NPPF) are also considered pertinent to this application. Paragraph 108 states the following:

'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.'

Paragraph 114 states:

'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 Code⁴⁸; 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.'

Paragraph 115 advises that planning permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 116 states the following:

'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.'

The development would be positioned near to bus routes on Stanley Road and nearby Earl Road. It would also be located adjacent to both a dedicated cycleway and footway. As such, it is considered to be located within a sufficiently sustainable location, in accordance with policy CS9 and the accessibility requirements of policy T-1 along with the relevant parts of paragraphs 108, 114 and 116 of the NPPF.

Assessments of anticipated changes in traffic resulting from the proposed development and resulting impact on the operation of the local highway network demonstrate that whilst there would be an impact on the local roads, any impact would not be of a severe nature, such as to warrant refusal on highway grounds.

In accordance with the comments received from the Highways Officer consulted, the proposal is considered to provide a sufficient level of vehicular parking, in accordance with policy T-1. To satisfy policy T-1 and the relevant parts of paragraphs 108, 114 and 116 of the NPPF details of secure cycle parking provision should be required by condition.

Following consultation with the Highways Officer consulted, it is anticipated that the maximum level of parking demand created by the development would be 43 vehicles. A total of 55 car parking spaces are proposed. This includes 4 disabled spaces and 2 spaces with EV charge points. 36 of the spaces would be positioned to the front of the building with a further 19 positioned along the access running parallel to the A34. In addition, two motorcycle parking spaces would be provided along with

a cycle storage area. Whilst concern has been raised by local residents that the development would lead to customers/delivery drivers parking on local streets, it is considered that sufficient information has been submitted to demonstrate that the restaurant's parking facilities would adequately accommodate those visiting the site. Given this, it is considered that the development would comply with the relevant parts of policies T-2 and T-3 and paragraphs 114 and 116 of the NPPF.

Also contained within the red line boundary of the site are 44 car parking spaces associated with the retail park. These would need to be reconfigured as part of the proposed development. As a consequence of the reconfiguration, 1 space would be lost, bringing the total to 43 car parking spaces in this part of the site. Members should note that these spaces are not included in the figure of 55 spaces given above and the loss of one space is acceptable given it constitutes a negligible proportion of the overall provision within the retail park.

Turning to the issue of safety, a significant number of objections to the proposed scheme relate to the potential impact of traffic to the site and the poor accident record of the local roads. Objectors have made reference to accidents occurring frequently in the locality but accident statistics do not seem to confirm these assertions. The majority of collisions are rear end shunts due to driver error. There are no identified concerns regarding highway safety. Whilst objectors refer to the dangers for pedestrians crossing the local roads, there were no recorded accidents involving pedestrians and controlled crossing facilities for pedestrians and cyclists are currently provided to arms of the roundabout. Pedestrian access points are created into the site along potential desire lines incorporating controlled road crossing points. In addition, access to the site has already been formed as a part of the previous extant approval and the principle of linking this access through the development to the existing retail park was established in the previous approval. By virtue of its layout, nature and siting, it is not considered that the development would have an unacceptable impact upon the safety of pedestrians, cyclists or motor vehicle drivers, whether within the site, the retail park or the adjacent highway. As such, the development would accord with the relevant parts of policies T-2 and T-3 and paragraphs 114 and 115 of the NPPF.

Conditions requiring the details of the following should be attached to any subsequent approval to ensure full compliance with relevant policy:

- Construction Method Statement which includes details of phasing, access, manouvering, deliveries, storage and traffic management.
- Highway Survey of Stanley Rd from the A34 to Earl Rd and Earl Road and a scheme to reconstruct / resurface / repair any parts of the highway that the survey has identified has been affected through the construction of the development.
- Servicing method statement shall include details of times of servicing, the size and type of vehicles that will service the site, where service vehicles will load / unload and how servicing will be managed.
- Details of EV charging points
- Details of cycle parking including long-stay cycle parking for a minimum of 2 cycles and short stay cycle parking for a minimum of 4 cycles.

In addition, the car parking and servicing facilities for the development, and link through to the retail park are considered sufficient and safe however the development should not be brought into use until the development has been constructed in accordance with the approved drawings.

