

# Central Area Committee

1st August 2024

## DEVELOPMENT APPLICATIONS

### Report of the Deputy Chief Executive

#### ITEM 1

<b>Application Reference:</b>	<b>DC/091580</b>
<b>Location:</b>	Land At Stockport Exchange Railway Road/Wellington Road South/Station Road Stockport SK1 3SU
<b>PROPOSAL:</b>	Hybrid planning application (part full / part outline) seeking full planning permission for Stockport Exchange Phase 5 office building with ground floor commercial use (Use Class E) and associated public realm and outline planning permission for Stockport Exchange Phases 6, 7 and 8 (with all matters reserved) following demolition of existing buildings. Phases 6 & 7 to comprise office buildings with ground floor commercial uses (Use Class E) and Phase 8 to comprise either office or residential use with ground floor commercial use (Use Class E or C3).

#### ITEM 2

<b>Application Reference</b>	DC/090964
<b>Location:</b>	18-37 High Street Stockport SK1 1EG
<b>PROPOSAL:</b>	Partial demolition/conversion of existing buildings, the creation of a residential development (Use Class C3) comprising 45 units, landscaping, highway works and other associated infrastructure

#### INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles

on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	22.04.2024
<b>Expiry Date:</b>	20240722
<b>Case Officer:</b>	Daniel Hewitt
<b>Applicant:</b>	Muse Places Ltd and Stockport MBC
<b>Agent:</b>	Savills

## **DELEGATION/COMMITTEE STATUS**

Due to the scale of development proposed the application must be determined by the Planning and Highways Regulation Committee.

## **DESCRIPTION OF DEVELOPMENT**

This hybrid application seeks full planning permission for:

- the erection of a further office building at Stockport Exchange (Phase 5) together with associated public realm; and
- outline planning permission for Stockport Exchange Phases 6, 7 and 8 (with all matters reserved) following demolition of existing buildings. Phases 6 & 7 comprise office buildings with ground floor commercial uses (Use Class E) and Phase 8 to comprises either office or residential use with ground floor commercial use (Use Class E or C3).

The planning permission for the previously approved 2014 Stockport Exchange masterplan (DC/063213) required that applications for reserved matters be submitted by 14 December 2021. That planning permission successfully delivered the initial phases of the office led regeneration on the site but has now expired. Four of the eight originally approved phases have been completed as follows:

1. Multi-story car park (planning permission ref: DC/050228)

2. Hotel, public realm works and first office block now fully occupied (planning permission ref: DC/063213)
3. Second office block (planning permission ref: DC/063213 & DC/070421)
4. Recently completed third office block (planning permission ref: DC/063213 & DC/081773) and office tenant multi-storey car park (planning permission ref: DC/063213 & DC/081772)

This application seeks approval to complete the delivery of Stockport Exchange with a similar quantum of development following a refresh of the masterplan, although it should be noted that other than Phase 5, permission for later phases of development are in outline only with all detailed matters reserved for consideration at a later date. Matters reserved are:

- **access** – defined as *“accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network”*;
- **layout** – defined as *“the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*
- **scale** – defined as *“the height, width and length of each building proposed within the development in relation to its surroundings”*;
- **appearance** - defined as *“the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”*; and
- **landscaping** – defined as *“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:*
  - (a) screening by fences, walls or other means;*
  - (b) the planting of trees, hedges, shrubs or grass;*
  - (c) the formation of banks, terraces or other earthworks;*
  - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
  - (e) the provision of other amenity features”*.

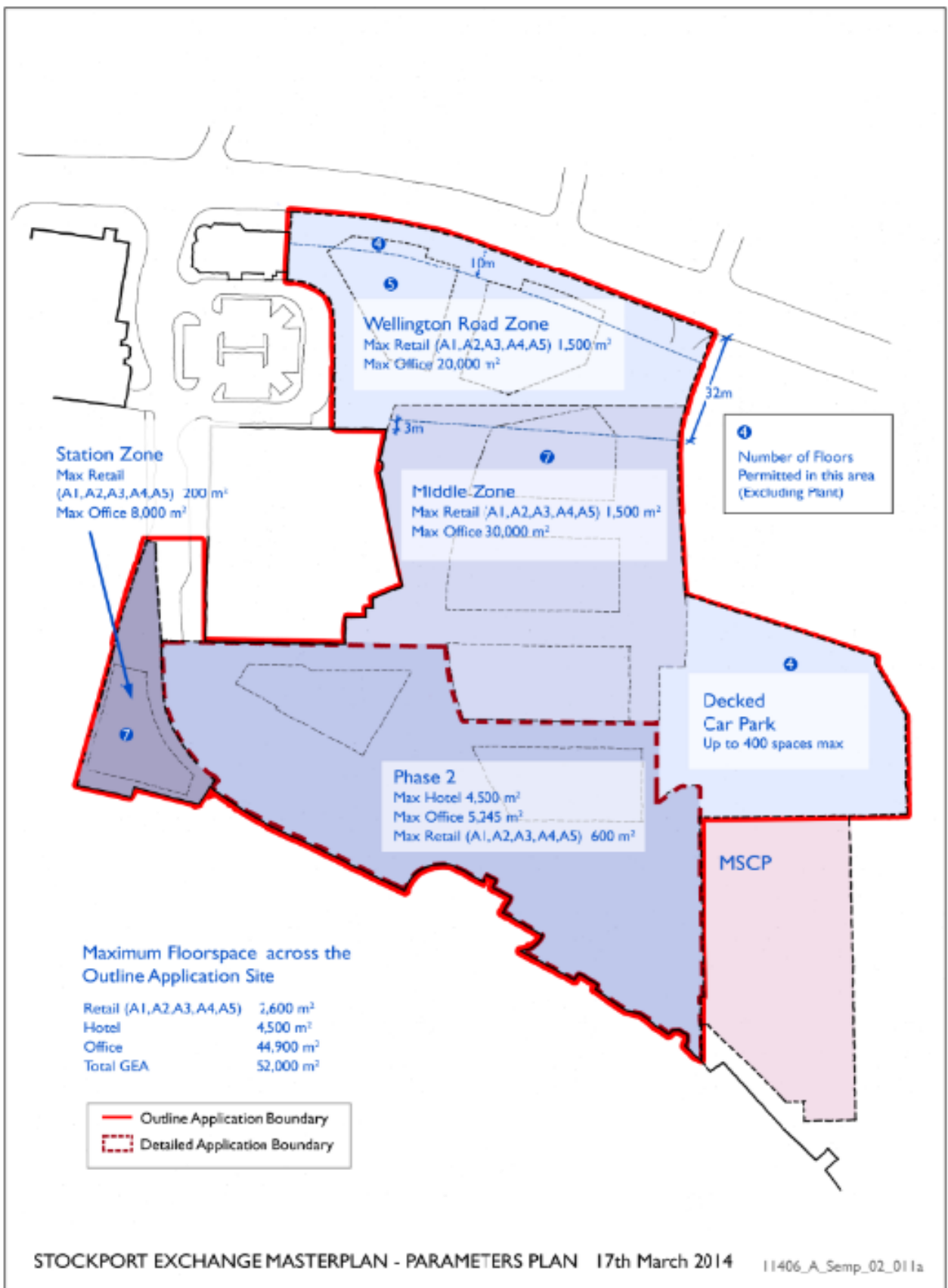
The previously approved masterplan and original parameters are shown in the images below:

**Key**

 Implemented phases



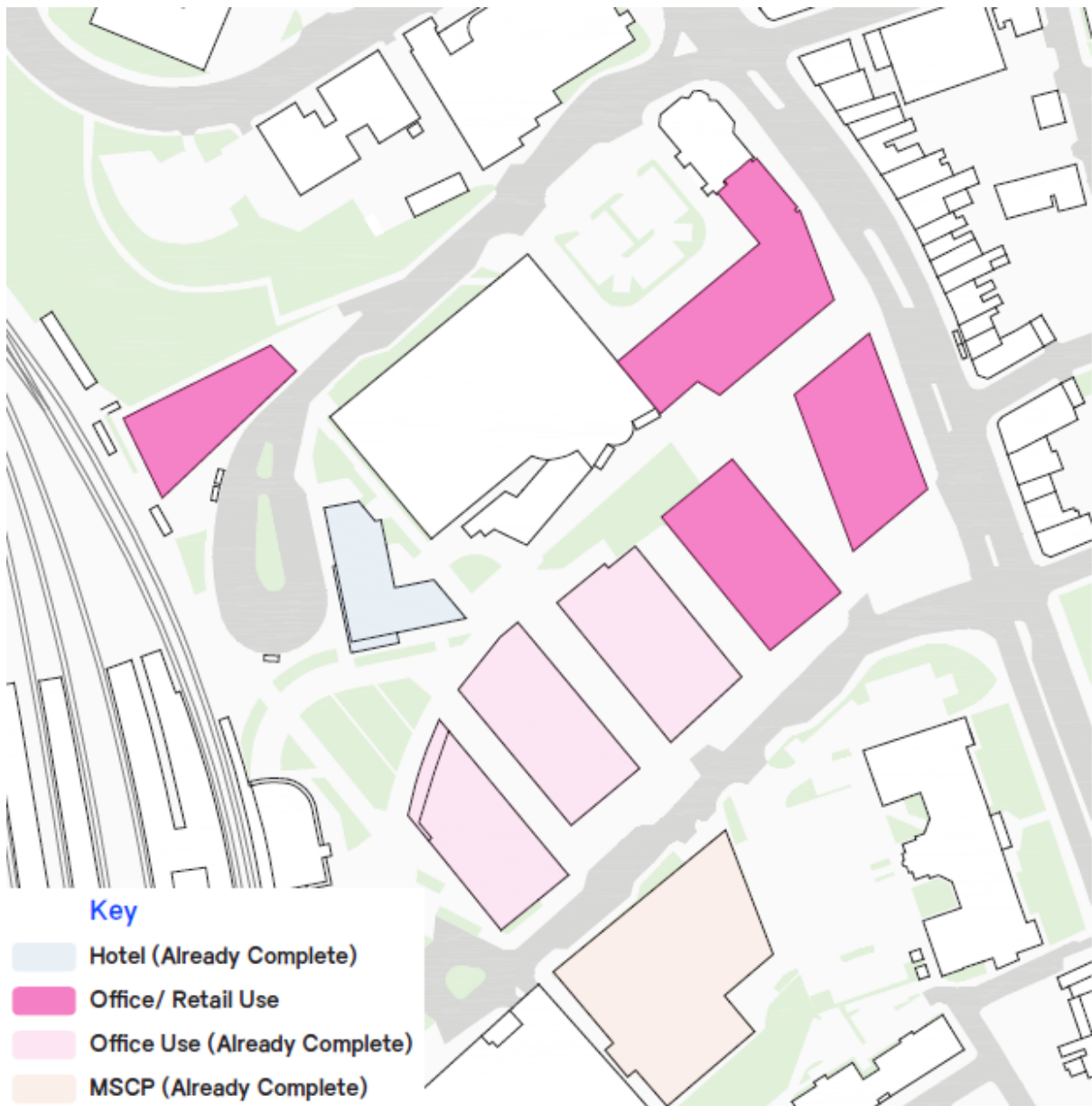
**2014 Consented Masterplan**



The proposed, part indicative masterplan is shown below:



**Proposed Masterplan**



### Phase 5

This element of the application seeks full planning permission for a further new office building comprising 7893m<sup>2</sup> of floorspace spread over 7 floors with commercial space (use class E) on ground floor fronting a new area of public realm. The building incorporates a roof terrace on the building's north western corner facing north. The main ground floor arrival space for the office accommodation is located in the north western corner facing Grand Central Pools, mirroring the arrangements created in earlier phases. Service accesses front Railway Road and the space between the building and Phase 4. Areas of landscaping and public realm are proposed around the building focused on new areas of public realm continuing the pedestrianised route through the central spine of Stockport Exchange from the A6 to the railway station. Very little soft landscaping is proposed on Railway Road.

The scale and massing of Phase 5 reflects that of earlier phases whilst its appearance continues the design objective of graded, increasingly solidity to the buildings' appearance as you move through Stockport Exchange to the A6 corridor.

### Phase 6 proposals



Phase 6 proposes a further office building on the site of Central House currently occupied by SMBC, the Stockport Mayoral Development Corporation, the Stockport Work and Skills Hub and the Army Careers Centre. This building would continue to front both the Stockport Exchange public realm and the A6 as it currently does. The quantum of development proposed is up to 10,000m<sup>2</sup> on up to 7 floors (including roof terrace elements).

