

## Central Area Committee

31<sup>st</sup> October 2024

### DEVELOPMENT APPLICATIONS

#### Report of the Deputy Chief Executive and Corporate Director (Corporate & Support Services)

<b><u>ITEM 1</u></b>	DC/082052
<b><u>SITE ADDRESS</u></b>	Former Hope Mill Site, Water Street, Portwood, Stockport
<b><u>PROPOSAL</u></b>	Outline Planning Application for the erection of Class E foodstore with some matters reserved except access, layout and scale, with associated car parking, servicing, landscaping and wider site works.
<b><u>ITEM 2</u></b>	DC/089342
<b><u>SITE ADDRESS</u></b>	The Pyramid Kings Valley, Yew Street, Heaton Mersey, Stockport
<b><u>PROPOSAL</u></b>	Change of use of existing office building to Buffet Restaurant, Banquet Halls and storage with ancillary offices.

### **INFORMATION**

This application needs 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.

This Copyright has been made by or with the authority of SMBC pursuant to section 47 of the Copyright Designs and Patents Act 1988 ('the Act'). Unless the Act provides the prior permission of the copyright owner'. (Copyright (Material Open to Public Inspection) (Marking of Copies of Maps) Order 1989 (SI 1989/1099).

## ITEM 1

<b>Application Reference</b>	<b>DC/082052</b>
<b>Location:</b>	Former Hope Mill Site Water Street Portwood Stockport
<b>PROPOSAL:</b>	Outline Planning Application for the erection of Class E foodstore with some matters reserved except access, layout and scale, with associated car parking, servicing, landscaping and wider site works.
<b>Type Of Application:</b>	Outline Application
<b>Registration Date:</b>	07.09.2021
<b>Expiry Date:</b>	Extension of Time agreed
<b>Case Officer:</b>	Jeni Regan
<b>Applicant:</b>	Morbaine Limited
<b>Agent:</b>	

### DELEGATION/COMMITTEE STATUS

Planning and Highways Regulation Committee – Development is a Departure from the Development Plan. Application referred to Central Area Committee for comment and recommendation only.

### DESCRIPTION OF DEVELOPMENT

Outline planning permission is sought for the erection of a new Class E (retail) foodstore with associated car parking, servicing areas, landscaping and other associated infrastructure. The matters being applied for under this Outline application are access, layout and scale, with the matters of appearance and landscaping to be reserved.

The proposals include the creation of a single-storey retail unit that will extend to 1,804 sqm gross internal area, with an internal sales area of 1,315 sqm. The submission outlines that *“The foodstore would be of sufficient scale to support main food shopping trips and would accommodate a discount operator, intended to be occupied by Aldi”*. The building would be located in the north eastern corner of the site adjacent to Water Street. Customer parking would then be located to the south of the store building, with the service area along the western elevation of the building.

The vehicular access to the site would be from Water Street along the eastern boundary of the site. This would be for both car parking and servicing. Pedestrian access would also be from Water Street to the front of the site and to the south of the site to connect to the existing footways to the Town Centre and across the River. The proposals include the provision of 113 car parking spaces in total, including 4 accessible spaces, 4 electric vehicle charging spaces (increasing to 13) and 8 parent and child spaces. 6 motorcycle spaces are proposed along with 5 Sheffield stands under a canopy to the front of the store, which allows the parking of 12 bicycles.

A parameters plan has been provided with the application which shows the proposed position of the store, vehicular access, car parking and servicing areas and proposed landscape areas. A massing plan has also been submitted which shows the scale of the building, with a flat roof to a maximum height of 8 metres. No elevational drawings have been provided with the application, as the matter of appearance would be dealt with at the Reserved Matters application stage.

## **SITE AND SURROUNDINGS**

The site comprises an area of 1.1 hectares of land with access off Water Street in Portwood. It is a previously developed site, brownfield site that was occupied by Hope Mills until its demolition in the late 1990's early 2000's. The site has been cleared and is relatively level.

The application site is bounded to the east by the River Tame and is located approximately 50 metres north of its confluence with the River Mersey. The river itself is approximately 4 metres below the application site ground level down an embankment. The southern boundary lies adjacent to the elevated M60 motorway. A small area of open land and a footpath lie between the two. The northern boundary abuts another cleared site formerly occupied by a cement works and a trailer rental and sales company, and is now used as part of the Porsche business including car storage, a washing and valet bay and body shop building.

The Portwood Tesco store lies to the north east and the recently completed Porsche Car Showroom to the east on the opposite side of Water Street.

These sites all lie to the north of M60 and are separated from the Great Portwood Street Area including the Peel Centre by the motorway. Marsland Street tunnel under the motorway provides a link to the Great Portwood Street Area and a pedestrian link provides another route to the town centre via a subway under the M60 adjacent to the River Tame and then along Howard Street.

A lot of scrub and vegetation in the centre of the site has been cleared with trees and vegetation retained primarily along the site boundaries and on the riverbank. The riverside site is located in both Flood Zone 2 and 3 as shown on the Environment Agency flood maps. The application site is not located within a designated Conservation Area and does not contain or located close to any Listed or Locally Listed Buildings.

## **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

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

- TCG1 – Town Centre and M60 Gateway
- TCG1.4 – Sustainable Access in the Town Centre/M60 Gateway
- TCG2.1 – Central Shopping Area
- TCG2.2 – Portwood Gateway
- TCG3 – Town Centre Mixed Use Areas
- TCG4 – Stockport’s M60 Gateway
- TCG4.4 - Land North of Water Street
- EP1.7 - Development and flood risk

The application site lies within the Town Centre / M60 Gateway allocation in the SUDP review (Policy TCG4.4 - Land North of Water Street).

## LDF Core Strategy/Development Management policies

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

- CS1 - Overarching Principles: Sustainable Development - Addressing Inequalities and Climate Change
- SD3 - Delivering the energy Opportunities Plans - New Development
- SD6 - Adapting to the impacts of Climate Change
- CS5 - Access to services
- CS6 - Safeguarding and strengthening the service centre hierarchy
- AS1 - The vitality and viability of Stockport’s Service Centres
- AS3 - Main Town Centre Uses, Hot food takeaways and Prison Development Outside Existing Centres
- AS4 - Visitor Accommodation and Other Tourism Development
- CS7 - Accommodating Economic Development
- AED5 - Education, Skills and Training Provision
- AED6 - Employment outside Protected Employment Areas
- CS8 - Safeguarding and improving the Environment
- SIE1 - Quality Places
- SIE3 - Protecting, safeguarding and enhancing the environment
- CS9 - Transport and Development
- CS10 - An effective and Sustainable Transport network
- T1 - Transport and Development
- T2 - Parking in Developments
- T3 - Safety and capacity on the Highway Network
- CS11 - Stockport Town Centre
- TC1 - Stockport Town centre

## Supplementary Planning Guidance

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

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

- Sustainable Transport SPD
- Sustainable Design and Construction

## **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 the 19th December 2023 replaced the previous NPPF (originally issued 2012 & revised July 2018, February 2019, July 2021 and September 2023). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

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

The relevant paragraphs in this case are as follows:

Introduction - Paras 1, 2

Chapter 2: Achieving Sustainable Development – Paras 7, 8, 11, 12

Chapter 4: Decision-Making – Paras 38, 47

Chapter 7: Ensuring the Vitality of Town Centres – 90 - 95

Chapter 9: Promoting Sustainable Transport – Paras 114, 115, 116, 117

Chapter 11: Making Effective Use of Land – Paras 123, 124

Chapter 12: Achieving Well-Designed and Beautiful Places – Paras 131, 135, 136, 137, 139

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change – Paras 157-164, 165-175

*Para.225 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.*

## **Planning Practice Guidance**

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

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

## **RELEVANT PLANNING HISTORY**

There are numerous historic planning applications relating to the former Hope Mill on the site including extensions, elevational alterations, lighting and signage. However the historic applications of most relevance to this case are as follows:

Reference: DC/006079; Type: OUT; Address: Land At Water Steet (Site Of Former Hope Mill), Stockport, Cheshire; Proposal: Outline application for the erection of 5000 sq.m. leisure club (Class D2) with associated parking and ancillary facilities; Decision Date: 30-APR-03; Decision: GTD

Reference: DC/016191; Type: OUT; Address: Water Street, Stockport, Cheshire, SK1 2BL; Proposal: Application for mixed use (including non-food retail outlet & hotel); Decision Date: 02-MAR-06; Decision: APNO

Reference: DC/016819; Type: OUT; Address: Land At Water Street, Stockport, Cheshire; Proposal: Two storey development for Class A1 non-food retail/Class D2 leisure, together with associated parking and ancillary facilities; Decision Date: 30-MAR-06; Decision: Appeal Against Non Determination – Upheld 10-MAY-07

Reference: DC/022892; Type: RES; Address: Land At Water Street, Stockport; Proposal: Reserved Matters application for siting, design, external appearance and landscaping of proposed leisure club (Class D2), with associated parking and ancillary facilities.; Decision Date: 19-JUN-06; Decision: GTD

Reference: DC/043981; Type: OUT; Address: Land At Water Street, Stockport, SK1 2BT; Proposal: Two storey class A1 non-food retail/class D2 leisure development, with associated parking and ancillary facilities; Decision Date: 29-JUL-10; Decision: GTD

Reference: DC/044091; Type: OUT; Address: Land At Water Street, Stockport; Proposal: Mixed use development including non-food retail and hotel; Decision Date: 06-JAN-11; Decision: GTD

Reference: DC/051676; Type: OUT; Address: Land At Water Street, Stockport, SK1 2BT; Proposal: Renewal of DC043981, for two storey class A1 non-food retail/class D2 leisure development, with associated parking and ancillary facilities, ; Decision Date: 27-MAR-13; Decision: GTD

Reference: DC/061730; Type: OUT; Address: Water Street, Stockport; Proposal: Two storey Class A1 non-food retail, Class D2 leisure development with associated parking and ancillary facilities (outline application); Decision Date: 23-JAN-17; Decision: GTD

Reference: DC/061850; Type: SCR; Address: Water Street, Stockport; Proposal: Screening opinion for two storey Class A1 non-food retail, Class D2 leisure development with associated parking and ancillary facilities (outline application) (Application Ref: DC/061730); Decision Date: 14-OCT-16; Decision: EIA Not Required

Reference: DC/062975; Type: OUT; Address: Water Street, Portwood, Stockport, SK1 2BP, ; Proposal: B2/B8 employment unit with associated parking.; Decision Date: 23-DEC-16; Decision: GTD

Reference: DC/081997; Type: SCR; Address: Former Hope Mill Site, Water Street , Stockport, ; Proposal: EIA SCREENING OPINION: Outline planning application for the erection of a Class E foodstore unit with associated car parking, servicing, access and landscaping (matters reserved, apart from access, layout and scale); Decision Date: 31-JAN-2022; Decision: EIA Not Required

## **NEIGHBOUR'S VIEWS**

Following the submission of the original proposals, the owners/occupiers of 17 surrounding properties were notified in writing of the proposal. Due to the application being a Major Development and a Departure from the Development Plan, the application was publicised by both site notices and a press notice.

In response to the submission, 2 objections have been received and 1 letter of support.

The letters of objection have been received from both Planning and Transport Consultants on behalf of other foodstore companies. Some comments were received early in the process, and additional / revised highway, retail and flood risk information has been submitted since their receipt.

The letter of support has been received from Aldi, who are the intended occupiers of the proposed development.

The comments received are as follows.

### **Letter of Support from Aldi (Nov 21)**

Aldi is a key investor and employer in Stockport, with existing foodstores within or immediately surrounding Stockport town centre, Hazel Grove district centre, Romiley district centre, Cheadle Heath local centre and Offerton local centre.

We currently serve the central Stockport catchment from our New Bridge Lane store, which is located on the south-eastern fringe of the town centre. This store was constructed during the mid-1990's and at that time was commensurate with our format and size requirements. However, the past decade or so has seen our popularity increase dramatically, with UK consumers becoming more price conscious and appreciating the sustained quality of the Aldi offer. As a result, older stores such as New Bridge Lane – which trades exceptionally well for its size – have begun to suffer ongoing operational difficulties, such as a heavily congested car park, crowded aisles during peak periods and stock replenishment issues. This is not what customers expect from a modern Aldi foodstore and impacts adversely on the operational efficiencies which underpin our 'deep discount' business model.

Accordingly, over the past few years we have explored opportunities to expand or redevelop our New Bridge Lane site in order to provide a larger foodstore which is consistent with our current format – involving a minimum net sales area of 1,315 sq. m. However, it has not been possible to find a workable solution on this particular site, given that parking provision (which is already limited) is shared with the adjacent bingo hall – preventing necessary comprehensive redevelopment.

With our existing site therefore unable to deliver a modern, fit for purpose foodstore, our focus has shifted to finding an alternative site on the eastern side of the town centre from which we can serve a commensurate 'central Stockport' catchment area. In line with the Government's 'town centre first' approach, we have sought to explore

opportunities within or close to the town centre which also meet our foodstore format (minimum 1,800 sq. m GIA), car parking (minimum 110 spaces) and other operational requirements. In reality this typically requires a site of at least some 0.7ha in size. The closest and best connected such site to the town centre that we have identified, which also meets these minimum criteria, is 'land at Water Street'.