Provided such conditions are attached, it is considered that the development would comply with the policies and NPPF paragraphs given above.

Other Issues

In regards to drainage, United Utilities have requested that the applicant provides a detailed drainage plan prior to determination of the application, however they have also advised that should permission be granted without such details, conditions should be attached to the approval which requires details of a surface water drainage scheme and a foul water drainage scheme to be submitted prior to commencement of development. Given the extant permission on the site for a restaurant of similar scale to that proposed which would have a similar impact upon the drainage network, it is considered appropriate to attach conditions.

The applicant's Drainage Engineers have engaged with the Council's Drainage Officers in detailed discussions. Consequently, a drainage plan which is acceptable in principle to the Drainage Officers has been submitted. The drainage conditions attached to any subsequent approval should require a detailed design to be submitted, expanding on the acceptable drainage plan.

Concern has been raised that piling during the construction phase of the development may harm neighbouring properties. It would be responsibility of the developer to ensure that construction does not cause undue harm to neighbouring development and the planning system would not be an appropriate mechanism for controlling this.

A Gas Ingress Land Contamination Report has been submitted. In accordance with the comments received from the Environmental Health Officer consulted conditions requiring the validation of remediation measures proposed should be attached to any subsequent approval.

Concern has been raised in regards to crime, fear of crime and anti-social behaviour and the potential for the proposed development to exacerbate these problems. In regard to this, paragraph 135 of the NPPF advises that planning decisions should 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. A Crime Impact Statement has been submitted which outlines measures to ensure adequate surveillance and security. Greater Manchester Police have been consulted and have advised that they are happy to support the proposal. It is considered that the measures proposed within the Crime Impact Statement are reasonable and appropriate and a condition should be attached, if the application is approved, which requires the recommendations and specifications of the Crime Impact Statement to be carried out in full (unless otherwise agreed by the Local Planning Authority following consultation of GMP).

Provided such a condition is attached, it is considered that the development would suitably and proportionately address the concerns highlighted, in line with planning policy.

Concern has also been raised that the development may adversely impact the value of homes locally and be detrimental to local businesses. The impact a development may have on home values and the potential for competition between different operators are not matters which can be considered through the planning process.

The site is located partially within and adjacent to an Air Quality Management Area (AQMA).

Core Strategy DPD Policy SIE-3 states the following:

'Development that would exacerbate the existing poor air quality levels within the AQMA will be permitted only where it is demonstrated that that exacerbation will be mitigated.'

And paragraph 192 of the NPPF states:

'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.'

Redmore Environmental Ltd was commissioned by the applicant to undertake an Air Quality Assessment in relation to the scheme. Environmental Health Officers were consulted in regards to assessment.

Air quality impacts from fugitive dust emissions as a result of earthworks, construction and trackout activities were assessed. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. It is recommended that the application, if approved, is conditioned in line with the mitigation measures outlined in the assessment.

The Air Quality Assessment also assessed the likely impact of vehicles visiting the proposed development whilst it is operational. The detailed assessment found the impact was 'not significant' and should not be a constraint on the development. The conclusions are found to be satisfactory. Appropriate opportunities to encourage modes of transport less detrimental to air quality will be incorporated into the scheme such as the introduction of EV charge points and cycle storage facilities.

Furthermore, a Travel Plan has also been submitted which demonstrates the developers aims and intention to encourage and implement proposals which will result in the use of more sustainable methods of transport rather than private vehicles. The implementation of the travel plan should be required by condition.

Air source heat pumps are proposed to provide heating, cooling and hot water demand, together with 7m² of solar PV panels to ensure compliance with Part L requirements. The statement demonstrates that the scheme is compliant with the latest Part L 2021 building regulations and will exceed the policy requirements of SD-3.

CONCLUSION

The development is considered acceptable in principle, would not unduly harm residential amenity nor unacceptably impact upon visual amenity or highway safety. It is considered to be acceptable in all other regards and as such it is recommended that the application is approved.

RECOMMENDATION

Grant subject to conditions and S106 agreement to secure biodiversity offsetting contributions.