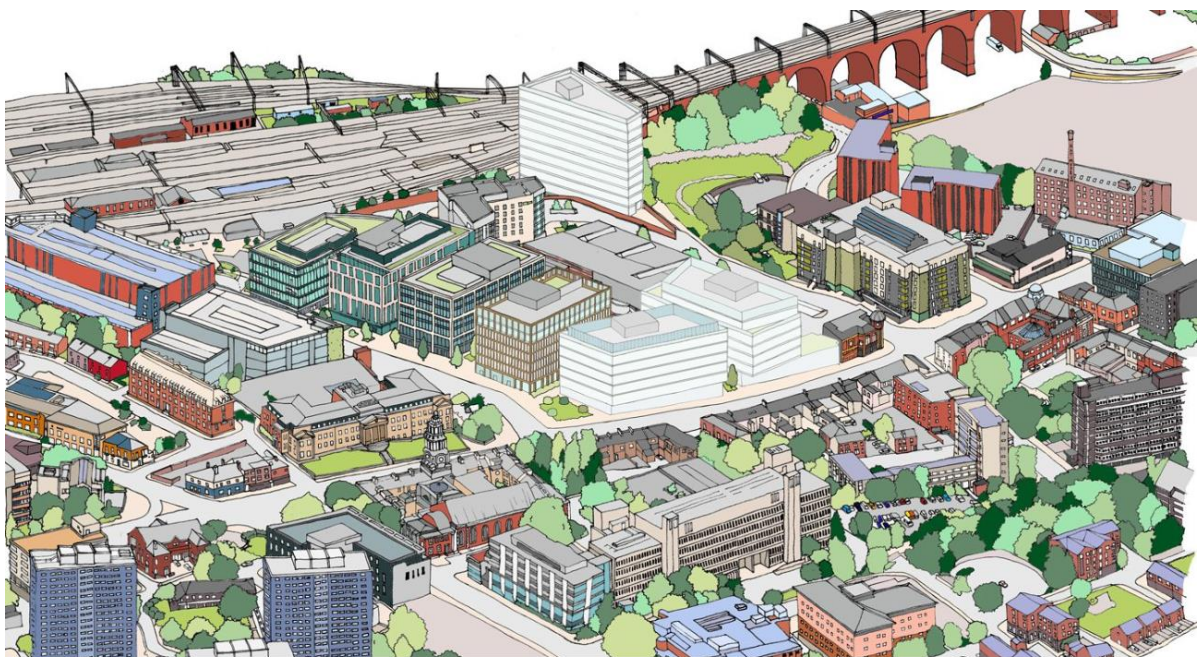
### Phase 7 proposals

Phase 7 proposes a further office building on the corner of Railway Road and the A6 of a similar scale to Phase 6 comprising up to 8,500m<sup>2</sup> of commercial floorspace including lettable units fronting the A6.

### Phase 8 proposals

This final phase of Stockport Exchange would occupy a sloping triangular piece of land (0.13 hectares) between the railway line and Station Road currently used for surface car parking. Access would be from Station Road.

A flexible planning permission is proposed for phase 8 allowing either an office building with a maximum of 9,000m<sup>2</sup> of Class E floorspace or 100 apartments over ten storeys.



## **SITE AND SURROUNDINGS**

The location and extent of the application sites is best understood by referring to the submitted plans appended to this report.

Following the recent demolition of a row of low-rise buildings fronting the A6, the application site is currently used either as surface car parking, has been grassed over whilst awaiting redevelopment or is occupied by buildings of limited architectural quality such as Central House (built in the 1980s as part of the Grand Central development).

In order to deliver proposed phases 6 and 7, the remaining buildings on the A6 frontage, including Central House would be demolished. Four domestic scale

buildings earmarked for demolition are recorded on the sites and monuments record but are not listed nor locally listed.

No part of the site is recorded as a designated heritage asset however the development will affect the setting of the designated heritage assets including:

- Town Hall (Grade II\*)
- Stockport Infirmary (Grade II)
- Stockport Railway Viaduct (Grade II\*)
- Town Hall Conservation Area
- War Memorial Art Gallery (Grade II\*)
- St Peter's Conservation Area
- Stockport Central Library (Grade II)
- Guidepost, Edward Street (Grade II)
- 4 Corinthian Capitals – Mount Tabor garden area (Grade II)
- War Memorial shelters x 2 (Grade II)
- Plaza Cinema (Grade II\*)
- Wellington Mill (Grade II)

The development will also affect the setting of Stockpot Railway Station which is an undesignated heritage asset (locally listed building).

Finally, there are two trees within the public realm within Phase 5 that are proposed to be removed. The first is a semi mature London Plane tree that is identified in the submitted tree survey as being of a low quality (retention category C1) and a newly planted replacement tree after another London plane tree was damaged during the delivery of Phase 4.

## **POLICY BACKGROUND**

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

### **The Development Plan includes-**

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

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

- TCG3.2 Cultural, Leisure and Heritage Quarter
- TCG1 Town Centre/M60 Gateway
- TCG1.2 Town Centre/ M60 Gateway Transport Hub
- TCG1.3 Parking in the Town Centre
- TCG1.4 Sustainable Access in the Town Centre/M60 Gateway
- EP1.7 Development and Flood Risk
- EP1.10 Aircraft Noise

- L1.2 Children's Play
- E1.2 Location of New Business Premises and Offices
- PSD2.2 Service uses in the Town Centre, District and Large Local Centres
- SE1.2 Shopfronts
- SE1.4 Security Measures for Shop Fronts
- MW1.5 Control of Waste from Development

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

- CS1 Overarching Principles: Sustainable Development – Addressing Inequalities and Climate Change
- SD-1 Creating Sustainable Communities
- SD-3 Delivering the Energy Opportunities Plans – New Development
- SD-4 District Heating (Network Development Areas)
- SD-6 Adapting to the Impacts of Climate Change
- CS2 Housing Provision
- CS3 Mix of Housing
- CS4 Distribution of Housing
- H-1 Design of Residential Development
- H-2 Housing Phasing
- H-3 Affordable Housing
- CS5 Access to Services
- CS6 Safeguarding and Strengthening the Service Centre Hierarchy
- AS-1 The Vitality and Viability of Stockport's Service Centres
- AS-3 Main Town Centre Uses, Hot Food Take Aways and Prison Development Outside Existing Centres
- CS7 Accommodating Economic Development
- AED-1 Employment development in the Town Centre and M60 Gateway
- CS8 Safeguarding and Improving the Environment
- SIE-1 Quality Places
- SIE-2 Provision of Recreation and Amenity Open Space in New Developments
- SIE-3 Protecting, safeguarding and enhancing the Environment
- SIE-5 Aviation Facilities, Telecommunications and other Broadcast Infrastructure
- CS9 Transport and Development
- CS10 An Effective and Sustainable Transport Network
- T-1 Transport and Development
- T-2 Parking in Developments
- T-3 Safety and Capacity on the Highway Network
- CS11 Stockport Town Centre
- TC-1 Stockport Town Centre

### **Supplementary Planning Documents and Guidance**

Supplementary Planning Guidance does not form part of the Statutory Development Plan, nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant policies are as follows:

- Local Employment and Training SPD
- Open Space Provision and Commuted Payments SPD
- Design of Residential Development SPD
- Town Centre Housing SPD

- Sustainable Transport SPD
- Sustainable Design and Construction SPD
- Affordable Housing SPG
- Affordable Housing Explanatory Note

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th December 2023 replaces previous versions of the document. 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.

## **RELEVANT PLANNING HISTORY**

### **DC/048549**

Construction and operation of a multi-storey car park south of Railway Road, Grand Central, Stockport with associated landscape, access, circulation and parking improvements.

Granted 13.01.12

### **DC/050228**

Minor material amendment of planning approval DC048549 (Construction & operation of a multi-storey car park) including reduction in footprint & capacity of multi-storey car park, increase in height of the northern part of the multi-storey, revision of vehicular access to the multi-storey, amendment of external appearance of multi-storey, modification of the surface level car parking areas access and layout.

Granted 13.01.12

**DC/054978**

Hybrid application seeking:

(1) full planning permission for the construction of an office building (Use Class B1) with ground floor commercial units (Use Classes A1, A2, A3, A4, A5 or B1), a hotel (Use Class C1), landscaping, areas of public realm and associated engineering and infrastructure works;

(2) outline planning permission, with all matters reserved, for the demolition of existing buildings and the construction of office development (Use Class B1) with ground floor commercial units (Use Classes A1, A2, A3, A4, A5 or B1), a decked car park, landscaping, areas of public realm and associated engineering and infrastructure works.

Granted 16/07/14

**DC/058003**

Variation of conditions 1 & 12 of planning permission DC054978 to allow for revised location of office building, reconfiguration of southern loop, amendments to parking layout, public realm and service roads and associated highway works (Minor Material Amendment).

Granted 22/05/15

**DC/063213**

Variation of condition 2 of DC058003 to allow for amendments to the approved hotel, office building and public realm works (Minor Material Amendment).

Granted 14/12/16

**DC/068127**

Reserved matters application seeking approval for access, layout, scale, appearance and landscaping, for the erection of a six storey office building (Use Class B1) including ground floor commercial uses (Use Class B1, A1, A2, A3, A4 and A5) and associated landscaping and works, following the grant of outline permission under DC/063213.

Granted 09/03/18

**DC/070421**

Variation of Conditions 1 and 17 of the Reserved Matters Permission DC/068127, to allow a change in the materiality of the roof mounted plant screen from photovoltaic panels to anthracite grey louvres and to vary the landscaping around the building

Granted 19/10/18

**DC/080334**

Non-material amendment to DC/063213 to allow for the approved parameter plan to refer to a 5 storey car park + plant, whilst maintaining an overall approved height of 86m AOD.

Granted 28/05/21

**DC/081773**

Reserved matters approval (access, layout, scale, appearance, and landscaping) for the erection of a 6 storey office building (Class E), including retail and commercial uses at ground level (Class E and Sui Generis Drinking Establishments and Hot Food Takeaways), associated landscaping and works, pursuant to hybrid application reference DC/063213.

Granted 19/10/21

**DC/081772**

Reserved matters approval (access, layout, scale, appearance, and landscaping) for the erection of a multi storey car park pursuant to hybrid application reference DC/063213.

Granted 19/10/21

**DC/087933**

Full Application for the Installation of Photovoltaics (PV) at Level 2 and on the Top Deck of the Multi-Storey Car Park at phase 4 of Stockport Exchange.

Granted 17/02/23

**DC/090286**

Prior approval for the demolition of the buildings at 76-84 Wellington Road South

Granted 04/12/23

## **NEIGHBOUR'S VIEWS**

One written expression of support has been received from a member of the public.

## **CONSULTEE RESPONSES**

### **SMBC Economy, Work and Skills**

Earlier this year I provided our employment and skills minimum outcomes expectations to the applicant on request:

#### **Context**

The development of Stockport Exchange Phase 5, as a Public / Private sectors joint venture involving Stockport Council and Muse, is a key element in the ongoing development of Stockport Exchange and regeneration of the Stockport Mayoral Development Corporation (MDC) area, bringing further much needed high quality office floorspace to Stockport Town Centre.

The development of Stockport Exchange Phase 5 provides excellent employment and skills opportunities for local people, including from our priority groups of unemployed people and those most economically disadvantaged in the labour market, such as Care Experienced young people and those residents with SEND needs.

There are of course, end user employment and skills opportunities from the development, and the developer will be required to make introductions between locating businesses (when known) and the Council's Economy, Work and Skills team to support this, for example helping with linkages to partners such as the Care Leavers Team.

However this note focuses mainly on the construction build. In terms of construction, this crucially is about both meeting the recruitment and training needs of the construction sector through growing the skilled labour market, as well as maximising opportunities in construction for those people not currently active in the labour market.

For the construction phase, the expected minimum outcomes are based on the Construction Industry Training Board's (CITB) National Skills Academy for Construction benchmarks, and are determined by the type of development and the Design and Build cost.

The minimum outcomes identified below, are based on an Office build project with a Design & Build cost of approximately £19.8m.

#### **Employment & Skills Clauses**

*Stockport Council will require the Developer of Stockport Exchange Phase 5, and their appointed construction contractor, to work with the Council in achieving employment and skills outcomes for the local area. To this end, the successful contractor is required to complete an Employment and Skills Plan (ESP) and Method Statement as outlined below and in accordance with the guidance in this document.*

#### **Action Point 1: Employment and Skills Plan**

The Contractor is required to complete an Employment and Skills Plan (ESP) covering the following employment and skills areas, and expected KPI outcomes from the table below:

Work Placements	4
Jobs Created (not currently employed in construction)	7
Construction Careers Information, Advice and Guidance (CCIAG) Events	4
Training Weeks on site	345
Qualifying the Workforce	19
Of which:	
Qualifications (Level 2 and above)	6
Short Duration training (Industry Certification)	13
Training Plans	3

For further information, a supporting CITB document is provided to explain the KPI's.

These are minimum outcomes. The Employment & Skills Plan (ESP) will expect to see quarterly estimates for when outcomes for each benchmark will be achieved over the lifetime of the construction.