The land at Water Street benefits from various attributes that appeal to us and that meet our core requirements for a replacement central Stockport foodstore. It is emphasised amongst other things that this site:

- Is of more than adequate size for Aldi's latest foodstore format;
- Can accommodate the minimum parking space requirement sought (minimum 110 spaces);
- Benefits from high visual prominence from the M60 motorway (as highlighted by the visibility of both the adjacent Porsche dealership and Tesco Extra foodstore);
- Is close enough to the wider town centre to form strong future pedestrian linkages;
- Is highly accessible by private vehicle and servicing vehicles;
- Is located adjacent to a very popular and well used central Stockport food shopping destination (Tesco Extra) – demonstrating the location's existing attraction for food shoppers; and,
- Benefits from a planning history which includes multiple past permissions for large-format retail units – highlighting its acceptability in planning terms.

It is recognised that the Water Street site has been vacant for some time and a previous barrier for Aldi in considering a store in this location was the vacant adjacent plots of land to the north and east and the uncertainty surrounding what uses they might attract. However, the construction over the past 18-months of a high architectural quality Porsche dealership to the east and a Porsche valeting and service centre to the north has alleviated any previous concerns we had over the future profile of this location.

A further matter for our consideration has been the site's flood risk constraints, with it falling within Flood Zones 2 and 3. However, Morbaine has spent considerable time since our pre-application meeting in early 2020 developing a robust flood risk and drainage strategy for the site. We are satisfied that once implemented this would allow ourselves or any other retailer to operate safely and successfully from the land.

Morbaine has provided further proof of the site's acceptability and deliverability for food retailing with the recent submission of an outline planning application for a foodstore commensurate with our current trading format. This application, which seeks permission for the 'full detail' of the scheme's access, layout and scale, is supported by a comprehensive suite of supporting documentation covering transportation, ground conditions, ecology, air quality, crime impact and sustainability. Having reviewed this documentation we are satisfied that there are no insurmountable planning or technical issues which would prevent us occupying this developer-led scheme in the future.

Accordingly, following the submission of the planning application I can confirm to the Local Planning Authority that Aldi Stores Ltd has reached a deal in principle with Morbaine for the occupation of the proposed foodstore and has entered into a legally binding agreement to this effect. This agreement is naturally subject to receipt of a satisfactory planning permission for the scheme.



## **Objection on behalf of Lidl on Highways and Flood Risk Grounds (Nov 21)**

Having considered the applicant's Transport Statement (TS) and Flood Risk Assessment (FRA), it is clear that the proposals fail to meet the policy requirements of the latest National Planning Policy Framework (NPPF) enshrined within paragraphs 110 to 113 with regard to transport and accessibility and paragraphs 159 to 169 of the NPPF with regard to planning and flood risk. The application should therefore be refused on both sustainable transport and flood risk grounds.

The current thrust of the latest NPPF is that applications for development should "*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas*". The applicant's TS pays scant regard to pedestrian accessibility and applies a very crude "crow-fly" calculations for the desirable maximum walk distances for customers and staff. They state at para 3.8 that "*The science behind the prediction of maximum walking (and cycling) distances is far from exact and any greater detailed diagrams would not give any more meaningful information.*" I suspect that the author states this in the knowledge that if he were to use the accessibility tools at the disposal of transportation planners, the results would be less than favourable.

A comparison has been made between the applicant's 1km walk catchment for customers and that derived using TRACC software and ArcGIS. We have ensured that the TRACC assessment is as accurate as possible by ensuring that the public footpath between the site and Lancashire Hill is made use of. But even on this basis, it is clear that the river, the steep escarpment describing the Tame valley, Tiviot Way and the M60 all present significant barriers to walking to and from the application site.

The Brinnington and Central ward has a population of circa 15,000. My estimate is that the area around Lancashire Hill captured in the 1km walk catchment contains at most 10% of this population. The area certainly does not cover the whole of the Portwood area of the town centre as is claimed, and so consequently, the same significant reduction in pedestrian accessibility must also be assumed for the 2km walk catchment for employees.

The TS states at 3.10 that the current pedestrian facilities... "*will be more than adequate to accommodate the expected pedestrian flows to/from the development.*" However, this pays no regard at all to the topography of the local area. The route to and from Lancashire Hill, for example, involves a walk over the river on what is currently a narrow footbridge. If this route is to be relied upon by Morbaine, then there should be a contribution towards its improvement if indeed it is earmarked for an upgrade in the Town Centre Access Plan.

There is a conspicuous absence of any reference to the challenging topography and lack of any surveillance along the route in the applicant's TS.

At Chapter 5 of the TS, the applicant's consultant describes the trip generating potential of the site. I do not understand why the simple presence of other competing food stores in the area would lead him to conclude that the application site would "*not therefore be expected to generate traffic at the rates derived from the TRICS surveys.*" Evidence that we have gathered from surveys of Aldi stores in Warwickshire suggests that for the smaller-format store, trip rates are much higher than those obtained by the applicant's consultant.

Peak hour flows from this data suggest that the site could generate over 350 two-way trips in the peak hour, not the 245 as claimed by the applicant. Advice from the TRICS Consortium is very clear, that there is no justification for claiming that one part of the UK is significantly different from any other, and so the applicant should be required to provide a much more comprehensive test of the likely impact of the proposal on the wider highway network, particularly in the light of the lack of any attractive route to and from the site for residents on foot and by bike.

Currently, the TS claims that all of the application site's traffic is already on the network and that therefore no capacity testing needs to be undertaken. However, this is a gross over-simplification. It appears to rely on the fact that *"all the trips made to the proposed development would therefore be expected to be transferred trips which involve a trip to both the Discount store and the existing stores (shared trips)."*

We have assessed the application site's 5-minute drive time catchment, and it is clear that there are residents in Reddish South, Heatons South and Heatons North wards who would potentially be closer to this store than any other existing discounter. The applicant should review the potential significant element of car-borne custom that could be drawn away from the existing Aldi to the north of the application site on the A6 and assess the impact of the proposal on the Lancashire Hill/Tiviot Way roundabout and elsewhere according to the usual tests of an increase of 30 or more 2-way trips at junctions in the network peaks.

At paragraphs 5.27 to 5.29, the applicant makes a purely cursory reference to the Travel Plan requirements of a site of this nature. I am surprised that the application has even been validated without one, given the reference at para 113 of the NPPF of the requirement for one and in the light of Stockport's own policy requirements. Given the lack of any real prospect of staff and customers accessing the store on foot and by bike from nearby residential areas, the absence of any focus on these modes of transport and on measures to address the site's inadequacies in this regard is completely counter policy. The applicant should be required to provide a comprehensive Framework Travel Plan prior to any determination of this application.

The proposed development is located within both Flood Zone 2 and Flood Zone 3 designations. NPPF states in paragraph 159 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The applicant has not demonstrated that there is a need to build a new store in a high risk flood zone. The FRA states that there is no need to complete a Sequential Test as the development is within FZ2 and is commercial. However, NPPF states in paragraph 161 that new developments should apply a sequential approach to flood risk. The applicant has not made any attempt to assess alternative sites for flood risk and the application therefore does not comply with NPPF requirements.

The proposed site includes an existing platform/plateau upon which the store is proposed. This area is FZ2 and the lower area adjacent to the River Tame is FZ3. The site is susceptible to Surface Water Flow risk with flood depths for a low risk scenario up to 900mm. There is no information within the FRA that shows the overland flow path of water and how this is managed. The FRA states (Page 10) that this risk is very low and flooding will follow the local topography. However, there is no information on how this existing topography interacts with the proposed store and car park.

Reservoir flooding is identified as another source of flooding for the site. There is a high risk of flooding from reservoirs and the speed of flood water is up to 2 m/s. The applicant has discounted this risk as minimal due to the management of reservoirs by other authorities. This is another risk in FZ2 and FZ3 sites that could be avoided if a Sequential Test had been undertaken.

The Greater Manchester Strategic FRA states that development should be avoided in areas that are most at risk of flooding now and in the future. The applicant has not considered this policy and has instead proposed a store in FZ2 and FZ3 areas.

The Stockport Local Flood Risk Management Strategy states its aims are to reduce the potential impact and costs of flooding in the borough. It also states that Stockport Borough are to ensure that appropriate development is in areas of flood risk. This application does not comply with this policy.

There are inconsistencies in the FRA, Micro Drainage hydraulic reports and the Sustainability Statement (4.3.6) between the use of infiltration techniques within the site. The Sustainability Statement should be updated to reflect the less favourable ground conditions which do not support infiltration. A less sustainable method of discharge is therefore inevitable.

The Morbaine planning application submission is inadequate in a number of crucial ways with regard to the requirements for developers to properly consider the accessibility and flood risk of development sites.

Without substantially more effort to demonstrate that the site is genuinely accessible on foot and by bike from local residential areas, then the site fails against paragraph 112 of the latest NPPF. Similarly, the applicant's flood risk assessment is flawed and given the site's location within FZ2 and FZ3, a sequential test should have been undertaken.

We respectfully request that no positive recommendation can be made against this application until significant additional assessments have been undertaken.

### **Objection on behalf of Lidl on Retail Policy Grounds (Nov 21)**

The applicant's Planning and Retail Statement identifies that the proposed retail unit is intended to be occupied by Aldi and that Aldi would close their existing store on New Bridge Lane to relocate to the application site.

However, it should be noted that Aldi are not the applicant or joint applicant in this case. Nor is there any reference made to Aldi being formally contracted to the site. As such, from a retail planning perspective, the application should be assessed on an operator blind basis, given that the application, in its current form, does not offer any guarantee that Aldi will be the end occupier.

Had Aldi been the applicant or joint applicant, this position may be different. However, the applicant suggesting that the proposal is for Aldi does not provide any guarantee that Aldi will go onto occupy the unit in the event permission is granted. Indeed, Aldi may choose to continue trading from their New Bridge Lane site and another food retailer could go onto occupy the unit proposed through the application.

The applicant's retail impact assessment has been prepared on the basis that Aldi are the intended occupiers. However, this should be fully revisited so that the Council can make a robust decision.

To reiterate this point, regard should be had to Stockport Council Planning Application Ref. DC/079099. In that case, the application sought to vary Condition 1 of Planning Permission Ref. J/69473 to enable the sale of convenience goods from unit 4B at the Peel Centre. It was validated by Stockport Council on 14th December 2020 and was subsequently withdrawn.

The application, submitted by Peel Land and Property Investments, identified through the application that the permission would facilitate the relocation of the Aldi store on Newbridge Lane to the Peel Centre. However, Aldi subsequently distanced themselves from this application, where they were neither applicant or joint applicant.

Therefore, a scenario where Aldi do not occupy the unit proposed through this current planning application must also be fully considered and tested as part of the application's assessment.

The application should not be determined until such an assessment has been undertaken.

### **Objection on behalf of Tesco Stores Limited (February 22)**

Tesco trade from an edge of centre Extra store at Tiviot Way which opened in 2004. The positive retailing function of this store has since been recognised by the Council including through its Local Plan. Tesco also trade from an edge-of-centre superstore at Burnage Lane which opened in 2005. This store provides a main and local food shopping destination for residents and underpins the vitality and viability of the adjacent local centre. Tesco has invested significantly in creating these important facilities and continues to invest today.

Our objections focus on:

1. The lack of clarity relating to the approach to regulating the future use of the proposed operator's existing store,
2. The resulting unevidenced approach to retail impact assessment,
3. The failure to adequately assess impact on the town centre arising from the effects of diverting footfall and thus trade from edge of centre anchor stores,
4. The failure to have regard to the worst case scenario that would arise if similar proposals at Wellington Road were permitted (these are the subject of a separate, earlier representation), and
5. The lack of a robust approach to sequential assessment.

### **Lack of clarity of, and the need to disclose Heads of Terms relating to, the potential re-use of Aldi's existing premises**

The applicant is proposing to "relocate" from their existing edge of centre store at Newbridge Lane following the grant of consent for the application proposal. The future of Aldi's existing store, and how it is controlled, is of significant importance to the consideration of this application. This is contrary to the applicant's (unevidenced) assumption that since both the existing and proposed stores are edge of centre, that any impacts on town centres will be de minimis.

The applicants agent's (Nexus Planning) Statement does not at any point set out the suggested approach to regulating the future use of Aldi's existing Newbridge Lane store. Whether there will be a mechanism to regulate the situation, what it might be, and how it will operate, are matters about which there must be clarity now. Only then

can interested parties take relevant considerations into account in their representations, Officer's in their advice and any recommendation, and members in their decision making. We are not, however, aware that any draft Heads of Terms for any mechanism have been made available in the public domain.