#### Action Point 2: Employment and Skills Plan Method Statement

The successful contractor will be required to provide a detailed Method Statement setting out how they intend to implement the employment and training requirements and to deliver the Employment and Skills Plan (ESP). The Method Statement should clearly set out the proposed approach for delivering the employment and skills outcomes, covering the following:

- Who in the organisation will be responsible for managing the training scheme and overseeing the proposals?
- Previous experience of delivering employment and skills objectives in major construction projects
- Which education and training providers will be involved with the delivery of the ESP?
- What types of accredited and non-accredited training are expected to be offered and who are expected to be the main beneficiaries of this training?
- Which trades or occupational areas is it envisaged will be offering Apprenticeship opportunities?
- What types of Apprenticeship are expected to be offered (e.g. subjects and levels)?
- How will the target outputs as set out in the ESP be delivered?
- How will health and safety issues be managed?
- What actions will be taken to ensure the support of trade contractors and sub-contractors working on the project:
- How will compliance be managed (and monitored) with respect to the organising trade contractors and subcontractors?

#### Supporting Achievement of Commitments

Council Officers will be seeking to work closely with the appointed Contractor's Social Value Lead in order to engage local partners such as Trafford & Stockport College Group, Jobcentre Plus and others to help deliver on the outcomes and achieve robust monitoring, tracking and reporting of progress in achieving outcomes. Regular quarterly progress meetings and reports should be arranged and provided respectively, involving the Council's Economy, Work & Skills Manager and the nominated Social Value Lead for the appointed Contractor.



Opportunities for Pre-Employment training in construction, to support local unemployed people into the sector will be a key priority, including targeting care leavers, people with SEND needs, young people NEET, long-term unemployed and veterans.

To ensure the Contractor is aware of the expected outcomes, and the need to work in partnership with Stockport Council, the requirement set out in this briefing should be included in the tender process used by the Developer.

I fully expect Muse to include these outcomes as social value contract conditions in the tender for a construction contractor (given the Council investment), we should also include the requirement for an Employment & Skills Plan (that includes the minimum outcomes I've highlighted in the attached, and how they will be achieved) as a Planning Condition, given I anticipate significant end user jobs although currently there is no indication in the application as to how many.

### **SMBC Education**

The revised National Planning Policy Framework (NPPF) came into force in December 2023. This document sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration of significant weight, meaning it must be taken into account, where it is relevant, in deciding planning applications and appeals.

Paragraph 99 of the NPPF (2021) refers directly to education provision, highlighting the importance of schools in promoting healthy and safe communities. It sets out that

*'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*(a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*(b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

Planning Practice Guidance (PPG) adds further context to the NPPF. In September 2019, the PPG updated its guidance on planning obligations towards education. It sets out that contributions needed for education should be based on known pupil yields from housing developments. It also sets out that existing or planned/committed school capacity should be considered to identify where additional capacity is required.

In November 2019, the DfE published its guidance 'Securing Developer Contributions for Education'. This document acknowledges that while there is government funding available, developers will still be expected to provide contributions to ensure adequate provision of education infrastructure. The guidance recommends that developer contributions should be sought for a range of school places, where need arises. This includes places primary, secondary and those with special educational needs and disabilities (SEND).

The School Place Planning Board offer the following comments:

The residential aspect of this planning application is outline. Therefore, it is not possible to calculate the expected level of pupils generated from the development at this time. The below provides a commentary of current school place provision in this area of Stockport.

Outlined in the School Investment Strategy, a fundamental requirement for any Local Authority wanting to assure sufficiency is that its schools hold surplus school places. Surplus places need to be held by schools to absorb margins of error in pupil forecasting and inward migration. Stockport aims to achieve and hold between 6-8% surplus places. This means 6-8% of the total school capacity distributed as evenly as possible across the Borough.

#### Observations in Primary Phase:

- Located in the Stockport Primary Planning Area which currently has 10% surplus places in mainstream sector and is expected to maintain this for the next 5 years
- Stockport Primary Planning area does not have a resource base\* but does have a special primary school\*\* within it, Lisburne Special School
- Distribution of surplus places is fairly even across the are with the exception of Great Moor Infant and Junior School which are usually oversubscribed
- The catchment schools are the nearest which are Great Moor Infant and Great Moor Junior School, a split school both 2.6FE
- The development will not significantly impact sufficiency in this area and the Council will not seek contributions

#### Observations in Secondary Phase:

- This site is located in the East Secondary Planning Area which currently has a limited surplus capacity ranging from 0-2% which it is expected to maintain over the next 5 years. As such it is expected to face capacity issues in various year groups over various points for the next 5 years
- All schools in the planning area are popular and oversubscribed
- The planning area has one resource base\* and one special school\*\*, Marple Hall School and Castle Hill School
- Stockport School would be the catchment area school for this development which is a 9FE secondary school.
- The development will directly impact on secondary school places within this area and will cause the council to have to commission secondary school places
- As such, the Council would seek full contributions relating to the yield of pupils attached to this development

#### Special education observations

Special Education provision within Stockport currently has a shortage of places available with at present too great a reliance on special and independent special school places. Any additional pupils expected to yield will exacerbate the shortfall. As such, the Council would seek full contributions relating to the yield of pupils attached to this development.

\* Resource bases are attached to a mainstream school. They provide specialist support for children with special educational needs and disabilities and will enable a child to access mainstream education by using specialist interventions.

\*\*A special school are separate entities dedicated to children with special educational needs and disabilities that meet different needs and have different areas of expertise.

### Summary

The residential aspect of this planning application is outline. Therefore, it is not possible to calculate the expected level of pupils generated from the development at this time. The commentary sets out that there is currently a need for additional Secondary and Special Education School Places in this area of Stockport.

If the application is granted, it is recommended that a more detailed calculation is undertaken at reserved matters stage. This will take into consideration property types (house/ flats) and the size of the dwellings. Furthermore, the calculation will be based on up-to-date built costs, pupil yields and educational needs. This is to ensure that required contribution is commensurate with the proposed scheme and based upon the most up-to-date evidence. This should be suitably stipulated within a legal agreement.

### **SMBC Lead Local Flood Authority**

No objection in principle subject to a later assessment of detailed design.  
Recommend a condition requiring approval of detailed drainage designs.

### **United Utilities**

Express support for the sustainable drainage proposals in respect of Phase 5 and request that a condition is imposed requiring details to be submitted at a later date for future phases.

### **SMBC Arboriculture**

There are no legally protected trees within this site or affected by this development therefore no objection subject to conditions. They do however state that there may be opportunities for further tree planting.

### **SMBC Ecology**

#### Nature Conservation Designations

The site itself has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain etc.). The site has however been identified as a grassland habitat opportunity area (Phase 5-7 areas), and tree planting opportunity area (Phase 8 area) within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

The site sits local to Green Chain area ID:19 located respectively ~500m south of the site.

#### Habitats (whole site)

A Preliminary Ecological Assessment (PEA) survey was carried out in early 2024 (Preliminary Ecological Appraisal Report, Brooks Ecological, 2024). Habitats on site were defined as modified grassland, introduced shrub, developed land, and vacant/derelict land.

#### Full application site section

Two relatively small sections of grassland, assessed as being of similarly low ecological value, along with a small area of introduced shrub were identified in the full application site section. The grassland area in the north of this site section includes a single small urban tree. The majority of this section however is composed of developed land with a negligible ecological value.

#### Outline application site sections

The area allocated to phase 8 of the development, adjacent to the railway, and the area allocated to phase 6-7, between Wellington Road and the phase 5 site, and composed entirely of developed land and vacant/derelict land. There is some marginal vegetation present adjacent to the north boundary of the phase 8 area apparent in aerial imagery which is likely self-seeded scrub.

#### Legally Protected Species (whole site)

All elements of the site were assessed and discussed in the PEA. No recent records of bat roosts, great crested newts, badgers or hedgehogs were returned for the survey area, and the site was deemed to be of negligible value for all protected species generally. Bat surveys have been carried out on buildings in the phase 6-7 outline area in 2023 which found no evidence of roosting bats.

The marginal self-seeded scrub adjacent to the north boundary of the phase 8 area may provide suitable bat foraging habitat and should be considered during the lighting design of that phase. This is discussed further in the recommendations section of these comments.

No further survey effort for bats, GCN hedgehog or badger is recommended in support of this application.

Both the full and outline elements of the application provide opportunity to incorporate features to increase the biodiversity value of the final development in accordance with local and national planning policy, and this is discussed further in the recommendations section of these comments.

#### Invasive Species

No Invasive Non-Native Species (INNS) issues were identified during the PEA, however the report acknowledges that the surveys were carried out at a time of year where not all species would have been evident, were they present, and some parts of the site could not be accessed.

The PEA presents a reasonable justification for considering the likely presence of INNS to be small. As such, providing suitable reasonable avoidance measures are in place during construction phases, I do not consider INNS to be a significant constraint. This is further addressed in the recommendations section of these comments.

#### Biodiversity Net Gain (BNG)

A BNG Assessment (Brooks Ecological, report ref: ER-7237-02, 06/03/2023) has been submitted with the application which appropriately assesses the baseline

value of the full application site (0.12 habitat units) and the outline sections (0.18 units). A copy of the statutory metric used to calculate this has also been submitted. The condition assessments have been appropriately conducted.

A second BNG Assessment – Part 2 (Brooks Ecological, report ref: ER-7327-03B, 06/03/2023) has also been submitted which uses the Landscape Masterplan drawing (P21518-GIL-00-XX-DR-L-1201 rev. P04) to calculate the biodiversity unit value of the post-development site. The report and accompanying statutory metric demonstrates a satisfactory 25% increase in habitat units from proposed introduced shrub, rain garden and urban tree planting.

### Recommendations

#### FULL PLANNING APPLICATION ELEMENT:

##### Biodiversity Net Gain (BNG)

A copy of the statutory metric used to calculate the post development value of the full application section is requested for further assessment noting that an Overall BNG Statement will be required before development commences.

##### Invasive Non-Native Species (INNS)

INNS were not recorded on the development site itself, but some areas could not be assessed during the ecology survey. The perceived low risk of INNS can be adequately mitigated for with an INNS reasonable avoidance measures method statement which can be a stand-alone document or form part of a Construction Environmental Management Plan, submitted for approval prior to the use of building materials on site.

##### Ecological Enhancement Strategy

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with these policies. I therefore recommend that an enhancement strategy should be submitted for approval prior to the use of machinery on site which should include proposals for the provision of:

- features for nesting birds including swifts, and roosting bats (positioned high up in multiples on appropriate aspects, and any external lighting should avoid light spill on the features);
- native species planting.

The proposals should be permanently installed in accordance with approved details.

#### OUTLINE APPLICATION ELEMENT:

##### Biodiversity Net Gain (BNG)

An indicative plan and account of how 10% BNG will be achieved in phases 6-8 should be submitted for approval prior to decision noting that an Overall BNG Statement will be required before development commences.

##### Lighting

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), details of the proposed lighting scheme should be submitted as part of any future reserved matters application and approved in writing by the Local Planning Authority.

The scheme should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on these features.

All external lighting should be installed in accordance with the specifications and locations set out in the strategy, and these should be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

### Invasive Non-Native Species (INNS)

The perceived low risk of INNS can be adequately mitigated for with an INNS reasonable avoidance measures method statement which can be a stand-alone document or form part of a Construction Environmental Management Plan, submitted in support of any future reserved matters application.

### Ecological Enhancement Strategy

I recommend that any future reserved matters application should be supported by an enhancement strategy which should include proposals for the provision of:

- features for nesting birds including swifts, and roosting bats (positioned high up in multiples on appropriate aspects, and any external lighting should avoid light spill on the features);
- native species planting.

The proposals should be permanently installed in accordance with approved details.

### **Network Rail (NR)**

Requests that the developer contacts NR Asset Protection. The main interface will be with respect to site Phase 8.

Phase 8 is on NR land and we will comment on this separately.

### **SMBC Environmental Health – Contaminated Land**

The proposed development site has been identified as potentially contaminated under the Councils review of potentially contaminated land sites, due to former potentially contaminative uses such as a cotton works. The developer has appointed an Environmental Consultant to undertake a Phase 1 desktop study/site walkover and I have reviewed the Civic Earth Phase 1 - Stockport Exchange Phase 5 (Full) and Phases 6, 7 and 8 (Outline) dated 12th March 2024.

A Phase 2 site investigation is required.

Conditions are recommended accordingly in respect of contamination and ground gas mitigation.

### **SMBC Environmental Health – Air Quality**

I have reviewed the air quality assessment, reference 314564, which has been submitted in support of the application. The air quality assessment provided only covers the requested full planning permission for Stockport Exchange Phase 5, office building with ground floor commercial uses.

### Operational Phase

The air quality assessment and supporting information reports that there will be no on-site parking provided as part of this development. Instead, the proposed development will utilise other multi-storey car parks which are part of the Stockport Exchange development. It is confirmed that vehicle trip generation and parking provision associated with the proposed development has already been considered as part of previous applications, incorporating air quality assessments, submitted to the Council including DC/048549 and DC/081772. The air quality assessments associated within the car parking were accepted by the Council and no objections were provided. The conclusion provided by the applicant is that the impact of this proposed development on local air quality is not considered to be significant as parking requirements have previously been considered and accepted. I agree with the conclusion provided and have no objections or comments on this aspect of the application.