There are various possible mechanisms that may be capable of regulating the use of Aldi's existing premises, and, depending on the approach adopted, the impacts arising from this store's future use may be very different. For example, if a planning obligation route is proffered, this may be capable of regulating the activities on the land being developed or in restricting the use, however the wording of any such obligation is key to understanding the 'strength' of any such restriction. For example, a 'soft' planning obligation that only requires a temporary period of marketing will not provide a permanent restriction against continued retail use. A 'revocation' of the planning permission (or similar mechanism) on the other hand, is a certain mechanism that goes to the heart of the matter; it is that approach that the Council is asked to promote, i.e. to remove the lawful use of the existing premises.

### The resulting unevidenced approach to retail impact

The applicant's impact assessment assesses two hypothetical scenarios termed 'Scenario A' and 'Scenario B'. Scenario A assumes that the existing Aldi store will be occupied by a discount convenience operator, whereas Scenario B assumes that the operator's existing store will be re-occupied by a comparison goods operator with 20% convenience floorspace. Both A and B calculate total turnover based on the "uplift" in floorspace from the existing store to the proposed.

Neither approach in our view provides a robust assessment, and contrary to their agent's view are unlikely to provide a "worst-case" picture of impact on town centres, since:

1. Both scenarios tested assume that it is only the floorspace "uplift" (ie the net difference between the floorspace of the existing and proposed Aldi stores) that needs to be assessed. However what is proposed is a wholly new store beyond the town centre, with (at present) no clarity of a restriction against continued retail use of Aldi's existing premises. It is therefore appropriate that trading impacts are assessed in terms of the 'worst-case' situation by adopting the overall gross floorspace (particularly in the absence of any known retailer). Were the Council to accept the applicant's approach in this regard, it would be necessary that the Heads of Terms offered provide the permanent restriction against continued food retail use.
2. In calculating the turnover of the foodstore proposal historic sales densities have been applied (using 2018 sources). More appropriately applying up to date sales densities for the proposed operator (Aldi) increases the store's turnover by a significant margin, (even more so when the gross floorspace is appropriately assessed).
3. Nexus further assume that the existing store will be occupied by a discount operator "from the likes of Heron, Farmfoods and Iceland" (paragraph 5.14 of the Planning and Retail Statement). This would appear to assume that the existing store will not continue to trade as an Aldi store. However, there is currently no certainty that Aldi's existing store will cease to trade and therefore to demonstrate a 'worst case scenario', Scenario A should estimate sales densities based on the assumption that the store continues to be operated by Aldi, with an appropriate sales density applied (based on 2021 Mintel Rankings) which is circa twice the adopted figure.

## Failure to adequately assess the effect of diverting trade from edge of centre retailers on the town centre

For the purposes of assessing trade diversion, it is the impact on the primary shopping area ('PSA') that needs to be assessed. Importantly, however, that does not mean that impacts on edge of centre stores are irrelevant, for example in terms of the loss of the linked trips they generate and thus footfall and spend in the PSA.

In these regards, the applicant's agent recognises that the town centre is "principally served" by edge of centre stores, including our client's, that contribute to the town centre and its health by encouraging linked trips. Their impact assessment then concludes that edge of centre store's (Asda and Tesco) will experience "the highest levels of impact". It would seem wholly necessary therefore, for the agent to provide an assessment of the impact of drawing trade from edge of centre stores, which here would be to reduce linked trips, and footfall to, and trade in, the town centre. However, no such assessment has been carried out.

Instead, it is merely assumed by Nexus that "Aldi's shopping patterns are already very well established within the town centre and therefore any implications on trading performance of existing stores will be minimal in practice" (paragraph 5.68 of the Planning and Retail Statement). However, this a) assumes that Aldi's existing and proposed sites are equally placed to serve the town centre, b) is based on the flawed assumption that it is only the uplift in floorspace that needs to be assessed, and c) fails to recognise the contribution of all edge of centre stores to the town centre i.e. not just having regard to the shopping patterns of Aldi customers, but the town centre as a whole.

## The need to model 'worst-case' impacts that would arise from a second local proposal

The assessment does not take into account an out of centre 2,140m<sup>2</sup> GEA retail proposal at Wellington Road, (application ref: DC/078338) validated in October 2020 to facilitate Lidl's occupation. That proposal and the application scheme are both located beyond the town centre, but in locations where impacts could be significant. Whilst Nexus rely on some findings by the Council's retail assessor, i.e., in considering the sequential test submitted with that application, they have not factored this proposed foodstore application into their retail impact assessment. In practice, there is likely to be significant trading overlap between this proposed Lidl foodstore and the proposal at Water Street. There would, in all probability, be a more significantly adverse cumulative impact on the town centre should both out of centre proposals be permitted. The joint effects with this other application should be considered to ensure a 'worst-case' impact scenario is accounted for. This is usual and sensible convention that should be adopted in this case.

## Sequential assessment

The applicant's sequential test parameters note that the only sites to have been considered are those within, or on the edge of, Stockport town centre. This approach is said to be justified by the applicant's agent on the basis that Aldi "specifically" have a need to provide a more modern and enlarged store than that provided by their existing edge of centre premises, and that therefore, "...locating the development in any alternative centre would not meet this identified need within the town centre" (paragraph 5.5). However, to exclude policy protected town centres from the area of search due to the operator's locational preference i.e. to "serve the established catchment" of their existing store (paragraph 4.22), or to meet an "identified need"

specific to Aldi, would be contrary to established legal principles that determine the proper operation of the sequential approach – see *Aldergate v Mansfield District Council* [2016] (see at paragraph 38).

Nexus's appraisal relies largely on the findings of advice received on the Council's behalf in respect of the foodstore application at Wellington Road in order to demonstrate the application proposal's compliance with the sequential test. However, whereas the assessment undertaken for Lidl reviews opportunities in other district and local centres falling within their applied catchment, the assessment carried out for Aldi only reviews opportunities in the town centre. Opportunities in Reddish district centre, for example, which lies within the applied catchment area, have been incorrectly excluded on the basis that they would not meet Aldi's locational/competitive needs contrary to the findings in *Aldergate* (described above).

The extent to which Nexus refer to "advice" in their Statement suggests to us that the applicant has access to independent appraisals on behalf of the Council. However, despite our repeated requests to the Council's officer to obtain copies of this advice, we have only been offered a brief summary in respect of earlier advice given in March 2021. The summary provided to us raises significant concerns about the assessment carried out in support of the Wellington Road application. We have not been made aware of any subsequent advice that supposedly now considers the sequential test for that proposal being complied with (as claimed by Nexus). Consistent with our objections to the application at Wellington Road, we maintain that any advice provided for the Council should be made available for public inspection (especially so if the Council are minded to rely inappropriately on it in the same manner as Nexus have).

Nexus's review of alternative sites is not robust and fails to provide a complete assessment of their 'availability' and 'suitability'. Their review does not include consideration of a site in Stockport town centre at Unit 4B, the Peel Centre. This is justified by Nexus because "we understand that it is no longer considered that Unit 4B at the Peel Centre is available for the potential occupation by an alternative operator and we have therefore not provided any commentary on this site..." (paragraph 4.31). The brief statement that the site is 'no longer considered available' is merely an assertion, and the reasons as to why the unit is perceived to be 'unavailable' should be clearly set out. Although not acknowledged by the applicant, we understand that Aldi had submitted an application to vary the range of goods permitted at unit 4B, which in itself indicates its 'suitability' for the type of development proposed. The unit is 'suitable' even if the operator may have decided not to progress the opportunity.

### **Objections on Behalf of Lidl on Retail and Flood Risk Grounds (April 22)**

Representations were previously submitted on behalf of Lidl dated 12th November 2021. Through these representations, it was noted that whilst the applicant has suggested that Aldi are the intended occupier for the proposed development, they are not the applicant or joint applicant in this case. Nor is there any reference made to Aldi being formally contracted to the site.

On this basis, from a retail planning perspective, the application should be assessed on an operator blind basis, given that the application, in its current form, does not offer any form of firm guarantee that Aldi will be the end occupier.

The latest submission continues to put forward a retail impact assessment on the basis that the proposed development will be occupied by Aldi with Aldi relocating from their existing site at New Bridge Lane.

It is noted that whilst the applicant has now presented a scenario where Aldi stores operate from both Water Street and New Bridge Lane concurrently, this is still predicated on the basis that Aldi is the end occupier.

There is no firm guarantee of this position and as such, a scenario where Aldi do not occupy the unit proposed through this current planning application must also be fully considered and tested as part of the application's assessment. The application should not be determined until such an assessment has been undertaken.

Further to the representations previously submitted by Lidl, it is understood that Stockport Council confirmed that the applicant would be required to undertake a flood risk sequential test in support of their application. To assist the Council with this process, Lidl commissioned Toppings Engineers, who are leading technical experts in this area, to prepare a Flood Risk Sequential Test Report for the Water Street site. The conclusion reached by this report was that Lidl's site at Wellington Road North, is sequentially preferable in flood risk terms to the Water Street site.

There are a number of limitations to the information flood risk sequential test information the applicant's agent has submitted with respect to the Water Street application. In part, this may be due to the fact the information has been prepared by a planning consultant, as opposed to a specialist technical consultant.

The information submitted appears to confuse the methodology for the retail sequential test with the flood risk sequential test. The two tests have separate methodologies and require consideration of different matters.

The retail sequential test requires consideration as to whether there are any sites which are suitable and available for the broad type of development proposed, which are sequentially preferable, relative to defined retail centres.

In contrast, the flood risk sequential test requires the applicant to consider whether there are any available sites suitable of accommodating the development proposed, within a defined catchment area, that are at lower risk of flooding from any form of flooding.

As set out within Lidl's previous representations, dated 12th November 2021, the applicant's Planning & Retail Statement confirms, at paragraph 5.61, that the scheme will serve a 5 minute drive-time catchment. As such, it is considered that this 5 minute drive-time catchment the applicant has identified, should form the area of search for the purposes of the flood risk sequential test.

Contrary to what the applicant has suggested, this is the only logical area of search for the flood risk sequential test. We would strongly urge the Council to assess the application on this basis.

It should also be noted that the applicant's assessment does not give full consideration to all forms of flooding, unlike the Toppings Engineers Assessment prepared on Lidl's behalf. It simply considers the Environment Agency Flood Risk Map. This approach is contrary to Government Guidance on flood risk sequential tests.



Lidl also take issue with the commentary included at Appendix B of the applicant's submission which addresses their site at Wellington Road. It has been suggested that there are outstanding highways issues (referred to as "substantial highways issues") with the site which may prevent development coming forward.

This position is incorrect. There are no highways constraints which would prevent planning permission for a discount foodstore on the site being granted.

Furthermore, the applicant then seeks to assert that development at the Wellington Road site would not offer the same sustainability benefits associated with the proposed Water Street site.

Again, this statement is incorrect. We have set out through our previous representations as to why Stockport Council would be well advised to refuse the Water Street application because the scheme is at conflict with the 3 requirements of paragraph 112 of the NPPF, in that a discount foodstore in this location does not "give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas".

The scheme is also in clear conflict with Policy CS9 of Stockport Core Strategy. The Water Street application site has sub-standard accessibility for pedestrians and cyclists. In addition, it will increase travel by car because shoppers will be diverted from other food shopping destinations which can more readily be accessed by sustainable modes of transport. This position is further substantiated by SCP's latest representations.

It must be acknowledged that in contrast, Lidl's Wellington Road North site is a highly sustainably location, which is fully accessible by all modes of transport.

The development of the site will also help to facilitate Stockport Council's cycle lane scheme, which will provide a significant benefit to residents of the area, allowing them to travel sustainably and safely.

Sustainable modes of transport are of great importance in the context of the UK Government's aim to meet its target of "Net-Zero" emissions by 2050. In this context, it is vital that food retail locations are truly accessibly by all modes of transport.

Lidl's scheme will facilitate the Mayoral cycle lane scheme and will include good cycle parking provision, as well as being highly accessible for pedestrians residing within the surrounding area. The site offers a real opportunity for residents to shop locally without having to use their cars.

This is particularly pertinent at this present time given the impacts of the Covid-19 pandemic and the cost of living crisis have seen fuel prices reach an all time high.

Finally, the applicant also tries to suggest special regard should be had to the development of the Water Street site because it is brownfield and it is allocated in the Development Plan for commercial development. Whilst it is fully acknowledged that the site is brownfield it should be noted that the site isn't allocated for retail development. Lidl's Wellington Road North site is also a brownfield site which has previously been in commercial use.

It is somewhat confusing that points which relate to the benefits of developing the Water Street site over an alternative site have been drawn into the flood risk sequential test.

The Government's guidance on the preparation of Flood Risk Assessments confirms that a certain methodology should be followed in assessing potential alternative sites. The merits associated with developing one site over another do not form part of the assessment. In this context, Lidl would strongly urge Stockport Council to take on board the conclusions reached in the Flood Risk Sequential Test Report they have submitted, which has been prepared by Topping Engineers, who are leading technical experts in this area. This assessment seeks to adhere to the Government's guidance on the preparation of Flood Risk Assessments.

The conclusion reached by the assessment is clear. The Water Street site does not pass the Flood Risk Sequential Test.

### **Objection received on Behalf of Lidl on Highway Grounds (April 22)**

Remain convinced that the proposals are neither national nor local-policy compliant.