### Construction Phase

The air quality assessment confirms that dust and emission mitigation measures will need to be employed during constructions works to ensure there are no adverse impacts to nearby sensitive receptors and on local air quality. To ensure that the applicant provides sufficient controls during construction I would recommend the following condition is included on any decision notice:

*No development shall take place unless and until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for measures, documented within the submitted air quality assessment, to minimise and control vehicle, plant and dust emissions from the construction phase.*

*Reason: In accordance with Development Management Policy SIE-3.*

### Outline planning permission for Stockport Exchange Phases 6, 7 and 8

The applicant shall be required to assess impacts of the development on local air quality and the following information shall be provided as part of any full planning application for subsequent phases of the Stockport Exchange development:

- An air quality assessment which demonstrates the likely changes and impacts on local air quality or exposure to air pollution, as a result of a proposed development. The assessment shall be based on guidance detailed within the Institute of Air Quality Management document 'Planning for Air Quality' and include:
  - i. Assess the existing air quality in the study area (existing baseline);

- ii. Predict the future air quality without the development in place (future baseline which may or may not include the contribution of committed development);
  - iii. Predict the future air quality with the development in place (with development)
  - iv. Recommendations for reducing emissions and impacts.
- An assessment of dust soiling and human health impacts during the earthworks and construction phase of the development and a dust and emissions management plan to ensure that that air quality impacts during the earthworks and construction phase are minimised.

## **SMBC Environmental Health – Noise and Odour**

### Detailed proposals for Phase 5

No objection subject to conditions and informatives:

Conditions:

- Demolition/Construction Environmental Management Plan (CEMP)
- Development in accordance with Noise Impact Assessment recommendations
- Noise mitigation measures completion/verification report
- Approval of any commercial kitchen extraction details

Informatives:

- Pile Foundation Method Statement
- Concrete Power Floating hours
- Construction hours

### Outline proposals (Phase 6-8 inclusive)

No objection subject to conditions and informatives:

Conditions:

- Demolition/Construction Environmental Management Plan (CEMP)
- Submission of Noise Impact Assessments at reserved matters stage
- Approval of any commercial kitchen extraction details

Informatives:

- Internal layouts and noise transfer
- Detailed Noise Impact Assessment requirements
- Construction hours

## **SMBC Environment Agency**

The proposed development site has been subject to historical industrial land uses, including a cotton mill, a depot and other associated unspecified works which may pose a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the



proposed development site is located upon a Secondary A Aquifer (glaciofluvial deposits) and a Principal Aquifer (Chester Pebble Beds Formation).

The submitted documents demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

Based on the information present, we believe that planning permission could be granted if the following conditions are included as set out below. Without these conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### Full and Outline Planning Applications

#### Contaminated Land

##### *Condition*

*No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:*

- 1. A site investigation scheme, based on the submitted documents, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.*
- 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 3. A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.*

##### *Reason*

*To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.*

##### *Condition*

*Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.*

##### *Reason*

*To ensure that the proposed activity does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework and Position Statement J of the 'The Environment Agency's approach to groundwater protection'.*

*Condition*

*No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.*

*Reason*

*To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the National Planning Policy Framework.*

*Condition*

*Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.*

*Reason*

*To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.*

## **Manchester Airport – Safeguarding Authority**

No objection subject to conditions and informatives:

*Conditions*

*Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.*

*Reason*

*In the interests of flight safety and to prevent distraction and confusion to pilots using Manchester Airport.*

*Condition*

*In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke shall be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Manchester Airport and the Civil Aviation Authority.*

*Reason*

*Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.*

*Informatives*

- No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using Manchester Airport.
- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Cranenotification/>

## **SMBC Highway Engineer**

Stockport Exchange has a long planning history. The original masterplan outline permission required that applications for reserved matters be submitted by 14 December 2021.

The undeveloped elements of the original outline permission (phases 5-8) totalled 38,000 sqm of commercial space, predominantly office with a small proportion of retail. This application is proposing circa 35,000 sqm of development, that being a slight reduction to the originally consented in principle floor space area. I note that the current application seeks flexibility for Phase 8 to come forward as either a residential building for up to 100 apartments or an office building.

Whilst the outline permission has expired there has been no material national or local policy changes that would expect a different approach to reviewing traffic and transportation in terms of the detail or indeed the principle for development on the site. The site, within the Town Centre location, is clearly considered to be and is demonstrably accessible and the forms of development that are proposed are considered appropriate for this location.

I have when considering earlier the phases of development on the site, expressed some concern with the overall level of car parking that would be available to serve Stockport Exchange. I have been of the opinion that there is a risk that the overall quantum of development and the final parking provision could give rise to a demand for parking off site and consequently on nearby residential streets. That being said I have and continue to acknowledge that in respect of the previous decisions, the Local Planning Authority has accepted reduced parking provision for the overall site and any risk associated with long stay demands that may occur off site. When I also note that there has been no material parking policy change in recent years I cannot reasonably justify any expressions of reservation or concern in this respect.

With respect to retail use within the building and the potential for up to 525 sqm for the sale of convenience goods only, I am satisfied that this is complimentary and appropriate in a Town Centre location. The nature of this element generally has a reliance on shorter stay parking demands for customers, it would experience linked trips and would not ordinarily coincide with normal traffic peaks. Servicing demands could be marginally more intensive but this can be managed from the servicing areas agreed in principle.

In terms of traffic generation and the consequent and necessary highway mitigation work, it was accepted as part of the now expired outline masterplan permission that later phases of development, that being those close to and on the A6 frontage (5-7) would trigger the need for appropriate mitigation at the Railway Road/Wellington Road South signalised junction. There is a need for modifications to the junction to improve vehicle capacity and ensure that non-motorised users have suitable crossing and movement facilities integrated into the junction. I am aware that the

Council has proposals as part of the Mayor's Challenge Fund Walking and Cycling improvements, for an improved pedestrian and cycle route between Edgeley and the Town Centre. The scheme includes widening of Railway Road to provide an extended two-lane approach to the A6 signals, new servicing facilities for development at Stockport Exchange; complete re-modelling of the Railway Road/A6 junction with segregated cycle crossings and full pedestrian facilities and overall improvement to junction safety and operation.

This scheme would satisfy the required mitigation and ensure that the traffic generated by the overall Stockport Exchange development and its consequent highway impact would be suitably mitigated. Whilst the phase 5 plot and build design respects the land take that is necessary to deliver the works and would not prejudice its delivery, I consider it is necessary should this hybrid application be consented that the delivery of the junction improvement/mitigation scheme has to be undertaken and completed prior to the building being occupied. The delivery of this scheme should be a commitment of this development with the critical factor being the timing to ensure that the work is delivered and completed prior to first occupation of phase 5. Whether it is delivered by the development or as a Council project bears little relevance, the need being that the scheme is in place prior to occupation. A planning condition could cover this element.

I am conscious that the highway scheme incorporates revisions to servicing arrangements and Traffic Regulation Orders along Railway Road, with the intention being that it would enable kerbside servicing for phase 5, permitted under careful and strict regulation to avoid conflict with peak traffic periods. Presuming the scheme will be delivered I would be satisfied that phase 5 can suitably and safely be serviced and the risk of impact on highway operation would be negligible.

I am aware that TfGM has advised that it is unable to undertake a comprehensive review of the application for reason that no updated traffic assessment has been provided and that it does not consider it appropriate to have reliance on an expired permission and basic data that show reduced background traffic levels on the A6 corridor fronting the site. I feel this is a perfectly reasonable judgement but to counter this I consider that weight has to be given to other factors. I am minded of the Railway Road improvement scheme that will need delivery and the fact that the car parking infrastructure is already completed and is in use with no additional parking areas proposed within these later phases of development. I am also minded that overall parking provision is low relative to the floorspace to be provided, that restricting the supply of parking has been accepted as a tool to restrain traffic generation in this location, that the site had an outline consent and that there has not been any fundamental change to traffic and parking policies in recent years, when I conclude that it would be difficult to argue that there is clear evidence that the likely development traffic generation would be materially different to that which was accepted previously or that it would have a severe impact on highway operation.

In terms of the detail for phase 5, I understand that a proportion of office based staff and those with long stay parking demands would have access to permits for parking within the multi-storey car park that has recently been completed. The principles surrounding general car parking have already been agreed and I cannot reason a differing judgement for both phase 5 or the other future phases.

The building would have level pedestrian access from the surrounding highway and public realm infrastructure, I have no concerns in this respect. In terms of cycle parking, secure facilities will be provided within the building at ground floor level with capacity for 40 cycles, alongside showers, lockers and drying facilities for staff. I note

there is additional cycle parking available within the completed multi-storey car park and short stay stands will be provided within the realm area of the wider Stockport Exchange development.

Conditional control can cover the delivery of enhanced Public Realm space and appropriate materials, with works on the frontage being in addition to but needing to dovetail with the highway scheme. A site clearance and construction management plan will be required prior to any works commencing, this again is a matter for conditional control.

A framework travel plan accompanies the application. This is welcomed although the detail of a final document is a matter for conditional control, with the travel plan or plans and all updates needing to be produced using the online TfGM Travel Plan Toolkit and in accordance with current national and local best practice guidance.

Outline permission with all matters reserved for subsequent approval is sought for phases 6-8. Phase 6 proposes an office building fronting both the A6 and the Stockport Exchange public realm with up to 10,000 sqm commercial floor space over up to 7 floors. Phase 7 proposes an office building on the corner of Railway Road and the A6 comprising up to 8,500m sqm of commercial floorspace. Phase 8 is the plot of land between the railway line and Station Road, comprising either a building with a maximum of 9,000 sqm commercial floorspace or up to 100 apartments, over ten storeys. In particular, I consider phases 6 and 7 need a restriction on the potential retail floorspace. This needs limiting to the minimum reasonably possible for reason that retail use has different and far more intensive servicing and parking demands and public access requirements.

As with earlier phases, car parking principles for the overall site have been agreed and dealt with via the multi storey car parks. I have some comfort that the Railway Road / A6 junction works and proposals for kerbside parking will enable phase 6 to be safely and suitably serviced. I am aware that phase 6 has servicing access potential from Station Road, circulating around the McDonald's site, this being acceptable in principle. I do not however have any comfort or indication that phase 8 could carry the quantum of development identified alongside the requisite access, servicing and potential disabled or other parking. I therefore feel that whilst some development could clearly be delivered on this phase, the quantum is unknown as any permission should only approve the principle of either commercial or residential development and not agree any parameters or specific floor areas or number of residential units. Potential retail use of the commercial floor area will also need restraining.

In conclusion the proposed commercial development is clearly considered acceptable in a Town Centre location. My expectation is that the highway mitigation scheme which also includes provision for kerbside servicing for phases 5 and 7 must be delivered before phase 5 is first occupied. Future phases 6 and 7, subject to matters of detail, are acceptable. Phase 8 should only be agreed in principle with no parameters approved and all phases should have a restraint on potential retail floorspace.

### **Transport for Greater Manchester (TfGM)**

The Transport Assessment states that a greater floor area of office accommodation has already been approved, and the car parks which will serve Phases 5-8 have been constructed, it is not proposed to carry out detailed assessment of the impact

of the development on the highway network. This is also in the context of falling levels of background traffic, both in the peak hours and as a daily average.

The peak hour data presented only covers up to 2022. TfGM HFAS would advise that local permanent counts show traffic levels have increased between 2022 and 2024. It is advised that overall traffic levels may not be relevant to individual junction behaviours in terms of turning flow amounts.

TfGM would highlight that the previous approval was in 2014, ten years ago. It is therefore considered that the assessment work should be revised due to the age of the previous assessment.

In the absence of any updated highway impact assessment work, TfGM are unable to carry out a review of the application.

### **Active Travel England**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

### **National Highways**

No objection but suggest their standing advice is followed:

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up. Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption. These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

### **Historic England**

#### Significance

The development site occupies a large block in Stockport town centre, and is part of a larger scheme of redevelopment in this area. This site is an important part of the townscape of Stockport, being located immediately to the east of the railway terminal and near several important civic buildings. The area was historically a largely industrial site, associated with transport infrastructure and Spring Bank Mill (now demolished). Today, leisure facilities and parking largely define the character of the site, along with Phase 1, 2, 3, and 4 of the scheme, which have already been constructed.

There are no listed buildings within the site and it is not within a conservation area, however it is within close proximity to the Grade II\* Listed Stockport Town Hall,

Railway Viaduct and War Memorial Art Gallery. It is also adjacent to the Town Hall Conservation Area. Our advice therefore relates to impacts on the setting of these heritage assets. The significance of heritage assets derives not only from their physical presence and historic fabric, but also from their setting - the surroundings in which they are experienced. Stockport benefits from varied topography, creating key views of the Town Hall on its elevated site and contributing to local distinctiveness. Likewise, the railway viaduct dominates its visual surroundings, and is an iconic landmark of Stockport, with its setting contributing greatly to its significance.