#### 1. Introduction:

a. The TLA report states that the site has had numerous planning applications in the past. This is irrelevant to this application, since it is the current policy environment that decision makers and developers need to adhere to. The supplementary information, presumably, the report is to address a number of comments on highways issues because the report includes responses to other topics including site layout and works to highway, whether a TA or TS is suitable/appropriate; road traffic accidents and road safety audit, amongst others.

#### 2. Site Layout and Works to Highway:

a. At para 2.6 it is claimed that the request, presumably from Stockport's engineers, for the site access to be designed to provide an adopted turning head for Water Street has been accommodated. This is not the case. The length of the bellmouth that illustrated at TLA drawing 210601/01/A is just 6m, and this does not include for a 2m footway around all sides of the turning head. The extent of adopted highway needs to be sufficient at least for a large refuse vehicle or design rigid HGV to undertake a 3-point turn within, since Stockport need to be satisfied that both now and into the future, the highway network is resilient enough to cater for all typical anticipated uses. This is not a residential street, though even if it were, it would require a turning head sufficient for a large refuse vehicle to turn within. TLA need to identify the precise extent of land to be offered up for adoption and confirm that this is adequate through the usual swept path exercises. This is bound to have an effect on the car park layout and may reduce the number of bays provided.

b. At paras 2.7 and 2.8, TLA refer to the swept paths of the delivery HGV. I have significant concern over the route that the HGV would take since it reverses across a defined pedestrian crossing linking the store entrance to the parent and child bays. The car park needs to be reconfigured to remove the need for an HGV to reverse across any defined pedestrian crossing route since this is a significant risk to health and safety.

#### 3. Transport Assessment vs Transport Statement

a. I am not entirely sure why this is being debated, but either way, TLA need to ensure that the application proposals are policy compliant. This has not been demonstrated.

#### 4. Assessment of Effects of Development

a. The drawings appended to the TLA note confirm that the proposals are for an Aldi foodstore. In spite of this, TLA have used TRICS to provide an assessment of trip rates and have derived peak hour forecasts using predominantly Lidl data. Given the information that I had provided for Aldi stores in my original letter of objection, and given the greater similarity between this proposal in terms of its size and the Aldi stores surveyed, it would have made much more sense to have considered the impact of the proposals on the basis of that Aldi specific data. Instead, what follows is an appraisal of what other applications have looked at rather than what this application should really consider. I remain convinced that in an area as car-dominated as this one, locally, the store could generate circa 350 two-way movements in the Saturday midday peak hour, not 200 as quoted by TLA. The same uplift will apply to the weekday PM peak forecasts too.

#### 5. Base and Future Traffic Flows

a. No comment.

#### 6. Assessment of Effects of Development

a. This section requires a complete re-write on the basis of my concerns over TLA's trip generation forecasts for an 1,800sqm Aldi foodstore.

#### 7. Pedestrian Accessibility

a. TLA appear to be relying upon a 2007 appeal decision and on inadequate isochrones submitted by other applicants in Stockport to claim that the methodology behind their consideration of the accessibility of the application site is sound. Advice from the July 2021 NPPF is clear. Para 112(a) states "give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use." (my underlining). Within the scheme, as I have already mentioned, pedestrian movements are compromised, particularly at the crossing point where the HGV reverses. Externally, there are no neighbouring residential areas within easy walking distance and so sequentially, the site fails against this first objective of national planning policy.

#### 8. Road Traffic Accidents

a. No comment.

#### 9. Road Safety Audit

a. This is a standard element that should be provided in advance of planning, not conditioned.

#### 10. HGV Routeing

a. A delivery, servicing and waste management plan should be provided in advance of planning in order to a) confirm numbers and timings of HGV movements, and b) to confirm what routeing agreements need to be made. No tracking of the local highway network externally to the site has been undertaken and if the Marsland Street junction with Water Street is deemed inappropriate, then TLA need to confirm that the alternative route via Water Street only is.

b. We are aware that Aldi delivery and servicing requirements are more intensive than Lidl's, with a greater number of movements typically over the course of the day. This has not been quantified and so the local highway authority cannot know with

certainty what impact these movements will have both internally to the site and externally within the adopted highway network.

## 11. Travel Plan

a. TLA state that a Travel Plan can be conditioned before the development is operational and that there is little point providing a draft/framework/preliminary Travel Plan at this stage. This is not in accordance with NPPF paragraph 113 which states "All developments that will generate significant amounts of movements should be required to provide a Travel Plan". However, it also contradicts information outlined in the Travel Plan Toolkit on TfGM's website as the toolkit confirms that a Travel Plan is required for food retail development over 800m<sup>2</sup> and this is reiterated in Stockport Council's validation checklist for planning applications.

### **Objection received on Behalf of Tesco Stores Limited (June 24)**

#### Approach to 'availability' in sequential assessment

The Officer's Report sets out that the approach to 'availability' is established from the definition that is used by the applicant's agent (Nexus) (see under 4th Appraisal February 2024). We note that Nexus' position, in the relevant Planning and Retail Statement, states that in determining the "availability and suitability of sites within Stockport town centre it is relevant to refer to the recent assessment undertaken by Rapleys in respect of the proposed Lidl store at Wellington Road North (application reference DC/078338)". In turn, the relevant Rapley's Planning and Retail Statement reveals, at paragraph 6.14, that it "...relies upon the Judgment of Justice Ouseley in Aldergate Properties v Mansfield District Council (EWHC1670 (Admin) 8 July 2016)" which states "'Available' cannot mean available to particular retailer but must mean available for the type of retail use for which permission is sought" (paragraph 42). Given that the Council's Officers seek to rely on the advice of the applicant's retail consultants and, in turn, that relies on that given for the proposed Lidl at Wellington Road North, it would seem wise for the Council not to determine the application at least until the Court of Appeal has ruled on relevant matters concerning that related decision.

#### Potential failure of the Sequential Test

Notwithstanding issues concerning the interpretation of 'availability' in the context of the application proposals, we review other sequential test sites referred to in the Officer's Report. Aldi's letter of support, as reproduced in the Officer's Report, states that the potential to expand the existing Aldi store at New Bridge Lane was explored but discounted as unworkable due to the existence of the adjacent bingo hall. Rejection on that ground is not considered sufficient. An occupied site can be made available for development. There is a total lack of evidence regarding any enquiries made to the relevant owners and occupiers. Testing the market is an implicit part of development and opens up new opportunities. It is inherent in testing the 'availability' of sites.

Instead, Aldi's submission is suggestive of seeking a new location for their store. This is demonstrated by the parameters set out in the applicant's agent's Planning and Retail Assessment (paragraph 4.24), which specifically seeks a *"well-connected edge of centre site to the north of the town centre"*.

Indeed, the existing site on New Bridge Lane is considered to meet the applicant's own parameters. As set out in paragraph 4.20 (of the above Planning and Retail Statement), the Water Street site is constrained by fluvial flooding, leaving a

developable area of only 0.74ha. Consequently, applying the parameter to account for 20% flexibility, leads to a sequentially preferable site being of at least 0.56ha (as confirmed at paragraph 4.21). The New Bridge Lane site, at approximately 0.6ha, is located in an edge-of-centre, visible location with on-site car parking and within walking distance of the town centre. Therefore, the existing Aldi premises meet the applicant's own parameters for a sequentially preferable site. And to the extent that more floorspace and parking is required, no evidence has been produced that the adjacent bingo hall premises could not become 'available' (see above).

Even if enhancement of the New Bridge Lane site was for some reason not practicable, the Former Citroen Garage at St Mary's Way then becomes a sequentially preferable retail opportunity, as well as having preference in terms of sequential flood risk (as it is within Flood Zone 1). As the Officer's Report in part explains this site has a prominent position along a principal road, a previous retail use (car showroom), and is currently available and being marketed. It is only discounted due to its location southeast of the town centre. The site is not located in an elevated flood risk area, and, in comparison, the application site is in Flood Zone 2 and thus less suitable.

In such circumstances, the Former Citroen Garage site becomes a sequentially preferable retail opportunity since although out of centre, the site is large enough to accommodate the proposed development, is unallocated, and has a lawful, retail type use with a prime position and visibility along a main road. Its sequential status is confirmed by paragraph 92 of the NPPF since *"preference should be given to accessible sites which are well connected to the town centre"*.

The sequential test is therefore failed because of the existence of a suitable and available alternative, through either the extension or redevelopment of the existing New Bridge Lane site, with potentially available adjoining land, or the Former Citroen garage site at 'St Marys Lane'. This justifies the refusal of planning permission in accordance with development plan policy PSD2.1 and the NPPF's paragraph 95.

#### The inappropriate deferral of critical BNG and landscaping consideration to Reserved Matters

The Officer's Report indicates that, as required by Nature Development, the development should be supported by the now established metric of 10% BNG to be achieved on-site. However, landscaping is to be dealt with at reserved matters, and thus BNG cannot be addressed in a necessary timely manner. Reserved matters operate as a wholly separate adjunct to the outline planning permission. If the required 10% BNG is not deliverable the planning permission might not become deliverable. That would not be an appropriate outcome.

Indeed, the Nature Development team's conclusions are not robust in assuring that delivery of 10% BNG will be possible. The officer explains, of the applicant's advisor's work, that:

*"The report confirms that provided the measures within this report for further survey and mitigation can be adopted, it is anticipated that a design could be brought forward for this site that would be compliant with current local and national biodiversity planning policy". [our emphasis]*

Landscaping is a key part of the design of this development. Not only is it key to facilitating BNG provision, but because the site is located adjacent to the River Tame, a vegetated green corridor contributes to the surrounding character of the

area. Landscaping should therefore be a fundamental part of the outline permission's assessment process in its own right as well as to facilitate assessment of BNG.

### Inappropriately Limited Air Quality Assessment

The Air Quality Assessment (June 2021) prepared by Turner Lowe Associates, seeks to assess air quality by comparing the proposed retail development with a previously approved but not implemented Leisure/non-food retail scheme. This is not considered relevant as this permission has lapsed. The proposal should be assessed on its own evidence, and not in comparison with an unrelated previous permission. The air quality assessment should utilise the three quantitative retail impact scenarios, as described in the Officer's Report to assess the worst-case scenario for vehicular movements to the site, and thus air quality impacts. That would be scenario A based on two new food stores.

### Inappropriate outcome to the Decision Making process

The Summary of the Officer's Report states that the proposal is a departure from the development plan as the Stockport Unitary Development Plan's Policy TCG4.4 does not support retail uses on the site. Nevertheless, it is concluded that the proposal complies with the development plan as a whole. However, should it be accepted that there is an important breach relating to sequential assessment and, in addition, thus failure against Policy PSD2.1, then it seems unreasonable to find compliance with the development plan as a whole. As a consequence, it would become necessary to consider whether any other material considerations would indicate that determination should be made otherwise than in accordance with failure(s) against the development plan and thus refused. The lack of any weighty other material considerations suggests that a planning authority acting reasonably would refuse planning permission.

## **CONSULTEE RESPONSES**

All consultation responses can be viewed in full on the online application file via the Council's public website.

However, for the purposes of this report, these are summarised below:

### **Planning Policy (Retail)**

Members should note that the matter of retail policy impacts has been fully and robustly assessed by both Council Officers and an independent and suitably qualified professional. The full appraisals completed by Planning Policy Officers and them on behalf of the Council are now summarised below:

#### **1<sup>st</sup> Appraisal March 2022 (Alder King)**

A new 1,804 sqm Class E discount foodstore is proposed and it is expected that the occupier will be Aldi. Under national planning policies, the proposed use is a main town centre use. The site is beyond the town centre boundary defined by Policies TCG2.1 – 3.7 and is judged to be an 'edge of centre' site. As such, a sequential test is required under Paragraph 87 of the NPPF.

The site is designated as an M60 Gateway Site under Policy TCG4.4 of the Saved Unitary Development Plan which welcomes employment and leisure uses. The explanatory text for the policy notes that retail development is not listed as an

appropriate use due to its out-of-centre location and poor connectivity, and that such proposals will require a sequential test.

Recent changes to the Use Class Order have placed former B1 uses alongside retail and 'indoor sport and recreation' under a new Class E.

Furthermore, a previous appeal decision for retail and leisure development was allowed in April 2007 where the Inspector noted that TCG4.4 does not preclude retail coming forward on the site subject to conformity with national policies, and that the site falls within the definition of an 'edge of centre' location.

A sequential test is required and the agent has provided one within the Planning and Retail Statement. I agree with the site search parameters that are outlined. Further detailed comments/queries are raised in relation to the review of the alternative sites at Knightsbridge and Unit 4B Peel Centre.

An impact assessment is also required under Paragraph 90 of the NPPF and Core Strategy DM Policy AS-3, as the proposed gross internal area of 1,804 sqm exceeds the locally set threshold of 200 sqm. The agent has provided one within the Planning and Retail Statement. Agree that a 5-minute drivetime is appropriate for catchment area as this has been used for similar sized stores to Lidl. Further detailed comments/queries include out of date evidence being provided from the 2014 study and it is not clear why given that quotes are taken from the 2019 study later, reference to an alternative convenience operator for New Bridge Lane is stated as being a 'worst case scenario' and sub totals of pre-development turnover and total trade diversion do not accurately match other figures.