### Impact

The proposals seek to construct one 6-storey building (Phase 5), two buildings of a maximum of 6-storeys (Phases 6 and 7), and one building of a maximum of 10-storeys (Phase 8).

The proposals will affect the setting and significance of the II\* Listed Town Hall and Viaduct, and the visual interconnectivity between these assets. The proposals also will all affect the key heritage views into and out of the Town Hall Conservation Area.

Importantly, the Grade II\* Town Hall is currently visible when approaching Stockport Station via the listed railway viaduct, announcing the viewer's arrival to the town and enabling an understanding of the prominent position of the Town Hall and its status. Phases 5, 6 and 7 of the proposed development will entirely block the view of Town Hall when arriving at Stockport by train over the viaduct. This will be harmful to both the setting of the town hall and viaduct, and to the character of the town. Kinetic views would be useful here to demonstrate whether the impact will only be fleeting, as described in the Heritage Statement.

The Town Hall retains its prominence as a civic landmark along Wellington Road and in other key vantage points. Phases 6 and 7 of the proposed development will enclose the view of the Town Hall when looking along Wellington Street. Our previous advice on earlier iterations of this scheme was that buildings on the Wellington Road frontage be limited to three storeys due to the need to conserve the prominence and formal, public nature of the Town Hall. Having buildings of six storeys facing directly onto Wellington Street will harm the significance of the Town Hall by impacting its setting and blocking key views of it when looking towards and from the conservation area and from the War Memorial Art Gallery.

Phase 8 of the proposed development will be of a maximum 10 storeys. The location of this block on raised ground directly adjacent to the Grade II\* listed railway viaduct will cause harm to the significance of the heritage asset by its proximity and large scale in relation to the historic structure that was formerly the most dominant in the town. The construction of a building of this height at this location will hem in the viaduct and diminish its appearance.

### Policy

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework (NPPF) (2023). These policies state that assets should be conserved in a manner appropriate to their significance (para.195) and that applicants should describe the significance of any heritage assets affected, including any contribution made by their

setting, to a level of detail that is proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (para. 200).

When considering the impact of a proposed development, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be (para. 205). Any harm to significance requires clear and convincing justification (para. 206), which is linked to the requirement for local authorities to seek to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 201). Paragraph 212 of the NPPF states that new development within conservation areas and within the setting of heritage assets should look for opportunities to enhance or better reveal significance.

In practice that means that less harmful alternative solutions should be explored through the pre-application and application processes. Para. 208 instructs that the Council should eventually weigh less-than-substantial harm against the public benefits of proposals in judging the planning balance.

Para. 133 of the NPPF sets out criteria for achieving high quality design, which include being sympathetic to local character and history. The National Design Guide supports the NPPF and identifies the 10 characteristics of well-designed places. First among these is context: design should understand and relate well to the site, its local and wider context, and value heritage, local history and culture. The Guide also notes that the built form of a place will be well-designed where it "combine[s] layout, form and scale in a way that responds positively to the context."

### Position

As previously stated, we are not opposed to the redevelopment of this part of the town centre, and we consider that improvements can be made here which will enhance the setting of the Town Hall, Viaduct and conservation area. However we do have concerns regarding the scale, massing and location of the proposed buildings, due to the harm they will cause to the significance of the Grade II\* listed Town Hall and Viaduct by impacting their settings.

Further efforts should be made to avoid or minimise this harm, which could be achieved, primarily through reducing the height of some of the blocks and positioning them so views from the viaduct towards the town hall can be maintained to a greater extent.

### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 201, 205, and 212 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. And also to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.



## SMBC Heritage Conservation

Whilst no heritage assets are located within the application site, the proposed development will impact upon the setting, views and vistas of a number of Stockport's most important designated heritage assets including the Town Hall (listed Grade II\*), the former Stockport Infirmary (listed Grade II), Stockport Railway Viaduct (listed Grade II\*) and the Town Hall Conservation Area, which lies immediately adjacent to its south east boundary. The submitted heritage statement by SLHA (see Table 3, page 43) identifies 29 designated and non-designated heritage assets within the vicinity of the site. Further information on these heritage assets is available from : Find conservation and heritage assets - Stockport Council

The proposal has been submitted in hybrid form, seeking full planning permission for the Phase 5 office building and associated public realm, and this forms a general continuation of the form of development established in previous phases of the Stockport Exchange development. Phases 6, 7 and 8 are submitted in outline with all matters reserved. These phases are located at the fringe of the site, alongside Wellington Road South and Station Road, and these elements are likely to have the greatest impact upon the setting of heritage assets as well as the character and identity of the surrounding townscape.

The application is supported by a series of schematic CGIs, based on a range of selected long, medium and short distance views, to test the combined impact of the proposals for phases 5-8. The presentation does not allow the visual impact of each phase to be individually tested. Nevertheless, it is clear from the information provided that the proposals relating to the outline elements of the scheme would have a harmful impact upon the setting and significance of heritage assets, challenging the primacy of key elements of civic architecture such as the Town Hall and former Infirmary, and resulting in a degradation of the quality and character of the street scene. The height and massing of Phases 6 and 7 would have an overbearing impact upon the street frontages and would harm short and medium distance views and vistas of key heritage assets, as well as the special character, appearance and significance of the Town Hall Conservation Area. Similarly Phase 8 has potential to obscure views of the Town Hall in long distance views from the railway viaduct, as well competing with the established architectural hierarchy and prominence of the viaduct itself, as acknowledged in the SLHA heritage statement.

An earlier hybrid application was approved in 2014 (DC/054978) and it is noted that similar concerns were raised and considered through the process of its determination, resulting in a modification of the proposed massing, introducing greater variation in height and massing. The current application seeks to further increase the height and massing of the proposed blocks facing Wellington Road South to achieve parity with earlier phases to the detriment of the wider townscape, particularly the long established civic character found within the Town Hall Conservation Area. No clear justification is made for this change in approach (it is noted that the current application has been prepared by a new design team), other than the aim of providing internal consistency between the existing and proposed blocks that form the Stockport Exchange development. It is recommended that a less insular design approach is taken in respect to the proposed height, massing and siting of Phases 6, 7 and 8, including any associated impact on layout and public realm works, to minimise any harmful impact upon the significance of heritage assets and wider townscape, consistent with Para 201 of the National Planning Policy Framework ('to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal') and the design principles contained within the National Design Guide.

It is recommended that the outline elements of the application are reviewed and revised in order to address the issues raised above in order to ensure that the level of harm to heritage assets and the wider townscape is no greater than that previously approved.

### **Greater Manchester Archaeological Advisory Service (GMAAS)**

The application site is split across two parcels of land, the larger of which lies in the east of the wider Stockport Exchange site and east of the recently completed Phase 4 office building, whilst the second parcel occupies the north-western corner of the site and will be the focus of the final stage (Phase 8) of the proposed development. The application site does not contain any designated heritage assets, although there are several Grade II\* and Grade II listed buildings in the immediate vicinity and the Town Hall Conservation Area lies directly to the south. In addition, the application site contains several non-designated heritage assets, including potential below-ground remains of archaeological interest. All of the heritage interest in the application site lies in the eastern parcel of land; there is no archaeological interest in the proposed Phase 8 development site.

The eastern parcel of land was occupied until recently by Nos 76, 78, 80-82 and 84 Wellington Road South, which are all entered on the Greater Manchester Historic Environment Record (HER). These buildings were all subject to a historic building investigation prior to demolition in accordance with a Written Scheme of Investigation (WSI) prepared by Salford Archaeology and submitted in support of a prior approval application for demolition (DC/090286). The agreed WSI also allowed for a historic building investigation of Nos 62-68 Wellington Road South, although this has yet to be completed to enable a final report to be produced and deposited with the HER. Assuming that this agreed programme of works will be completed in advance of / during the proposed demolition works of Nos 62-68 Wellington Road South, GMAAS is content that the harm of demolition to the historic environment has been offset adequately.

The eastern parcel of land also incorporates the sites of the former Spring Bank Mill (HER ID 2585.1.0) and a block of buildings referred to as GH Horn's (HER ID 16389.1.0), which are of potential archaeological interest, as set out in a detailed archaeological desk-based assessment compiled by Dr Peter Arrowsmith in 2014 and submitted in support of the current application. Whilst the archaeological assessment was written ten years ago and therefore does not quote the latest planning policy, the other content is still relevant and the assessment of potential harm of development to the archaeological resource remains valid. The archaeological assessment demonstrates that Spring Bank Mill was an early and important example of an integrated cotton spinning and weaving mill. The six-storey spinning block was erected in 1824, reportedly of fireproof construction, with an engine house at the east end. A five-storey wing by Wellington Road South contained a later engine house and possibly the original boiler house, with a large weaving shed added to the south in 1831-35. Other component buildings included a four-storey warehouse, a gas retort house with detached gasholder, and ancillary buildings, including stabling, to the south. As concluded in the desk-based assessment, archaeological remains associated with this former mill warrant further investigation in advance of development groundworks. In the first instance, this should comprise the excavation of a series of evaluation trenches with the objective of determining the presence or absence of any below-ground remains of the mill complex and, should any such remains be found to survive, determine their depth,

character and significance. The resultant information will enable the merit and scope for any further archaeological investigation.

The requirement for archaeological recording is in line with the guidance provided in Paragraph 211 of the NPPF, which states that local planning authorities should require developers ‘to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible.’ This advice can be addressed through a programme of archaeological investigation that should be secured through a condition attached to planning consent. The condition should be worded as follows:

*‘No development works shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Project Design which has been submitted to and approved in writing by the local planning authority. The Project Design shall cover the following: 1. A phased programme and methodology to include: a) archaeological evaluation trenching; b) pending results of the above, targeted open-area excavation and/or a watching brief. 2. A programme for post-investigation assessment to include: a) analysis of the site investigation records and finds; b) production of a final report on the significance of the heritage interest recorded. 3. Deposition of the final report with the Greater Manchester Historic Environment Record. 4. Dissemination of the results of the site investigations commensurate with their significance. 5. Provision for archive deposition of the report, finds and records of the site investigation. 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved Project Design.*

*Reason: In accordance with NPPF policy 16, paragraph 211: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible.’*

All archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor, funded by the applicant. GMAAS will approve the Project Design and also monitor the implementation of the archaeological works on behalf of Stockport Metropolitan Borough Council.

## **SMBC Public Health**

We welcome the opportunity to comment on this application related to the continuing development of Stockport Exchange within the Stockport West masterplan area.

Good work is an important foundation for good health. Good work is secure, flexible and well paid, and needs employers who seek and respect employee voice, recruit and manage people fairly and care about health and wellbeing. We encourage all businesses – whether they are the permanent occupiers of a development or the contractors involved in the development’s construction or modification – to pay the real living wage and sign up to the Greater Manchester Good Employment Charter to maximise the social benefit of this development and enjoy the recruitment and retention benefits that being a good employer brings.

Sustainable Transport / Active Travel: any comments made, and conditions proposed by the Council’s Highway Engineer are critical to enabling the use of sustainable (including active) travel modes in and around this development and have been discussed with representatives of the Public Health and Transport Policy teams. An accurate assessment of transport options should inform this application.

Design needs to take account of the works taking place as part of the Town Centre Access Package, especially given that occupants of these homes may not have use of a car.

We welcome the commitments to include cycle parking in line with policy requirements, as well as the provision made for enhanced pedestrian and cycling routes within Stockport Exchange and at the junction between Station Road and Wellington Road South. The proposed provision of cycle parking is welcomed by Public Health since promoting active travel (which includes sufficient infrastructure for active travel modes) contributes to management of good public health in the Borough, especially healthy weight. In Stockport 42.3% of adults and 86.4% of 15 year olds are not physically active enough to maintain their health in the medium to long term (as measured against the Chief Medical Officer for England guidance). In addition, an appropriately designed built environment can contribute to reducing social exclusion, as well as offering cycle and pedestrian routes for commuters, shoppers and recreational users.

Green Infrastructure: any comments made by the Council's Planning Officer responsible for open space / children's play should be carefully considered. Given the relatively low levels of sport and active recreation for adults in the Borough, it is critical that the built environment contributes to provision or maintenance of recreational spaces. Child obesity levels in the Borough remain higher than the previous decade and have been exacerbated by the COVID-19 pandemic. Achieving healthy weight reduces risks of other lifestyle diseases such as hypertension, coronary heart disease and stroke. Reducing risks of such diseases also reduces pressures on current and future public sector health budgets (Stockport's JSNA). We note that the outline part of this application makes provision for Phase 8 to be developed for either office or residential use, depending on market conditions. Consideration will need to be given as part of any reserved matters application that details residential development to the possibility of creating a play space on-site, which is normally preferred to a contribution to offsite provision.

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

Affordable Housing: the proposed affordable housing is very welcome - it is important to note that a lack of affordable housing can be argued to contribute to widening health inequalities, with additional pressure on the Council's public health and related budgets. Evidence is available to show that affordable housing benefits health in a variety of ways including reducing the stress of unaffordable homes, enabling better food budgets for more nutritious food, access to better quality homes that do not impact negatively on health (including management of chronic illnesses), support for domestic violence survivors to establish a safe home, mental health

benefits of a less stressful expensive home and benefit to the environment as well as the residents through low carbon housing that doesn't cost the earth to run (The Impacts of Affordable Housing on Health). As part of preparing any reserved matters application for residential development, consideration should be given to the possibility that affordable housing policy requirements can be met on-site, in preference to providing a financial contribution to off-site development.

Health and Safety: Developments of certain types can trigger the need to assess the design for suicide prevention purposes. A suicide prevention risk assessment may be helpful for developments that create public or communal access to drops of 10 metres (about 4 stories). Government guidance is available that outlines potential options for minimising any risk of self-harm in public spaces:

[www.gov.uk/government/publications/suicide-prevention-suicides-in-public-places](http://www.gov.uk/government/publications/suicide-prevention-suicides-in-public-places).

The planning guidance from City of London is also an excellent resource:

<https://democracy.cityoflondon.gov.uk/documents/s168370/Preventing%20suicides%20in%20high%20rise%20buildings%20and%20structures%20PT%2026.04.22.pdf>.

Alongside the desire to prevent suicide, it is of note that for every life lost to suicide, the estimated total cost to the economy is around £1.67 million, with considerable impact on public perceptions and the reputation of locations used for completed or attempted suicides.'

Environment and climate change. Global warming has serious implications for health (The impacts of Climate Change on Health), with extreme weather events associated with warmer summers and cooler, wetter winters expected to cause direct increases in mortality, as well as acting to promote mosquito-borne pathogens, heighten food scarcity and reduce the opportunities for outdoor recreation and physical activity, with impacts for mental as well as cardiovascular health. Comments from the Planning Policy Officer (climate change) should be taken into account.

## **SMBC Energy and Climate Change**

The UK has set into law a target to bring all its greenhouse gas emissions to net zero by 2050. In March 2019, Stockport Council declared a climate emergency, and agreed that Stockport should become carbon neutral by 2038, in advance of the UK 2050 target. The Stockport CAN strategy was developed to underpin this agreement and was approved by the Council in October 2020. The strategy sets out to ensure that Stockport achieves carbon neutrality by 2038 in order to support global efforts to prevent global warming going above 1.5°C. The Environmental Law Foundation has suggested that climate emergency declarations should be regarded as material considerations in the determination of planning matters.

Meeting our 2038 carbon neutrality target will require new development to achieve net zero carbon in advance of then, and we should not be building homes, workplaces, community uses or schools which will require retrofitting in the near future. The definition of net zero carbon development has been established by the UK Green Building Council. <https://www.ukgbc.org/ukgbc-work/net-zero-carbon-buildings-a-framework-definition/>. It is important to note that most microgeneration technologies (e.g. solar panels and heat pumps), and other climate change mitigation / adaptation measures are significantly easier to install at the time of building rather than retrofitting later.

Our local approach reflects the Greater Manchester Five Year Environment Plan. The Five-Year Environment Plan includes a commitment to be carbon neutral by 2038, and an accompanying science-based carbon budget. (Carbon neutrality is

defined by the Tyndall Institute's study for GM as below 0.6 Mt CO<sub>2</sub>/year across GM).

In terms of energy and climate considerations, submitted documents principally relate to phase 5 of the development rather than the wider outline proposals, and my comments have been prepared on this basis. It is recommended that a planning condition is used to ensure that a suitable climate & energy strategy is secured for each of the later phases of development.

The project has been designed to achieve the key principles required by BREEAM methodology, to ensure that the development is sustainably designed and constructed. The development will achieve an 'Excellent' BREEAM rating.

The narrative regarding the development's environmental performance and response to the climate emergency is spread between a number of documents. Taken together they demonstrate that the design of this building is of an excellent standard in terms of its energy efficiency and its approach to sustainable design and construction, and the information supplied clearly demonstrates that this is the case, thus aligning with objective 1 of the Core Strategy.

Aiming for an 'outstanding' BREEAM rating has been explored as part of the scheme, however due to a number of technical limitations including a lack of space for onsite solar PV, no onsite EV charging, and limited opportunities for ecological enhancement, it has been ascertained that an 'excellent' BREEAM rating is the maximum that can be technically achieved. In line with policy SD1 of the Core Strategy, the council will look favourably upon development that seeks to achieve high ratings under BREEAM. I am therefore very supportive of this approach.

The thermal transmittance ('U values') and airtightness values surpass building regulation standards and result in a form of development that will significantly surpass carbon reduction targets set in policy SD3. The values should aim to be delivered within the development 'as built' to avoid the 'performance gap, between the design stage and construction of the buildings.

Regarding Core Strategy Policy SD-4 District Heating (Network Development Areas), it should be noted that this development is located within the town centre where there is an aspiration to bring forward a district heating network, and detailed project development work funded by national government is currently underway. As there is not currently a district heating network available, and this development is below the threshold of 10,000sqm (being 9,815sqm), the development will not need to provide any network connection points and is therefore policy compliant.

The upfront embodied carbon of a new building can account for up to 50% of the total whole-life carbon of the building. Minimising this embodied carbon is a key driver for the design of Phase 5. Approximately 60% of the upfront embodied carbon in a new building is associated with the building structural elements. The upfront embodied carbon of Phase 5 will be minimised by prioritising sustainable materials and construction methods, as well as an efficient approach to design. Upfront embodied carbon will be measured throughout the design and construction process and design choices will take account of low carbon solutions. Minimising embodied carbon as part of a development is an emerging area of engineering, and the steps taken within this development are supported.

The external aesthetics of the building, in particular the façade glazing ratio shown in section 6.5, respond to the risk over overheating in an urban area. Although I have

concerns about the lack of incorporation of solar PV into the design of the scheme, the design approach provides a cohesive approach to sustainability, with the principles of the energy hierarchy followed by reducing energy consumption first, before considering the inclusion of renewable and low carbon technology, therefore my concerns regarding PV have been suitably addressed.

The delivery of green infrastructure on the roof of this building will help combat the urban heat island effect and respond to the requirements of policy SD-6.

In conclusion the development exhibits principles of sustainable design and construction, responding to challenges posed by the climate emergency, and sets out measures to ensure that the development will minimise carbon emissions as far as possible in operation, and make significant meaningful steps towards minimising embodied carbon as part of the construction of the scheme.

## **ANALYSIS**

Given the hybrid nature of this application (part full/part outline planning permission) the report deals with each element in turn for clarity.

## **PHASE 5 DETAILED PROPOSALS**

### **Proposed land use**

Saved UDP Policy TCG3.2 Cultural, Leisure and Heritage Quarter expressly supports the development of office and business uses along with leisure uses, restaurants, cafes and tourism related development. This policy support for office space in the town centre is echoed by Core Strategy policies CS7, CS11 and AED-1 noting that the Town Centre, including the application site, is the most sustainable location for office development in the borough. The principal proposed office use is therefore expressly supported by the statutory development plan.

The application seeks planning permission for Class E Commercial, Business and Service uses which following deregulatory changes introduced in September 2020 encompasses a wide range of use including retail, restaurants and cafes, services principally to visiting members of the public, certain indoor sports and recreation, medical services, children's nurseries, offices, research and development and 'good neighbour' industrial uses. The application submission makes reference to the potential for up to 525m<sup>2</sup> of active ground floor retail uses in Phase 5 to serve the new occupants of the office space and animate the public realm. Whilst it is acknowledged that ground floor activation is critically important in place making terms, local and national planning policies are clear that retail uses should be sequentially directed to the Core Retail Area and are only acceptable in policy terms in 'edge of centre' locations such as this where they cannot be accommodated in centre and the impact on the vitality and viability of designated centres are not significant adverse.

The applicant has submitted a Retail Impact Assessment which argues that whilst planning permission is being sought for Class E use across all phases which includes retail uses, any retail uses would be limited to ground floor units to ensure the needs of future occupants are met and ground floor activation is generated for place making reasons. They state that the maximum quantum of lettable ground floor commercial space that may be occupied by retailers is 1945m<sup>2</sup> across all four phases and that the actual figure is likely to be far lower noting what has been delivered in earlier phases – Sainsburys Local, Bask (cafe bar) and GF space

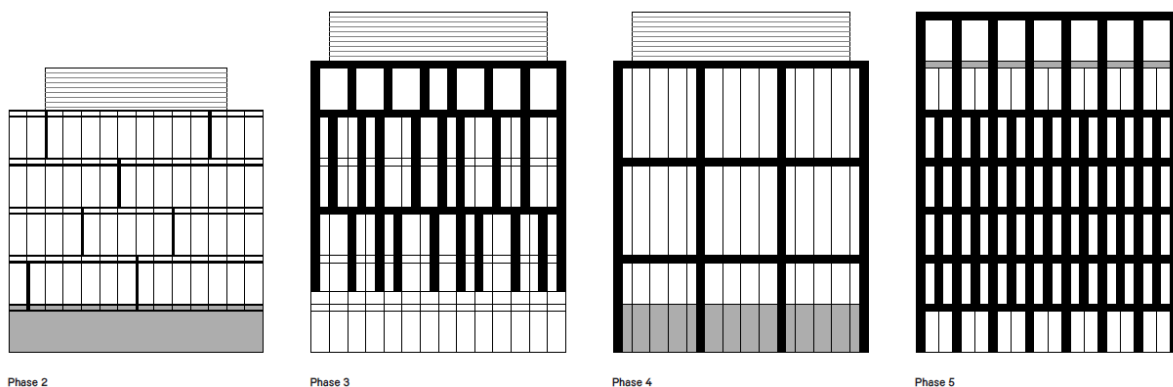
occupied by the NHS in phase 3. They go on to argue that this level of potential retail space is considered ancillary to the principal office use, is necessary to meet the day-to-day convenience needs of future occupants of the office space; is locationally specific, important in place making terms, and cannot be disaggregated from the primary office use. They argue that the sequential test is passed as the Primary Shopping Area cannot accommodate the development as a whole and the modelled 'worst case scenario' impact on the town centre's vitality and viability is actually positive when taking into account an overall reduction in Class E floorspace when the demolition of existing buildings in Class E use is taken into account.

Officers agree with their conclusions and are therefore satisfied that the sequential and impact tests are passed. Nonetheless, it is considered necessary to limit the total quantum of retail floorspace to that applied for - 525m<sup>2</sup> in Phase 5 and 1420m<sup>2</sup> across Phases 6, 7 and 8, to restrict sales to convenience goods only and for the development (including the demolition of existing buildings) to be implemented in accordance with an approved phasing sequence to prevent an unlikely but possible scenario whereby existing retail space is retained alongside that proposed. Subject to the imposition of these conditions the development is considered to be in general accordance with relevant local and national planning policies.

## Design

The design of the proposed building is of a scale, massing and appearance that continues and complements earlier phases of Stockport Exchange which have served to significantly enhance the character and appearance of this strategically important gateway location.

In scale and massing terms the proposed building is almost identical to Phase 4 whilst its appearance offers greater solidity in a more formalised elevational grid as new buildings progress towards the A6 in accordance with the design principles established in the previous consent (see image below).



Mirroring earlier phases, the ground floor is greater in height than upper floors to ensure the building delivers appropriately civic proportions at the threshold to the building. The building's main arrival space is further accentuated by a chamfered corner at ground floor level that offers shelter to those entering and leaving the building.

In terms of materials, following dialogue and design review at the pre-application stage, the building's predominant facing materials comprises a mixture of glazing and composite stone which is considered appropriate in its context. Details of materials would be secured by way of planning condition.



One issue of ongoing concern is the expanse of blank frontage on the Railway Road elevation with little in the way of landscaping to soften its appearance. This is generated by the necessary positioning of service accesses (bin store, substation, switch room etc.) on the Railway Road frontage for accessibility reasons. The effect of this is exacerbated by the full expanse of blank frontage on the Phase 4 elevation. Officers have raised this with this applicant suggesting the incorporation of planting or green wall elements to soften its appearance as has been effectively delivered on Phases 2 and 3. A positive outcome can be secured by condition.

Overall and subject to conditions, it is considered that the design of Phase 5 is of a high quality that will significantly enhance the appearance of the area.