## **2nd Appraisal June 2022 (Alder King)**

AK Planning have been instructed by SMBC to provide retail planning advice in respect of an application which seeks outline planning permission at the former Hope Mill site, Water Street, Stockport.

### Sequential Approach

Having appraised the potential sequential sites assessed by Nexus, we do not consider that Nexus has demonstrated compliance with the sequential approach to site selection policy test:

- further information is required to clarify and support the level of flexibility of format/scale that has been adopted;
- further information is required on what is considered to be a 'reasonable period' in terms of the availability of potential alternative sites;
- a further updated assessment of 'Unit 4B, The Peel Centre' is required. Retail

### Impact

We have carefully considered the proposal against the impact tests set out in the NPPF. Looking at the two elements of the impact test, in respect of test 1 we consider Nexus need to undertake an assessment of Unit 4B, Peel Centre, to fully explore whether the proposed development could impact on planned investment at this unit. Furthermore, given that Nexus has not defined a catchment for the proposed development it is unclear whether there are any other in-centre investment in centres within the catchment that would need to be considered.

Turning to test 2, impact on vitality and viability of existing centres, we consider that at the current time Nexus has failed to demonstrate that the proposals are in accordance with this part of the impact test. We recommend that the Council request Nexus to update their quantitative retail impact assessment or provide justification evidence to support their adopted assumptions on a number of turnover and trade draw matters. Furthermore, we consider that Nexus should also provide cumulative impact assessments taking into account the planning permission at Unit 4b, Peel Centre and the proposed Lidl store, Wellington Road North. It is possible that SMBC may take both planning applications to the same planning committee and therefore the cumulative impacts of both planning application will need to be understood/taken into account.

### Conclusions

Overall, having regard to our detailed appraisal of the planning application it is our opinion that the applicant has not demonstrated that the proposal is consistent with the requirements of current retail planning policy in so far as the sequential approach to site selection test and retail impact is concerned.

### **3<sup>rd</sup> Appraisal November 2022 (Alder King)**

Following the June 2021 Retail Planning Appraisal, the applicants retail planning consultants, Nexus, has provided further information via a letter dated 20 July 2022. Updated statistical retail impact tables (dated November 2022) were subsequently provided by Nexus via email dated 04/11/22 correcting a number of trade draw errors we identified.

### Sequential Approach

Having reviewed the additional information provided by Nexus we are now satisfied that they have demonstrated that the proposed development is in accordance with the sequential approach retail policy test.

### Retail Impact

Impact on In-Centre Investment:

In addition, when considered on its own or cumulatively with the recently granted Lidl discount foodstore scheme and the Peel Centre foodstore commitments, we consider that there is unlikely to be a significant adverse impact on any existing, planning and committed in-centre investment.

Impact on Centre Vitality and Viability:

We are satisfied that the proposed development when considered on its own or alongside retail commitments is unlikely to result in a significant adverse impact on the vitality and viability of the smaller district/local centres within or outside the catchment area. Having carefully reviewed Nexus' assessment and cumulative impact, even in the event the Asda store did close, we consider that, on balance, the proposed development, when considered on its own or alongside retail commitments, is unlikely to result in a significant adverse impact on the vitality and viability of Stockport Town Centre. In coming to this conclusion, we have had regard to, inter alia: the wider role of the town centre, its vitality and viability, recent and on-going significant investment, and the likelihood of the Asda store site being redeveloped and not lying vacant for a long period of time.



## Conclusions:

Overall, having regard to our further appraisal it is our opinion that the proposed development is in accordance with the sequential approach and retail impact policy tests.

Should the Council be minded to grant planning permission for the proposed store it is important that a suite of conditions is attached to any grant of planning permission to ensure the new store trades as assessed. Accordingly, conditions which cover the following should be attached:

- Floorspace Restriction – the total Class E(a) floorspace hereby permitted shall not exceed XXXXsq m gross external area. The net sales (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed XXXXsq m without the consent of the Local Planning Authority.
- Sale of Goods Restriction – notwithstanding the provisions of the Town and Country Planning (General Permitted Development etc.) (Amendment) Order 2021 (or any order revoking or re-enacting or amending that Order with or without modification), the Class E(a) (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of XXXXsq m of the net sales are devoted to comparison goods.
- Subdivision – The Class E(a) (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.
- Mezzanine Restriction - notwithstanding the provisions of the Town and Country Planning (General Permitted Development etc.) (Amendment) Order 2021 (or any order revoking or re-enacting or amending that order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class E(a) (retail) unit without the consent of the Local Planning Authority.
- Limited Assortment Discounter - the development hereby approved shall only be used as a Class E(a) retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 3,500 individual product lines.

## **4<sup>th</sup> Appraisal February 2024 (Planning Policy Officer)**

Alder King has reviewed the suitability and availability information for the four sites and has concluded that none of the alternatives can be regarded as available or suitable. Alder King requested further clarification on the level of flexibility of format and scale and the definition of availability from the agent, and in both cases the approach was found to be reasonable. In summary, the retail advisor found the sequential test to be met.

In December 2023, Nexus provided updated information on the above four sites to demonstrate that they continue to fail the availability and suitability tests for the proposed Aldi. I have reviewed this evidence and find there to be no change in the position that Alder King took in November 2022. As such, I judge that the sequential test for retail is passed and Paragraph 91 of the NPPF is met.

An impact assessment is also required under Paragraph 94 of the NPPF and Core Strategy DM Policy AS-3, as the proposed gross internal area of 1,804 sqm exceeds

the locally set threshold of 200 sqm. The agent has provided one within the Planning and Retail Statement and in subsequent evidence statements.

Alder King has reviewed the evidence against the checklist of requirements in the Planning Practice Guidance and sought further information from the agent in respect of the impact on planned investment at Unit 4B Peel Centre and the impact on vitality and viability. In their latest report, Alder King confirm that the approach taken and assumptions made by Nexus are acceptable in respect of Unit 4B Peel Centre, turnover and scenarios for the current New Bridge Lane Aldi store, and sales density figures for the application site and that of Unit 4B Peel Centre within a refreshed cumulative impact assessment.

In respect of the cumulative impact on the ASDA town centre store, Alder King's initial finding was that these impacts would be high under all three scenarios tested, that these should actually be higher, and that this would worsen its already poor trading position and could compromise its viability. Further indirect impacts on the town centre were found due to the loss of linked trips between ASDA and the town centre. However, the retail advisor concluded that the closure of the ASDA alongside the proposed development and other retail commitments in the area would be unlikely to result in a significant adverse impact on the town centre due to its health, ongoing regeneration programme and the reasonable likelihood that there would be short-term demand for the redevelopment of the ASDA site in this context. It was subsequently found that the impact assessment had been met.

In December 2023, Nexus provided additional information on further investment in the town centre which it outlined has increased the vitality and viability of the town centre and that of investor confidence with high demand for vacant floorspace including the alternative sites that were subject to the sequential site search. Nexus also state that the proposal is designed to ensure greater consumer choice, provide an alternative destination to meet shopping needs, and is in a sustainable location accessible on foot which will encourage linked trips.

Whilst some of the information on town centre projects and their expected completion dates is incorrect, this does not alter my overall conclusion that the Nexus statement does not contradict the Alder King position on the impact assessment above. As such, I judge that the impact assessment is passed and Paragraph 94 of the NPPF and Core Strategy DM Policy AS-3 are met.

#### **5<sup>th</sup> Appraisal August 2024 (Planning Policy Officer)**

Nexus' last update on 15 December 2023 provided a section on 'The Sequential Assessment - Main Town Centre Uses' where an update was given on the sites that had formed part of the assessment. No update has been provided on this aspect in the latest letter and I would suggest that, whilst the overall outcome will be affected, the availability status of 'Former Marks and Spencer site' has changed.

The December 2023 position was that the ground floor retail unit of 429 sqm was available to let, although the Council have since granted approval for an advertisement consent under DC/092013 for Starbucks to erect new signage on the front of the unit facing Merseyway. Whilst there is no guarantee the unit will then become occupied and operated by Starbucks under subsequent permitted development, it is an indicator that the unit is no longer available and so the change in status should be factored into any update.

Other than the above, I am satisfied that the information the agent has issued on the cumulative impact position and the impact assessment considerations constitutes a full and robust update.

### **Planning Policy (Flood Risk Sequential Assessment)**

The proposal falls within Flood Zone 2 (medium probability: land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding) and partly within Flood risk zone 3 (high probability: land having a 1 in 100 or greater annual probability of river flooding).

The NPPF advocates a sequential approach to development at risk from flooding. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding.

A sequential test was not originally undertaken for this proposal. The Flood Risk Assessment and Drainage strategy states the sequential test is passed because the 'proposed land use is considered appropriate within Flood Zone 2'. It is not considered that this is a use that is appropriate within Flood Risk Zone 2, without the necessary tests being undertaken. The general focus of the NPPF is to steer development to areas with the lowest risk of flood risk. National planning guidance under Paragraph: 033 Reference ID: 7-033-20140306 advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. The site is allocated within the UDP Review (May 2006) as a M60 Gateway site under TCG 4.4: Land North of Water Street, this policy does not list retail as a use acceptable in this allocation, the proposal is therefore not in accordance with the Development Plan.

The initial sequential test submitted by the applicant does confuse sequential testing for retail with the methodology for sequential testing for flooding. However, following relevant advice from the Council, a Flood Risk Sequential Assessment was subsequently submitted by the applicant to accompany the application. Planning Policy are happy with the findings of the sequential tests in relation to flood risk, in that there are no reasonable available sites in an area at lower risk of flooding. The approach now applied is that which relates to the sequential test for flood risk purposes as outlined within the above NPPF policies and guidance.

### **Highways**

A total of 5 consultation responses have been received from the Council's Highway Officer during the assessment of this application. Early comments on the proposals raised no objections to the principle of the development and that a review of the layout, concludes that the layout and parking numbers are generally acceptable.

However, the Highway officer raised concerns about the contents of the Transport Assessment, the lack of information in relation to the new site access and servicing, inadequate information in relation to accessibility with regards to walking and cycling to the site, the lack of a Framework Travel Plan and the absence of any construction related information. Additional information was also requested in relation to cycle

parking and showering facilities, EV charging, and a car park monitoring and management plan due to the proximity to the Town Centre.

Following this, additional information was produced and submitted for further consideration by the Highway Officer in relation to all of the issues raised above. This included an updated Transport Assessment, Stage 1 Road Safety Audit, Designer Response to Road Safety Audit, a Travel Plan, updated site layout and access plans and off site accessibility works plans / information.

The applicant has submitted a various drawings and documents with the aim of addressing the issues previously raised. After reviewing these it can be concluded that the development will not have an adverse impact on the Great Portwood Street / Marsland Street junction and, although the submitted modelling shows it should also not have an adverse impact on the Tiviot Way / Water Street signal controlled junction, the Highway officer deferred to TfGM to confirm if this is the case and whether any mitigation is required at the junction.

It is accepted that a number of matters, including matters of detailed design and the implementation of a Travel Plan can be dealt with by condition. The provision of an appropriate number of charging points, can also be secured by condition.

Revised drawings that have been submitted in response to previous comments have addressed the remaining issue in respect to the site layout and agreement has now been reached with the applicant in respect to a package of works to improve the site's accessibility.

As such, subject to matters of detail, which can be dealt with at detailed design stage / by condition, it can be confirmed that the scheme is now considered to be acceptable from a highways and transport perspective and therefore raise no objection to the application, subject to conditions and the applicant entering into a Section 106 Agreement in respect to the payment of a financial contribution of £7500 (with RPI indexation) to fund parking restrictions / a traffic regulation order on Water Street, Stockport.

Recommendation: No objection, subject to conditions and the applicant entering into a Section 106 Agreement in respect to the payment of a financial contribution of £7500 (with RPI indexation) to fund parking restrictions / a traffic regulation order on Water Street, Stockport.

### **Arboriculture**

Conservation Area Designations:

The proposed development is not within or affected by a conservation Area.

Legally Protected Trees:

There are no legally protected trees within this site or affected by this development.

The site currently has a very poor level of vegetation and the proposed new development will potentially not impact on the trees. A detailed landscaping scheme will also need to be conditioned as part of any full planning application submitted which clearly shows enhancements along the river bank to improve the amenity through native species planting. Consideration should also need to be given to the level of planting within the proposed car park areas making sure adequate levels are detailed but using appropriate species and planting pits to guarantee success rates,

improve SUDs potential through the tree pits and perpetuity tree cover for the surrounding environment to improve the local biodiversity and amenity of the area. In principle the main works and design will require the removal of trees to implement the design, however these trees are low amenity and as such could easily be replaced and further enhance the site as part of any landscaping scheme which can be conditioned.

Conditions are requested in relation to tree retention, protection and the submission of detailed landscaping information.

### **Nature Development**

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 existing woodland and opportunity tree planting habitat 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 adjacent to the River Tame on its west margin. A section of the River Goyt designated as Green Chain habitat is located to the south on the other side of the motorway.

The original application was submitted with an Ecological Appraisal (Tetra Tech, 20/07/2021) which includes an assessment of habitats identified on site. These include broadleaved woodland, scattered scrub, poor semi-improved grassland and tall ruderal. Due to the length of time since the application was first submitted, this original data is considered out of date and an updated version is requested.

An updated report has been submitted following additional on-site surveys completed on the 18<sup>th</sup> March 2024. The content of the submitted updated Preliminary Ecological Appraisal is considered to be acceptable in terms of proposed mitigation measures and enhancement suggestions. However, Nature Development recommend that the further surveys outlined as required within the Appraisal, should be completed prior to the determination of the application, rather than being dealt with via conditions.

Following this advice, camera monitoring surveys have now been conducted by Tetra Tech in April/May 2024, in order to inform the presence of protected species and any potential mitigation or protection measures.

### **Ecological Report**

The revised ecological report (Tetra Tech, 05/04/2024 & 30/05/2024) provide an acceptable description of the habitats on site, and the likelihood of impact on protected species.

### **Bats**

A willow tree was identified in the ecology reports (Tetra Tech, 2021 & 2024) as offering potential for roosting bats. As the tree is not in a location where removal is proposed or impact anticipated, **no additional bat survey effort is required**, and the feature will be protected by the lighting condition detailed below.

### Badger and Otter

The Camera Monitoring Report (Tetra Tech, 30/05/2024) makes recommendations for the avoidance of impact from the proposals on badgers and otters, including pre-works surveys and precautionary working measures. Please apply a condition requiring adherence to the recommendations.

### Biodiversity Net Gain (BNG)

Any future reserved matters application should be supported by a BNG Statement which includes:

- a pre-development biodiversity metric of the site's baseline condition, accompanied by either:
  - an indicative post-development metric calculation, or as a minimum,
  - an indicative plan and account of how 10% BNG will be achieved.

Others issues raised and requests for conditions to be imposed include bird nesting, lighting, ecological enhancement and a watercourse pollution avoidance method statement.

Therefore, no objections subject to the inclusion of the requested conditions and informatives.

### Contaminated Land

Reviewed the DTS Raeburn Geo-Environmental Appraisal dated June 2021 for the above mentioned site. The report states that a cover system should be installed for any landscaped areas and gas remediation is required too, as such conditions relating to the submission of final validation certificates for soil and gas are recommended. The site is adjacent to the River Tame and careful consideration must be given for the potential contaminants, risk of flooding and the creation of preferential pathways created by intrusive investigations and/or foundation design (piling works etc).

### LLFA

The LLFA have reviewed

- DC\_082052-FRA\_\_\_DRAINAGE\_STRATEGY-1433517

This is a reasonably comprehensive strategy and is consistent with our requirements. It is therefore considered that the strategy is sufficiently developed to support the outline planning application subject to more detailed design at subsequent stages.

### Conservation

No objections subject to archaeological investigation and recording being addressed in accordance with GMAAS advice. Concur with the conclusions of the submitted Heritage Assessment, that the scale and layout of the proposals as submitted will have no harmful impact upon the setting or significance of designated heritage assets.

### Air Quality

Air Quality have reviewed the updated air quality assessment, reference 8293 Rev 3, dated 14<sup>th</sup> August 24, which has been submitted in support of the above application for the Class E foodstore on Water Street, Portwood. The proposed development

site is located within the Council's Air Quality Management Area (AQMA), which has been declared where levels of nitrogen dioxide are close to or are exceeding annual objective levels. This development will have the potential for vehicles travelling to and from the site to increase pollution levels in this sensitive area and assessing impacts on local air quality is required.

The August 2024 assessment is an update to that previously submitted on the 10<sup>th</sup> July 2024, and is a response to the earlier consultation comments provided by Air Quality on the 29th July 2024.

### Operational Phase

The methodology used for air quality modelling and the impact assessment provided is satisfactory and the results have been compared against accepted criteria.

When compared to the national air quality standards, all impacts on annual mean NO<sub>2</sub> are predicted to be negligible, with reference to accepted impact descriptors. The model further confirms that impacts from the development on local air quality in relation to particulate matter PM<sub>10</sub> and PM<sub>2.5</sub> are also negligible.

Air Quality are satisfied with the methodology which has been utilised in the modelling and production of the air quality assessment and have no comments or objections in relation to the conclusions provided.

However, to ensure that any impacts associated with vehicle use are minimised, it is recommended that the following condition is included on any decision notice:

*The development hereby approved shall not be brought into use unless and until a scheme for electric vehicle charging points (minimum 7kWh) and infrastructure has been submitted to and approved in writing by the Local Planning Authority. The approved charging points and infrastructure shall be installed and made available for use upon the development being first brought into use and shall be retained thereafter.*

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

### Demolition & Construction Phase

The air quality assessment confirms that dust and emission mitigation measures will need to be employed during construction 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, it is recommended that 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 to minimise and control vehicle, plant and dust emissions from the demolition and construction work phases and include a procedure to respond to complaints of fugitive dust emissions.*

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

## **Healthy Planning**

The public health department is not opposed to the principle of this development. Comments are made in relation to sustainability measures, active travel, ageing well, green infrastructure and mental health matters.

## **Environment Agency**

The submitted Flood Risk Assessment (FRA) from Waterco 13068-FRA & Drainage Strategy-02, demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. Therefore, the proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval.

Therefore, we consider that planning permission for the proposed development should only be granted if the warehouse finished floor levels are set at least 44.80 metres above Ordnance datum and secured by way of a planning condition on any planning permission.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

We welcome outline proposals for new retail development and opportunity to more positively integrate with the River Tame Water Framework Directive (WFD) waterbody (Ref:GB112069061112) and main green infrastructure asset within the Water Street site; creating the ability to enhance the environmental quality of the WFD waterbody, and key ecological network; through preservation and enhancement of undeveloped greenspace riparian buffer, in combination with creating a new multifunctional flood storage area (FSA) along the River Tame corridor. The proposed development will therefore be acceptable if a planning condition is included requiring a detailed scheme design for proposed multifunctional flood storage area (FSA) along the River Tame waterbody as indicated on site parameters plan Drwg. 7428-259 (Waterco, 21/06/2021).

The previous use of the proposed development site as mills and works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- located upon a principal aquifer
- adjacent to the River Tame

The application's supporting documentation demonstrates 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.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should



be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions 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.

### **United Utilities**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Flood Risk Assessment & Drainage Strategy, dated 21 June 2021, ref: 13068-FRA & Drainage Strategy-02 proposing surface water discharging into the River Tame, we can confirm the proposals are acceptable in principle to United Utilities. However, we do not have sufficient information on the detail of the drainage design. With this in mind, we request appropriately worded drainage conditions are attached to any subsequent Decision Notice.

### **GMAAS**

Initial response outlined that no detailed archaeological or heritage information had been submitted to accompany the application. An archaeological assessment and heritage statement was subsequently submitted by the applicant.

GMAAS agree with the applicant's consultant that the appropriate strategy for dealing with the archaeology would likely be via a watching brief (secured by condition).

### **TfGM**

Issues raised throughout the application process in relation to trip generation, access arrangements, site accessibility and travel planning. Additional information was provided by the applicant's Transport Consultant and it is now confirmed that colleagues within UTC have reviewed the modelling files and updated information supplied and have confirmed that there are no further comments on the modelling. The modelling indicates that the junction will continue to operate within practical capacity with the addition of development traffic.

### **Health and Safety Executive (HSE)**

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline (Pipelines - 6732\_1017 National Grid Gas PLC) you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the

pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

### **Cadent Gas**

We have completed our assessment. We have no objection to your proposal from a planning perspective.

## **ANALYSIS**

### **Policy Principle and Retail Impacts**

A new 1,804 sqm Class E discount foodstore is proposed on the vacant site at Water Street, with the prospective occupier being Aldi. In their letter dated 25th November 2021, Aldi state they have *“reached a deal in principle with Morbaine (the applicant and landowner) for the occupation of the proposed foodstore and have entered into a legally binding agreement to this effect”*. Aldi would relocate from their existing foodstore on New Bridge Lane which has *“begun to suffer ongoing operational difficulties such as a heavily congested car park, crowded isles during peak periods and stock replenishment issues”*.

Under National planning policies, the proposed use is a main town centre use. The site is beyond the town centre boundary defined by Policies TCG2.1 – 3.7 and is judged to be an ‘edge of centre’ site. As such, a sequential test is required under Paragraph 91 of the NPPF.

The site is designated as an M60 Gateway Site under Policy TCG4.4 of the Saved Unitary Development Plan which welcomes employment and leisure uses. The explanatory text for the policy notes that retail development is not listed as an appropriate use due to its out-of-centre location and poor connectivity, and that such proposals will require a sequential test. On this basis, the application was advertised via site notice and in the local press as a Departure from the Development Plan.

A previous appeal decision for retail and leisure development was allowed in April 2007 where the Inspector noted that TCG4.4 does not preclude retail coming forward on the site subject to conformity with national policies, and that the site falls within the definition of an ‘edge of centre’ location. In subsequent grant of retail planning permissions on the site, most recently in January 2017 (application ref: DC/061730), the Council has concurred with the Inspectors’ conclusions in that the site occupies an edge of centre location and this view remains.

SUDP policy TCG4.4 does not in itself support retail uses on the site and therefore the proposal constitutes a departure from the development plan and has been publicised accordingly, despite the explanatory text associated with the policy at paragraph 19.101 requiring A1 retail proposals to apply the sequential test and to demonstrate need. The second part of the policy also requires development in this area to satisfy a series of nine requirements as follows:

*(i) the development is sympathetic to neighbouring land uses and takes account of the needs of any existing uses which may remain within the area;*

No conflicts with neighbouring land uses arise given the current active commercial land uses adjacent to the site and the distance between the site and sensitive uses.

*(ii) safe pedestrian links are provided, or existing ones enhanced, physically linking any development to the surrounding area and particularly the Town Centre;*

The proposals include the provision of multiple accessibility improvements in relation to existing highways, footpaths and cycleways – see Highways section below.

*(iii) appropriate vehicular access is located, designed and constructed to the satisfaction of the Council;*

Detailed negotiations have taken place in relation to the proposed site access arrangements – see Highways section below. Subject to the imposition of conditions recommended by the Council's Highway Engineer, this requirement would be satisfied.

*(iv) satisfactory parking provision is provided, both for vehicular users and cyclists;*

Detailed negotiations have taken place in relation to the proposed car, cycle, motorcycle and EV charging arrangements – see Highways section below. Subject to the imposition of conditions recommended by the Council's Highway Engineer, this requirement would be satisfied.

*(v) opportunities to encourage the use of public transport as a means of access are taken;*

The proposals have been assessed in detail by the Council Highway officer, who has confirmed that the development is acceptable in relation to access to public transport. Subject to the imposition of conditions recommended by the Council's Highway Officer, this requirement would be satisfied.

*(vi) the scheme is of a high standard of design, reflecting its prominent position adjacent to the M60;*

Appearance remains a reserved matter and would be considered at a later date. The overall scale and massing of the building however, are considered to be acceptable – see Visual Amenity section below.

*(vii) a satisfactory landscape scheme is submitted, including boundary treatment;*

Landscaping remains a reserved matter and would be considered at a later date. However, it is considered that the matter of landscaping is capable of satisfactory resolution based on the information provided to date within this outline application.

*(viii) the development is sympathetic to the river valley location and adjacent*

*Green Belt area;*

As with previous planning permissions, subject to the imposition of conditions environmental impacts would be adequately mitigated and no conflict with Green belt policy would arise. Further details are provided below.

*(ix) the development satisfies all other relevant UDP policies.*

Although the development would be a departure from the development plan, this conflict is not considered to justify refusal of the application for the reasons set out above.

The proposal has been considered in the context of the development plan for the area and other material planning policy considerations including the National Planning Policy Framework and the National Planning Policy Guidance. In summary, this provides that applications for retail and other main town centre uses that are neither in an existing centre nor in accordance with an up to date local plan will be assessed against the key tests of sequential approach and retail impact. The NPPF at paragraph 91, advises that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the factors set out in paragraph 90, it should be refused.

The *Asda v Leeds City Council* [2021] EWCA Civ 32 the Court of Appeal judgment has clarified that the words “should be refused” in NPPF paragraph 90 do not mean “must be refused”. It does not dictate a refusal of planning permission whenever the development proposed is likely to have a "significant adverse impact" on the "vitality or viability" of a town centre. The judgment confirms that what paragraph 91 does is to establish, in national planning policy, a proposition that will indicate a refusal of planning permission if it is not outweighed by other material considerations.

As such, the applicant in this case was required to submit a Retail Policy Assessment in relation to the sequential approach to site selection as required under paragraphs 91 and 92 of the NPPF, and the retail impact of the proposed development on defined centres, taking into account the impact of the proposal on existing, committed and planned investment and the vitality and viability of the centre required by paragraph 94 of the NPPF.