## **Landscaping**

Like the completed Phase 4 of Stockport Exchange, it is proposed that land surrounding the building continues the public realm running through Stockport Exchange comprising hard and soft landscaping. Due to the change in levels retaining walls and steps are also proposed together with a sustainable drainage rain garden between Phases 4 and 5 to attenuate surface water flows. Although the existing semi-mature London Plane tree would be lost to development, its loss is adequately compensated by the proposed planting of 8 trees. The overall quantum of soft landscaping is considered adequate to secure the habitat enhancements required by mandatory biodiversity net gain requirements. Despite general support for the proposed Phase 5 landscaping scheme it is considered necessary for proposals to be further reviewed and potentially changed in light of:

- concerns about the extent of blank ground floor elevation to Railway Road and the need to soften its appearance (see above);
- the need to successfully reconcile landscaping with the widening of Railway Road;
- concerns raised by the Environment Agency about the potential contamination risk to controlled waters arising from a sustainable partial infiltration surface water drainage scheme (see above and below);
- the need for further detail in order to ensure native planting is maximised to optimise the biodiversity value of the landscaping (see above and below);
- the potential to deliver additional trees as suggested by the Council's arboriculture officer (see above); and
- the overall need to consider landscape holistically.

It is therefore recommended that a condition be applied to any planning permission requiring a full review of the landscaping proposals in light of the above.

## **Access, Parking and Servicing**

The Council's Highway Engineer, Transport for Greater Manchester, Active Travel England and National Highways have responded to the application (see above).

National Highways and Active Travel have offered a neutral response referring to their standing advice, however, Transport for Greater Manchester have requested that up-to-date traffic data is collated and assessed. The Council's Highway Engineer however is not persuaded that this is necessary given the proposed widening of Railway Road as part of the Mayor's Challenge Fund to improve connections and provide additional capacity. These works will improve connections between Edgeley and the Town Centre requiring junction remodelling to better serve cyclists and pedestrians whilst also provide servicing facilities for Stockport

Exchange. This combined with the car parking facilities already in place are considered adequate mitigation for the proposed development. The Council's Highway Engineer does however consider it necessary to prevent occupation of any phase of development prior to the Railway Road improvements works being complete. It is however considered necessary to embed flexibility in the condition to enable alternative proposals to be submitted and approved in writing in the unlikely scenario whereby the Mayor's Challenge Fund scheme is not progressed.

The Council's Highway Engineer goes on to find that level pedestrian access and adequate cycle parking for up to 40 cycles and changing facilities have been incorporated in accordance with policy requirements.

Further conditions are recommended summarised as follows:

- detailed design of the landscaping/public realm works, including the interface with the Railway Road highways improvements;
- demolition and construction management plan;
- Detailed travel plan;
- Retail floorspace to be restricted for traffic generation reasons;

Subject to the suggested imposition of conditions, it is considered that the development complies with relevant local and national planning policy requirements.

### **Impact on heritage assets**

As detailed in the responses from Historic England and the Council's Heritage Conservation Officer, the proposed Phase 5 development will have a negative impact on the setting, significance and views of the Town Hall (Grade II\* listed), Town Hall Conservation Area and the Railway Viaduct (also Grade II\* listed). Both Historic England and the Council's Heritage Conservation Officer clearly consider the greatest harm to arise from phases 6, 7 and 8, but make clear that the impact of Phase 5 is also harmful albeit far less than the cumulative impact other phases. This is evident in their advice to revisit the proposed scale and massing of phases 6, 7 and 8 with no reference to Phase 5. Phase 5 is also considered to affect to the setting of the Grade II listed Stockport Infirmary but again to a limited extent due to the relative position of Phase 5 to the Infirmary when viewed from the A6 given it is significantly set back from the principal elevation and the fact that its greatest external significance arises from its principal, A6 facing elevation rather than its side and rear elevations. The submitted heritage assessment assesses the impact of the entire development on Stockport Infirmary to be minor with a neutral overall effect.

Overall, the impact of Phase 5 on heritage assets, when considered in isolation, is considered to result in very limited heritage harm amounting to 'less than substantial harm' in policy terms. Paragraph 208 of the NPPF states that developments that lead to 'less than substantial harm' should be weighed against the public benefits of the proposals in the overall planning balance. The public benefits of Phase 5, including in terms of job creation, economic growth, securing a long-term viable use of the site and the transformation of the public realm are considered to clearly outweigh the very limited heritage harm arising. It is also worth noting that the maximum building height proposed by the previous planning permission essentially matches that currently proposed.

An assessment of the impact on later phases is provided below.

### **Archaeology**

The application is accompanied by an archaeological desk based assessment which has been reviewed by GMAAS who state that some of the buildings on the A6 frontage are registered on the Greater Manchester Historic Environment Record and should be the subject of historic building investigations prior to demolition. This can be secured by condition.

In respect of below ground heritage assets GMAAS note that the eastern parcel of land incorporates the site of the former Spring Bank Mill which is of potential archaeological interest warranting further investigation. GMAAS recommend a condition is imposed to secure such an investigation and the recording of any findings. A condition is recommended accordingly.

### **Biodiversity net gain and ecology**

The application is subject to the relatively new statutory biodiversity net gain requirement which requires development to deliver a minimum 10% net gain in habitat to enhance biodiversity. The applicant submitted a Biodiversity Net Gain Baseline Assessment and a Biodiversity Net Gain Assessment setting out how they propose to deliver net gain across the site. These documents state that the site currently comprises 0.12 habitat units arising from urban trees and small pockets of shrub and modified grassland of negligible value. The applicants state that through landscaping and the provision of rain gardens etc. they should be able to deliver post-development habitat units amounting to 0.15 which would deliver a 25% net gain. The assessments have been considered by the Council's ecologists who are satisfied that a positive outcome would be achieved. This will be secured in a phased way by way of a statutory condition requiring the submission and approval of an Overall Biodiversity Gain Plan before any development can commence and a Biodiversity Gain Plan before any phase of development can begin as set out in the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Aside from BNG requirements, conditions requiring the submission and approval of a Construction Environmental Management Plan to address risks relating to invasive species and biodiversity enhancement measures such as the incorporation of swift nesting, bat roosting features and native planting.

Subject to the imposition of conditions officers are satisfied that biodiversity enhancements will be delivered in accordance policy SIE-3 and the NPPF.

### **Economy, Work and Skills**

As noted by the Council's Economy, Works and Skills Manager above, the development of Stockport Exchange Phase 5 via a public/private joint venture involving Stockport Council and Muse, is a key element in the ongoing development of Stockport Exchange and regeneration of the Stockport Mayoral Development Corporation (MDC) area, bringing further much needed high-quality office floorspace to Stockport Town Centre. Phase 5 provides excellent employment and skills opportunities for local people, including unemployed people and those most economically disadvantaged in the labour market.

Whilst the number of end user jobs is currently unknown and future tenants are yet to be confirmed, it is clear that both the construction and operational phases will generate jobs and local economic growth which is warmly welcomed. Core Strategy policy AED-5 and the Local Employment and Training Benefits SPD both require developments to maximise job and training opportunities arising from new development in the borough. The Council's Economy, Works and Skills Manager has been consulted on the application and has recommended that a condition be imposed on any planning permission requiring the developer to submit for approval an Employment and Skills Plan relating to the construction phase of development as detailed above. A condition is recommended accordingly.

The Council as developer, landowner and delivery partner will separately pursue similar outcomes when end users are known.

### **Carbon reduction and sustainable design**

The application is supported by a number of documents setting out the approach to carbon reduction and sustainable design. A detailed review of these documents has been undertaken by the Council's Energy and Climate Change Planning Policy Officer who has is supportive of the approach (see comments above). The development will achieve an 'Excellent' BREEAM rating (the industry standard, holistic, sustainable building certification scheme) and the developer has agreed to accept a planning condition requiring such an outcome. Subject to the imposition of such a condition relevant national and local planning policies are satisfied.

### **Sustainable drainage including groundwater protection**

The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of the application that has been refined and developed during the application process in dialogue with the Council as Lead Local Flood Authority LLFA . All parts of the site are at low risk of flooding (Flood Zone 1). The revised design solution proposes direct connections to the foul sewer and a sustainable drainage system for surface water that attenuates flows via a partial natural infiltration system with only storm flows needing to discharge into the surface water sewer. The proposed solution is supported by the LLFA and United Utilities. However, the Environment Agency require a condition to be attached preventing infiltration of surface water due to risks to controlled waters (underlying aquifers) unless a detailed assessment of the risks to controlled waters is formally approved following a detailed review by the EA. It is therefore considered necessary to impose planning conditions in accordance with the EA's advice and another requiring the submission of a detailed drainage strategy at a later date that has been informed by that assessment. It is hoped that further assessments in respect of risks to controlled waters enable the currently proposed surface water drainage to go ahead.

### **Contaminated Land**

Given the former uses on the land, a Phase 1 Site Investigation has been submitted which highlights the need for further investigations before development takes places to safeguard the environment and human health. The Council's Contaminated Land Officer recommends that conditions are imposed to ensure further investigations and any remediation is carried out in respect of both land contamination and ground gases. The Environment Agency has also stated that the site lies above aquifers and contamination could be mobilised during construction. Conditions are recommended accordingly to secure compliance with policy SIE-3.

## **Air Quality**

The applicant has submitted an Air Quality Assessment for Phase 5 only. The Assessment has been reviewed by the Council's Air Quality officer who raises no objection noting that there is no car parking proposed as this has already been provided in earlier phases. They do however note that construction activity is likely to generate vehicle, plant and dust emissions that may have an adverse impact on local air quality and request a condition requiring a Construction Environmental Management Plan to be submitted, approved and implemented during construction. A condition is recommended accordingly to secure compliance with policy SIE-3.

## **Noise and odour**

The applicant has submitted a Noise Impact Assessment in support of the application that has been assessed by the Council's noise and odour EHO. They note that the site is affected by a variety of noise sources, most notably road, air and rail traffic noise and conclude that impacts on end users would be satisfactory providing the proposed mitigation specifications are incorporated into the build. They also state that a Construction Environmental Management Plan will be required to ensure any adverse effects are adequately mitigated and managed. Odour impacts would only arise if commercial kitchens occupy the ground floor commercial units and details of any such extracts would need to be approved prior to their installation. Conditions are recommended accordingly to secure compliance with policy SIE-3.

## **Airport safeguarding**

Given the application site is on the flight path for planes landing at Manchester International Airport, MAG, acting as airport safeguarding authority have been consulted on the application and offer no objection subject to conditions controlling upward light spill and dust control that could be hazardous to passing air traffic. Conditions are recommended accordingly.

## **Crime prevention**

The applicant has submitted a Crime Impact Statement prepared by Greater Manchester Police (GMP) Design for Security team to support the application. Whilst offering no objection in principle in respect of Phase 5, a series of recommendations are made focused on the separation of office space from other commercial ground floor lettings, access controls and the detailed design of the associated public realm to maximise surveillance, deter nuisance and anti-social behaviour. It is further requested that a series of specific high security measures are specified as detailed building designs are developed e.g. door and window specifications, alarm system, lighting CCTV etc.

Where their recommendations do not result in the degradation of the building's overall design quality e.g. the suggested removal of the publicly accessible sheltered area at the main entrance to the office space, their requests can be secured through the imposition of a condition(s).

## **Wind Microclimate**

The applicant has submitted a Wind Microclimate Assessment in support of their application. Using high resolution, Computational Fluid Dynamics and the Lawson Comfort Criteria, it concludes that the Phase 5 development does not create any wind safety or distress risks with all wind conditions suitable or consistent with

baseline conditions including the proposed roof terrace. There are therefore no objections to the development in this regard or need for conditional controls.

### **Planning obligations**

No planning obligations are considered necessary to make Phase 5 acceptable in planning policy terms.

## **PHASES 6, 7 and 8 - OUTLINE PROPOSALS**

### **Proposed land use**

Saved UDP Policy TCG3.2 Cultural, Leisure and Heritage Quarter expressly supports the development of office and business uses along with residential, leisure uses, restaurants, cafes and tourism related development. This policy support for office and residential space in the town centre is echoed by Core Strategy policies CS2, CS3, CS4, CS11 and AED-1 noting that the Town Centre, including the application site, is the most sustainable location for office development in the borough and that high density residential development should be directed to the most accessible sites such as this.

The principle of proposed office and residential uses is therefore expressly supported by the statutory development plan.

As with Phase 5, the application seeks planning permission for Class E Commercial, Business and Service uses which following deregulatory changes introduced in September 2020 encompasses a wide range of use including retail, restaurants and cafes, services principally to visiting members of the public, certain indoor sports and recreation, medical services, children's nurseries, offices, research and development and 'good neighbour' industrial uses.

The application submission makes reference to the potential for up to 525m<sup>2</sup> of active ground floor retail uses in Phase 5 and a further 1,420m<sup>2</sup> to serve the remaining phases. As with Phase 5 (see above), officers are satisfied that the sequential and impact tests are passed and that ground floor activation is vitally important for place making reasons. Nonetheless, it is considered necessary to limit the total quantum of retail floorspace to that applied for - 1420m<sup>2</sup> across Phases 6, 7 and 8, to restrict sales to convenience goods only and for the development (including the demolition of existing buildings) to be implemented in accordance with an approved phasing sequence to prevent an unlikely but possible scenario whereby existing retail space is retained alongside that proposed. Subject to imposition of these conditions the development is considered to be in general accordance with relevant local and national planning policies.

### **Design and landscaping**

Given outline planning with all matters reserved is proposed, only an indicative masterplan and design parameters have been submitted for assessment and they would only form part of any planning permission if the Council as local planning authority imposes conditions requiring the development to be brought forward in accordance with those parameters.

Although comfortable with the principle of the proposed development (noting the description of development), officers believe that further design development is

required in respect of Phases 6, 7 and 8 given advice and concerns raised by Historic England, the Council's Heritage Conservation officer (see above and below), the comments of the Places Matter Design Review Panel following a review during the pre-application stage and officer concerns about the quality of the public realm / pedestrian environment on the A6 frontage. Given the above and the proposed increase in the overall quantum, scale and massing of development relative to the previously approved masterplan, officers intend continue working with the applicant to develop, refine and optimise the designs leading up to the submission of reserved matters applications in due course. Design judgements on phases 6,7 and 8 are therefore fully reserved for consideration at a later date noting that the wording of the description of development makes no reference to parameters or the quantum of development.

### **Access, Parking and Servicing**

It is important to note that access remains a reserved matter and is not being formally considered at this stage. Indicative access points are though shown on the submitted indicative masterplan.

As with Phase 5, it is considered necessary to prevent occupation of any phase of development prior to the Railway Road improvements works being complete. The Council's Highway Engineer also raises concerns that about the lack of clarity on the deliverability of the proposed quantum of floorspace/accommodation and therefore strongly recommends that parameters are not approved – officers are in agreement on this for this and other reasons (see above).

Further conditions are recommended summarised as follows:

- demolition and construction management plan;
- detailed travel plan; and
- retail floorspace to be restricted for traffic generation and servicing reasons.

Subject to the suggested imposition of conditions, it is considered that the development complies with relevant local and national planning policy requirements noting that detailed designs, including access arrangements, will be scrutinised at the reserved matters stage.

### **Impact on heritage assets**

As detailed in the responses from Historic England and the Council's Heritage Conservation Officer above, the proposed development will have a negative impact on the setting, significance and views of the Town Hall (Grade II\* listed), the Railway Viaduct (also Grade II\* listed), Stockport Infirmary (Grade II listed), Wellington Mill (grade II listed) and on the special character and appearance of the Town Hall Conservation Area. Both Historic England and the Council's Heritage Conservation Officer clearly consider the greatest harm to arise from phases 6, 7 and 8. This is evident in their suggestion to revisit the proposed scale and massing of phases 6, 7 and 8.

The cumulative negative impact of the development on these designated heritage assets based on the proposed indicative layout and parameters is considered to amount to 'less than substantial harm'. In policy terms, Paragraph 208 of the NPPF states that developments that lead to 'less than substantial harm' should be weighed against the public benefits of the proposals in the overall planning balance. The public benefits of Phases 6, 7 and 8 including in respect of job creation, economic

growth, securing a long-term viable use of the site, the transformation of the public realm and potentially making a valuable contribution to increasing Stockport's housing supply at a time of significant undersupply (currently calculated as a land supply of 3.78 years) should the Phase 8 housing option be favoured are considered to clearly outweigh the heritage harm arising, despite the great weight apportioned to that harm and the 'worst case scenario' parameters set out in the submission. Nonetheless, it is also clear the harm arising can be reduced in design development by revisiting the scale, massing and design of Phases 6, 7 and 8 through a more detailed analysis of townscape views. It is therefore recommended the proposed parameters are not agreed or secured by way of planning condition as would normally be the case. This will enable officers to work with the applicant during design development to reduce the harm arising. To ensure design development is fully informed, it is recommended that a condition is imposed requiring any future reserved matters application to be accompanied by further heritage and townscape assessments that includes an assessment of kinetic views of the Town Hall from the Railway Viaduct. It should be noted that should a satisfactory outcome not be achieved then the Council has the ability to refuse any future application for reserved matters approval. This approach accords with the advice of Historic England and the Council's Heritage Conservation Officer and is recommended accordingly.

### **Economy, Work and Skills**

As with Phase 5, it is recommended that a condition is imposed requiring the submission, approval and implementation of a construction Employment and Skills Plan for each phase of development.

The Council as developer, landowner and delivery partner will separately pursue similar outcomes when end users are known.

### **Archaeology**

As with Phase 5, GMAAS note that the eastern parcel of land including Phases 6 & 7 incorporates the site of the former Spring Bank Mill which is of potential archaeological interest warranting further investigation. GMAAS recommend a condition is imposed to secure such an investigation and the recording of any findings. A condition is recommended accordingly.

### **Biodiversity net gain and ecology**

As discussed above, the application is subject to the relatively new statutory biodiversity net gain requirement which requires development to deliver a minimum 10% net gain in habitat to enhance biodiversity. The applicant submitted a Biodiversity Net Gain Baseline Assessment and a Biodiversity Net Gain Assessment setting out how they propose to deliver net gain across the site. These documents state that the site currently comprises 0.12 habitat units arising from urban trees and small pockets of shrub and modified grassland of negligible value. The applicants state that through landscaping and the provision of rain gardens etc. they should be able to deliver post-development habitat units amounting to 0.15 which would deliver a 25% net gain. The assessments have been considered by the Council's ecologists who are satisfied that a positive outcome would be achieved. This will be secured in a phased way by way of a statutory condition requiring the submission and approval of an Overall Biodiversity Gain Plan before any development can commence and a



Biodiversity Gain Plan before any phase of development can begin as set out in the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Detailed ecological matters will be assessed in detail at the reserved matters stage.

### **Carbon reduction and sustainable design**

As all matters are reserved it is considered necessary to impose a condition requiring detailed Energy and Sustainability Assessments to be submitted in support any future reserved matters application.

### **Sustainable drainage including groundwater protection**

The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of the application that has been refined and developed during the application process in dialogue with the Council as Lead Local Flood Authority LLFA . All parts of the site are at low risk of flooding (Flood Zone 1). The proposed design strategy proposes direct connections to the foul sewer and a sustainable drainage system for surface water that attenuates flows via a partial natural infiltration system (raingardens, swales and permeable paving) before discharging into the surface water sewer. The proposed solution is supported by the LLFA, however, as with Phase 5, the Environment Agency require a condition to be attached preventing infiltration of surface water due to risks to controlled waters (underlying aquifers) unless a detailed assessment of the risks to controlled waters is formally approved following a detailed review by the EA. It is therefore considered necessary to impose planning conditions in accordance with the EA's advice and requiring the submission of a detailed drainage at reserved matters stage that has been informed by that assessment. Subject to the imposition of these conditions the development is considered to be in accordance with Core Strategy policy SD-6 and UDP Policy EP1.7.

### **Contaminated Land**

Given the former uses on the land, a Phase 1 Site Investigation has been submitted which highlights the need for further investigations before development takes places to safeguard the environment and human health. The Council's Contaminated Land Officer recommends that conditions are imposed to ensure further investigations and any remediation is carried out in respect of both land contamination and ground gases. The Environment Agency has also stated that the site lies above aquifers and contamination could be mobilised during construction and conditions are recommended. Conditions are recommended accordingly to secure compliance with policy SIE-3.

### **Air Quality**

The applicant has submitted an Air Quality Assessment for Phase 5 only. Given car parking has already been provided under previous planning permissions significant adverse effects are considered highly unlikely following mitigation in a similar way to Phase 5 however it is considered necessary to impose a condition requiring the submission of further air quality assessments for each phase of development to secure compliance with policy SIE-3. A condition is recommended accordingly.

### **Noise and odour**

The applicant has submitted a Noise Impact Assessment for Phase 5 which notes that the site is affected by a variety of noise sources, most notably road, air and rail traffic noise. For Phase 5 it was concluded that impacts on end users would be satisfactory providing the detailed mitigation specifications are incorporated into the build and a Construction Environmental Management Plan was secured by condition. A further condition in respect of odour from commercial kitchens was also considered necessary. Significant adverse effects are considered highly unlikely following mitigation as is the case with Phase 5 however it is considered necessary to impose a condition requiring the submission of noise assessments for each phase of development to secure compliance with policy SIE-3. A condition requiring details of commercial kitchen extracts is also recommended in line with Phase 5.

### **Airport safeguarding**

No objection has been received from the airport safeguarding authority (MAG) at this stage. Airport safeguarding considerations would be assessed again in detail at reserved matters stage.

### **Crime prevention**

Crime prevention measures would be assessed in detail at reserved matters stage. A condition is recommended requiring the submission of crime impact assessments for each future phase of development in accordance with policy SIE-1.

### **Wind Microclimate**

The applicant has submitted a Wind Microclimate Assessment in support of their application. Using high resolution computational fluid dynamics, the Lawson Comfort Criteria and the proposed scale and height parameters for all phases it concludes that phases 6 to 8 will not generate significant adverse wind conditions and any negative effects would be straightforward to resolve at detailed design stage. In order to ensure a satisfactory outcome and secure compliance with policy SIE-1, it is considered necessary to impose a condition requiring the submission of detailed wind and microclimate assessments in support of reserved matters applications for phases 6-8. A condition is recommended accordingly.

### **Planning obligations**

As the necessary Employment and Skills Plans can be adequately secured by way of a planning condition and there are no requirements for highways related commuted sums. Policy requirements triggering the need for planning obligations secured by way of a legal agreement are limited to those relating to the housing option for Phase 8 as follows:

- Affordable housing provision – 40% or as much as is viable tested through the submission of a viability assessment at reserved matters stage.
- Subject to viability, commuted sums for children's play and formal recreation provision and maintenance in accordance with Core Strategy policy SIE-2 (2011) and the Open Space Provision and Commuted Payments SPD (2019) payable on commencement of residential development – sum calculated from date of first reserved matters approval stage for Phase 8 and index linked (RPI).

- Subject to viability, commitment to pay commuted sums for children's education to meet the needs of the residents of the development if necessary/where existing provision cannot meet that need – commuted sum (if any) to be calculated at reserved matters stage for Phase 8 should residential development be proposed.
- Pay the costs of monitoring, reporting and managing the planning obligations in accordance with the Council's monitoring fees – calculated at reserved matters stage for Phase 8 and payable on commencement of development.
- Pay the Council's full legal costs in drafting and completing any necessary legal agreement.

The applicant has agreed to these heads of terms.

Whilst these policy requirements would ordinarily be the subject of a legal agreement prior to the grant of planning permission, this is cannot be readily achieved in this case as the Council currently benefit from a long lease from Network Rail on Phase 8 land, is likely to remain the 'landowner' and the Council binding its own land lacks enforceability. Muse, the Council's private sector delivery partner, currently has no interest in the Phase 8 land.

Legal advice has been sought on an appropriate remedy and it is advised an 'Arsenal' condition is imposed in respect of Phase 8 requiring the completion of a legal agreement securing the heads of terms detailed above at reserved matters stage should residential development come forward.

Planning Practice Guidance makes clear that this is acceptable in exceptional circumstances: *"in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes)."* (Paragraph: 010 Reference ID: 21a-010-20190723).

This is considered an exceptional circumstance because:

- Stockport as the LPA entering into an agreement with Stockport as the landowner together lacks enforceability. Stockport cannot bind its own interest in the land by way of s106 agreement and the JV partner, Muse, does not currently (and may never) have an interest in the land.
- the obligations to be secured are only needed if the final Phase is brought forward as residential development and not office development.
- Muse do not currently and may never hold any interest in the relevant part of the site that will be capable of being bound in the future, meaning a Section 111 agreement under the Local Government Act 1972 cannot be used.

A negatively worded condition securing the agreed heads of terms is therefore considered a suitable remedy and is recommended accordingly.

### **Other matters**

Given the phased nature of the proposed development it is considered necessary and appropriate to grant an extended time limit for the implementation of phases 6, 7 and 8. The previous planning permission required the submission of reserved matters within 5 years and the commencement of development to be within 10 years. In this case, the applicant has requested a time period of 15 years for the

commencement of development on any phase in the outline element (Phases 6, 7 and 8) and there is no objection to this in planning terms given the phased and speculative nature of the development and progression being dependent on office market demand. The full planning permission for Phase 5 would be subject to the standard 3 year implementation timescale.

## **RECOMMENDATION**

Grant planning permission (Phase 5 in full and all other phases in outline with all matters reserved) subject to conditions.

## **BACKGROUND PAPERS**

Background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972 can be found on the Council's website using the following link.

<https://planning.stockport.gov.uk/PlanningData-live/applicationDetails.do?activeTab=details&keyVal=SAQXIDPJGIN00>

It does not include documents which would disclose exempt or confidential information defined by that Act.

Please note that certain documents and reports (such as the Application Form) include redacted information due to content sensitivities.

Any additional correspondence/documents from interested parties can be requested by making contact with the Planning Service by email:  
[Planning.DC@stockport.gov.uk](mailto:Planning.DC@stockport.gov.uk)