Core Strategy Policy CS5 ‘Access to Services’, CS6 ‘Safeguarding and Strengthening the Service Centre Hierarchy’, DM Policy AS-1 The Vitality and Viability of Stockport’s Service Centres and Policy AS-3 ‘ Main Town Centre Uses, Hot Food Take Aways and Prison Development Outside Existing Centres’ and Saved UDP Policy TCG3 ‘Town Centre Mixed Use Areas’, in so far as retail policy matters relevant to this appraisal are concerned, are generally in accordance with the NPPF (with the exception of Policy TCG3’s need test requirement). The policies require sequential approach and retail impact tests to be undertaken. These are now assessed in more detail below.

### **Sequential Approach**

The applicants define the catchment area for the proposed discount store as commensurate with a 5 minute drive-time. The reasoning for this approach is agreed and it is considered that the catchment appears broadly reasonable and consistent with catchment areas often adopted for deep discounters in larger

town/cities. The only defined centre in the catchment area is Stockport Town Centre.

Third party objections have been received against the application, in relation to the Aldi's existing store at Newbridge Lane being a sequentially preferable site in this case. It is claimed that there is a lack of evidence as to why Aldi cannot remain in their existing store and that it is not possible to acquire the adjacent Bingo hall site to deliver any necessary expansions to overcome the current operational difficulties.

It is considered that the information provided by the applicant to accompany the original application, was sufficient to conclude that the existing site on Newbridge Lane is not sequentially preferable, applying reasonable flexibility. However, notwithstanding this, the applicant has provided further information in response to this objection.

It is confirmed that there is currently a lease in place for the Bingo Hall until 2037, which demonstrates that the bingo hall site will not be available within a reasonable amount of time. Furthermore, the lease confirms that the tenant of the bingo hall always has the right to at least 240 car parking spaces within the designated car parking area at the site. A plan of this car park has been provided by the applicant, which shows the 240 spaces located around the bingo hall and Aldi foodstore buildings. The bingo hall has the right to use the whole of the car park (all 240 spaces) that is also used by the Aldi store. Therefore, this demonstrates that the car park cannot be altered or reduced in any way to improve parking for Aldi customers and substantiates Aldi's earlier confirmation that that is one of the main issues causing operational difficulties at the site. On this basis, it can be confirmed that the site cannot be redeveloped within a reasonable amount of time and is therefore, not available for the purposes of the sequential test.

The objection continues to state that even if the enhancement of the existing Newbridge Lane site was not practicable, then the Former Citroen Garage on St Mary's Way then becomes a sequentially preferable retail opportunity, as well as having preference in terms of sequential flood risk. In response to this, Paragraph 92 of the NPPF states that *'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.'*

The Former Citroen Garage on St Mary's Way is located in an out of centre location, whilst the application site at Water Street is located in an edge of centre location. It should be noted that the Former Citroen Garage is also located outside the agreed 5 minute drivetime catchment area for the sequential assessment and so has not been included in the list of potential alternative sites below. Therefore, the Citroen Garage site cannot be sequentially preferable to the application site, as Water Street is an accessible site that is well connected to the Town Centre and the Former Citroen Garage is not. Preference should therefore be given to the application site in this case. It is considered that to give preference to an out of centre site over an edge of centre site using paragraph 92 of the NPPF would be an approach which evades the sequential approach and does not accord with the NPPF as a whole.

Furthermore, the applicant has responded to this point to outline that the marketing particulars for the Former Citroen site confirm that the freehold of the site is not available at all, and it is the leasehold of the existing car showroom

that is being marketed. As the premises comprises a purpose built motor dealership amounting to 1,497sqm, this is not suitable for Aldi for a new foodstore. The matters relating to the flood risk sequential assessment is covered later within this report.

The above argument can also be used for the proposed retail site at 111 Wellington Road North in Heaton Norris, which is also not included in the list below. The site at 111 Wellington Road North is also located in an out of centre location, whilst the application site at Water Street is located in an edge of centre location. It should be noted that the Wellington Road North site is also located outside the agreed 5 minute drivetime catchment area for the sequential assessment and so has not been included in the list of potential alternative sites below. Preference should therefore be given to the application site in this case. It is considered that to give preference to an out of centre site over an edge of centre site using paragraph 92 of the NPPF would be an approach which evades the sequential approach and does not accord with the NPPF as a whole.

Having reviewed the submission and findings of the Planning and Retail Statement and subsequent addendum letters, the following alternative sites within the Town Centre have been assessed under the sequential approach analysis:

- Former Marks and Spencer, 48-58 Merseyway;
- Former BHS 11-15 Princess Street;
- Former Debenhams, Merseyway;
- Former Sainsbury's store; and
- Unit 4B, The Peel Centre.

Although officers agreed with this list, there were two other sites located within the 5 minute drivetime catchment, which it was also considered required assessment under the sequential test. This includes the Former Peter Carlson Site on Lower Hillgate and the Knightsbridge Car Park on Warren Street. This was raised with the applicant and a further assessment of these sites was submitted.

The position on sequential assessment has been an evolving one over time since the application was submitted. The up-to-date position as regards to each of these sites above is considered below.

#### Former Marks and Spencer unit, 48-58 Merseyway Centre

Glenbrook, have now completed the repurposing of the building into an office led scheme (named STOK) following the grant of planning permission in October 2020 (application reference DC/077549) for external alterations to the building. The ground floor of the unit provides 1,144sq m gross flexible retail floorspace with the intention to provide smaller units.

It was announced by the landlords in July 2024, that Starbucks has agreed terms to occupy a unit of 210sqm gross at the ground floor level. It is understood that the remaining potentially available ground floorspace totals just 934sqm gross. Having regard to the level of remaining potentially available floorspace, it is considered that the unit is unsuitable for the proposed development, due to its limited size.

### Former BHS unit, 11-15 Princess Street

Stockport Metropolitan Borough Council has owned the former BHS unit since July 2019. In 2021, the Council's cabinet approved its refurbishment including splitting the building into separate units, re-fronting the shopfront along Merseyway and creating a new ground floor entrance on Princess Street.

One of the new remodelled units has recently (August 2024) been occupied by Poundland. It is understood that a pre-let has been agreed with another retailer (JD Sports) for the other ground floor unit. Therefore, the only remaining available floorspace at the site is at first floor and part basement level.

Given the location/size/configuration of this remaining floorspace, it is considered that the unit can be discounted on the basis that it is not suitable for a proposed discount food retailer.

### Former Debenhams, Merseyway;

Stockport Metropolitan Borough Council currently own the former Debenhams store building in Mersey Square. The unit is currently occupied by Joseph James Furniture, who opened a store in this building from the 3rd February 2024 and agreed to occupy the unit on a 5 year lease agreement. As such, the site is not available.

The store measures approximately 2,570sq m over 3 floors. It was announced that the Stockport NHS Foundation Trust and the Council are working together to submit a bid to government for a new hospital on the site and the Heaton Lane car park. However, given that the hospital is dependent on funding and is likely to require several years to be brought forward, the Council has explored other short to medium term options for use of the Debenhams store. This is the basis that Joseph James Furniture are now currently occupying the site. The Council have confirmed that such short to medium term options are unlikely to involve a foodstore, as such a use is likely to prevent/delay the potential new hospital coming forward.

Accordingly, at the current time, it is considered that the site is not available for the proposed development.

### Former Sainsbury's store, Warren Street;

The former Sainsbury's store site has been sold to build-to-rent specialist Amstone Ventures and is earmarked for redevelopment, which will provide up to 500 new homes on the site. Amstone Ventures are in the process of finalising the S106 agreement with the LPA, so that the proposal can move forward and be developed out.

Accordingly, it is agreed with Nexus that the site is no longer considered to be available.

### Unit 4B, The Peel Centre

Marks and Spencer opened their Foodhall format from Unit 4B in June 2023 and therefore the unit is no longer available for the purposes of the sequential test.

Accordingly, it is agreed that the unit is not available for the proposed development.

#### Peter Carlson Site, Lower Hillgate

The applicant outlines in their review that this site measures approximately 0.2ha in size and comprises a former furniture shop with associated adjacent car parking. The unit is boarded up and remains vacant. The site is bound by Lower Hillgate to the west, Wesley Street to the south and Hopes Carr (road) to the east.

Although the applicants have been unable to find any marketing particulars for the site, the unit and surrounding land is vacant and therefore it is considered to be available for the purposes of the sequential test.

Measuring 0.2ha, the site is considerably smaller than the application site at Water Street. As such, even accounting for appropriate flexibility in store size and format, the site is significantly too small to accommodate the development proposed, and it is therefore considered to be unsuitable for the development proposed.

Given the above, whilst it is assumed that the site is available to accommodate an alternative development, it is substantially smaller than the proposed application site and is therefore not a suitable alternative. It is agreed that the site can therefore be discounted on suitability grounds.

#### Knightsbridge Car Park, Warren Street

The applicant outlines in their review that the Knightsbridge car park site currently comprises an active car park and an area of landscaping to the south west, which accommodates the SS Stockport Memorial. The site is located off Knightsbridge Way, opposite the former Sainsbury's store and is bound by the River Goyt to the east, Warren Street to the south, Knightsbridge Way to the west and Howard Street to the north

The site is irregular in shape fronting the River Goyt and provides for a total of 0.2ha of land across the car park and adjacent landscaped area. The site is also in Flood Zone 2 and 3 and is significantly banked towards the river. Although the availability of the site is unknown, it is considered that it is available for the purposes of the sequential test for completeness.

However, the assessment concludes that it is clear that the site is significantly too small to accommodate the development proposed, even allowing for a sufficient degree of flexibility. In light of the above, it is agreed that although the site could be considered to be available, it is unsuitable to accommodate the proposed development.

#### Sequential Approach Conclusions

Officers have reviewed the suitability and availability information for the sites listed above and have concluded that none of the alternatives can be regarded as available or suitable. Further clarification was requested on the level of flexibility of format and scale and the definition of availability from the agent, and in both cases the approach was found to be reasonable. In summary, it is found



the sequential test to be met. As such, it is concluded that the sequential test for retail is passed and Paragraph 91 of the NPPF is met.

Therefore, for these reasons, it can be concluded that the proposals do not constitute a departure from the development plan in terms of the sequential test and the requirements of Paragraph 91 of the NPPF, as the necessary tests have been met. The matter of the application being a departure due to the presence of Policy TCG4.4 is already covered in the earlier part of this Section above.

### **Third Party Objection on definition of 'Available'**

An objection from MRPP on behalf of Tesco Stores Ltd, claims that it would seem wise for the Council not to determine this planning application at least until the Court of Appeal has ruled on relevant matters concerning the related decision at 111 Wellington Road North, which is currently being reviewed by the Court of Appeal.

The Council contests this claim, as it is considered that nothing within the sequential test assessment for this current planning application at Water Street depends upon the point that it currently being reviewed under the Court of Appeal case. The two sites that were claimed in the Judicial Review case to be sequentially preferable to the Wellington Road site, the Water Street and Peel Centre sites, are not being discounted under this review for the same reasons. Obviously, the Water Street site is the application site in this case and secondly, the Unit 4B Peel Centre site is now fully occupied by Marks and Spencer. Therefore, no matter which approach is taken to the consideration of availability when applying the sequential approach to the Water Street site, be it the Aldergate judgement or the recent Judicial Review decision, the Unit 4B Peel Centre site is unavailable for the purposes of this review.

Therefore, on this basis, the Council believes that there is no need to delay a decision on this application.

### **Retail Impact**

An impact assessment is also required under Paragraph 94 of the NPPF and Core Strategy DM Policy AS-3, as the proposed gross internal area of 1,804 sqm exceeds the locally set threshold of 200 sqm. The applicant has provided an Impact Assessment within the Planning and Retail Statement and in subsequent evidence statements.

The defined catchment for the proposed development as outlined above is considered to be reasonable. On this basis, it is agreed, with the exception of Stockport Town Centre, that there are no other centres that need to be considered as part of the first part of the impact test: impact on in-centre investment.

Members are advised that it is considered that the applicant's assessment has demonstrated that there is unlikely to be a significant adverse impact on any existing, planned and committed in-centre investment. The appraisals conducted identified that an assessment of the potential impact of the proposed development on investment on sites in Stockport Town Centre needed to be undertaken.

Given that Unit 4B at the Peel Centre is not available for the proposed development as it is now occupied as a Marks and Spencer Foodhall, the applicants' conclusions that no significant adverse impacts are likely to arise on this investment are agreed. In addition, when considered cumulatively with the Lidl discount foodstore scheme at Wellington Road North and the Peel Centre foodstore scheme, it is considered that there is unlikely to be a significant adverse impact on any existing, planning and committed in-centre investment.

The retail impact assessment completed by the applicant also makes reference to the following live planning applications:

- 1) New Lidl foodstore proposed at Cheadle Heath Works (DC/087761)
- 2) 2 no. Section 73 applications for Tesco at Portwood (DC/081571 & DC/081572); and
- 3) New Lidl foodstore at 111 Wellington Road North (DC/091767).

The conclusions reached by the applicant with regards to these live applications are agreed by the Council. The applicants have given consideration to the expected trade diversions and impact associated with the proposed Lidl store in Cheadle. Overall, the proposed store at Stockport Road is considered to have a very minimal impact on facilities within Stockport town centre, being the principal centre of interest to the proposed store at Water Street. The store would be located some distance from the proposal at Water Street and any sharing of trade between them will likely be minimal. Given the immaterial impacts of the proposal on the town centre and the lack of any direct diversion from Stockport town centre stores, this has correctly not been included as a commitment for the purposes of this assessment.

Consideration has also been given to the potential implications of the current planning applications at the adjacent Tesco. The applicants have considered whether that proposal could have any bearing on the cumulative impact position already assessed in respect of the proposed foodstore at Water Street. The application at the Tesco seeks permission to vary conditions to reconfigure the permitted store layout by using an existing void space to allow a limited number of 3rd party/independent operators to occupy the space. No new convenience floorspace is proposed and that the result of the proposal will be to reduce the overall comparison turnover of the proposed store. As such, it is considered that there are no cumulative impact implications of relevance to this application proposal.

In relation to point 3 above, the applicants have updated their assessment to take account of the latest planning application for Lidl at 111 Wellington Road North, which seeks permission for a larger store than that which was previously approved under application DC/078338. Although this application has not yet been determined, it has been included for completeness as a 'worst case' scenario and this is considered by the Council to be the correct approach.

In terms of the assessment of retail impact and impacts on vitality and viability, it is considered that the key centre that the proposed Aldi store could result in a potential significant adverse impact is Stockport Town Centre. Officers are satisfied, that the proposed Aldi store is unlikely to result in a significant adverse impact on the vitality and viability of Stockport Town Centre.

The initial retail impact assessment submitted to accompany the application only included 2 testing scenarios (A and B), where both A and B calculated total

turnover based on the “uplift” in floorspace from the existing store to the proposed. However, as raised in the objections received to the application, it was considered that as the proposed development is a new store in an edge of centre location, that trading impacts should be assessed in terms of adopting the overall gross floorspace and should not be limited to just the “uplift” in floorspace.

Therefore, at the request of officers, the applicants have completed a quantitative impact assessment and have tested three impact scenarios:

- Scenario A – assumes Aldi relocates to the proposed Water Street store and the existing Aldi store is re-occupied by an alternative convenience operator;
- Scenario B – assumes Aldi relocates to the proposed Water Street store and the existing Aldi store is re-occupied by a comparison goods retailer (with an element of convenience goods);
- Scenario C – assumes Aldi remains in situ and a new, alternative discount foodstore operates from the proposed development at Water Street.

It is considered that the three impact scenarios tested by Nexus to be reasonable. Given that the Peel Centre is located outside the defined Central Shopping Area of Stockport Town Centre (which is assumed to represent the Primary Shopping Area) in an edge of centre location, this site has been taken out of Stockport Town Centre.

Having carefully reviewed the applicant’s impact assessment, officers are satisfied that the proposed development when considered on its own or alongside the Peel Centre and Lidl commitments, and the re-occupation (or not) of the former Aldi store New Bridge Lane by either as a convenience or comparison goods retailer is unlikely to result in a significant adverse impact on the vitality and viability of the smaller district/local centres within or outside the catchment area.

It is considered that the key centre that the proposed development, when considered cumulatively with the Peel Centre commitment and Lidl planning permission, could result in a potential significant adverse impact, is Stockport Town Centre.

Firstly, in terms of the potential quantitative impact levels on comparison goods stores in Stockport Town Centre, whilst it is considered that the applicant Nexus has underestimated the level of trade diversion, it is concluded that, even when more reasonable trade draw patterns are adopted, the level of solus and cumulative impact on the comparison goods retailers is likely to be low. Accordingly, it is unlikely to adversely impact on the turnover of comparison retailers in the town centre or directly result in any comparison goods store closures.

Turning to the potential quantitative impact on other convenience stores in the town centre (i.e. all convenience stores excluding Asda) given the limited trading overlap between the proposals/ commitments and these facilities, it is considered that the level of solus and cumulative impact is likely to be low, and actually lower than that assessed by the applicants, under all three impact scenarios.

In terms of the town centre Asda store, it is considered that the solus impact of the proposed development under all three scenarios is unlikely to compromise the viability of the store. Turning to cumulative impact on the Asda store, the impacts identified by Nexus themselves are high on a store which the Stockport Borough-Wide Retail & Leisure Study (2022) indicates is underperforming (circa 40% below company average). Moreover, it is estimated that the cumulative impacts on the Asda store are likely to be higher than that assessed by the applicant under all three impact scenarios. On the basis of the evidence presented/available, the cumulative impact levels will worsen the already poor trading position of the Asda store and, in officers opinion, has the potential to compromise the viability of the store. It should also be noted that in addition to the direct impact on the Asda store, the proposal, together with the Peel Centre/Lidl foodstore commitments, are also likely to result in indirect impacts on the town centre due to the reduction/loss of linked trips between the Asda store and the town centre.

However, it is important to understand that the retail impact test relates to impact on the town centre and not any individual store and so it is necessary to consider the effect of the potential closure of the Asda store on the town centre.

In terms of overall quantitative retail impact levels on the town centre it is considered that, under all three scenario's, these are likely to be low, even taking into account our expressed reservations about the trade draw assumption and potential indirect impacts a result of loss of linked trips between the Asda store and the town centre. This is primarily due to the comparison goods turnover of the town centre being significant and absorbing the quantitative impact.

Having regard to the vitality and viability of the centre, the applicant's health check assessment concludes that the town centre is in "reasonably good health". Nexus' assessment indicates, *inter alia*, that the centre:

- provides a good mix of national multiple operators in addition to a good independent offering;
- has a high quality environment around the square on St Petersgate with the Council committed to enhancing the public realm in the town centre;
- contains a high vacancy rate (29%) which is above the UK average;
- is easily accessible by road and public transport with improvements currently being implemented/planned.

It is considered that overall, Stockport Town Centre displays mixed and improving signs of vitality and viability. Whilst the vacancy rate is higher than the national average and there are some areas of poor environmental quality, the town centre continues to benefit from a programme of significant and ongoing public sector investment which has delivered and is continuing to deliver substantial changes within and on the edge of the town centre helping to encourage diversification. Notable recently completed, ongoing and upcoming development projects include Stockport Exchange, the Town Centre Access Plan, Transport Interchange, Stockport Town Centre West, Stockroom and Central Library, and investment into The Underbanks.

In the event that the Asda store closes, with the recent closure of the Sainsbury's store on Warren Street, Stockport Town Centre's Primary Shopping Area role as

a main food convenience goods destination would change with the focus moving away from food retailing. This would be an important change within the centre with both direct/indirect impacts (i.e. loss of linked trips) occurring. With the Aldi relocation to Water Street and new foodstore at the Peel Centre, the town centre would instead be served by edge of centre convenience facilities which will be well connected to the Primary Shopping Area. In part, these stores would off-set some of the lost linked trips from customers of Asda using the town centre owing to their connections.

However, it is noted that a change in focus and diversification of the town centre is already taking place with the Council centrally involved in delivering significant investment in the town centre. This investment and diversification of uses is likely to enhance the vitality and viability of the town centre. The role of town centres is evolving from that of being retail dominated to that of a mix of uses. This is reflected in the recently consented residential schemes at Stockport Interchange and Weir Mill as well as the recently completed conversion of the former Marks and Spencer building to contemporary workspace. The redevelopment of former large retail sites in the Town Centre offers the potential for transformational urban regeneration, environmental enhancement, the delivery of much needed housing and an increase in the critical mass of residents within the town centre to support it.

The Council's objective is the development of a compact, accessible and pedestrian friendly retail core area, within a wider town centre which accommodates other town centre uses and residential development. Some diversity of uses, such as the financial and professional services and restaurants/cafes, will add to the centre's vitality and viability and the opportunity for linked trips, which the Council seeks to encourage (policy CS11). Also, the Retail and Leisure Study 2022 finds that one of the key weaknesses and issues facing the town centre is the need to increase the walk-in catchment of the centre. It also notes that the improved integration between different parts of the town centre to allow for linked trips is also a desired goal.

In terms of the Asda store site itself, with the recent planning application proposal for new residential led development on the adjacent former Sainsbury's site, there is evidence to suggest that in the event that the Asda store did close there is a reasonably good prospect that its redevelopment for alternative uses is likely to come forward reasonably quickly. The redevelopment of the site could enhance the vitality and viability of the town centre in the ways as outlined above.

Accordingly, it is considered that even in the event the Asda store did close, on balance, the proposed development (including the re-occupation of the existing Aldi store), when considered alongside the Lidl and Peel Centre foodstore commitments, is unlikely to result in a significant adverse impact on the vitality and viability of Stockport Town Centre. In coming to this conclusion, officers have had regard to, *inter alia*: the wider role of the town centre, its vitality and viability, recent and on-going significant investment, and the likelihood of the Asda store site being redeveloped and not lying vacant for a long period of time.

Overall, having regard to all of the above matters and the robust appraisal of retail policy matters, it is considered that the proposed development is in accordance with the sequential approach and retail impact policy tests. This is subject to a number of conditions attached to any grant of planning permission to ensure the new store trades as assessed. This would include a floorspace restriction, the sale of convenience goods restriction, no subdivision of the unit,

no mezzanine floor or other form of internal floor to create additional floorspace and a restriction to 'limited product line deep discount retailing' (the sale of no more than 3,500 individual product lines).

Therefore, it is considered that the principle of the development is acceptable and in accordance with relevant development plan policies and the tests of the NPPF, subject to the further assessment of the following matters; flood risk, siting and impact on visual amenity, highway safety, residential amenity, drainage and ecological matters. These will be discussed in more detail below.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 2 and 3 as shown on the Environment Agency flood risk maps. On this basis, the application has been accompanied by a Flood Risk Assessment and Drainage Strategy completed by Waterco. The comments received to the application from the Council Drainage Engineer/Lead Local Flood Authority and the Environment Agency are contained within the Consultee Responses section above.

The relevant flood maps show that the majority of the site is located within Flood Zone 2, which is an area considered to be at flood risk with between a 1% (1 in 100) and 0.1% (1 in 1000) annual probability of flooding. Land adjacent to the River Tame at the western boundary of the site is shown within Flood Zone 3, which is an area considered to be at flood risk with a greater than 1% annual probability of flooding. On this basis, the submitted report details the flood risk to the site and the mitigation measures which could be carried out to ensure that the development will be safe for its lifetime.

In terms of the sources of flooding, the report explains that in terms of fluvial sources, the nearest watercourse is the River Tame which is located immediately west of the site. The River Tame flows south in this location and joins the River Goyt approximately 65m south of the site to form the River Mersey. The River Mersey flows south-west in this location. Fluvial flooding could occur if the River Tame overtopped its banks during or following an extreme rainfall event. However, the Environment Agency's historical flood maps indicate that there are no records of flooding at or near to the site.

In terms of other sources of flooding, the report assesses tidal, surface water, sewer, groundwater, and other artificial sources. The site is situated at a minimum of 40m AOD and is significantly above sea level. Therefore, there is no risk from tidal flooding. The EA surface water flooding maps indicate that the majority of the site is at very low risk of surface water flooding, meaning it has a less than 0.1% annual probability of flooding. Land at the western site boundary is shown at low risk of surface water flooding with between a 1% and 0.1% annual probability of occurrence. The area at low risk does not impact upon the proposed development platform. There are no records of surface water flooding affecting the site. Any potential surface water flooding arising at or near to the site would be directed west, away from the site, following the local topography. It can therefore be concluded that the risk of surface water flooding is very low.

The Environment Agency have confirmed that they have reviewed the Flood Risk Assessment (FRA) from Waterco 13068-FRA & Drainage Strategy-02, and are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. This is on the basis that the proposed development proceeds in strict accordance with the FRA

and the mitigation measures identified, and that it will form part of any subsequent planning approval. Therefore, the EA consider that planning permission for the proposed development should only be granted if the finished floor levels are set at least 44.80 metres above Ordnance datum, and this is secured by way of a planning condition on any planning permission.

Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraphs 167 and 168 outline that all plans should apply a sequential, risk-based approach to the location of development by applying the sequential test and then, if necessary, the exception test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. In terms of the exceptions test, paragraph 169 explains that the need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification.

In this case, in accordance with Annex 3: the Flood Risk Vulnerability Classification, buildings used for shops are considered to be 'less vulnerable'. Table 2 of the PPG titled 'Flood risk vulnerability and flood zone 'incompatibility'', states that 'less vulnerable' development within flood zones 2 and 3 do not require the completion of an exception test.

The general focus of the NPPF is to steer development to areas with the lowest risk of flood risk. National planning guidance under Paragraph: 033 Reference ID: 7-033-20140306 advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. The site is allocated within the UDP Review (May 2006) as a M60 Gateway site under TCG 4.4: Land North of Water Street, this policy does not list retail as a use acceptable in this allocation, the proposal is therefore not in accordance with the Development Plan.

The initial sequential test submitted by the applicant did confuse sequential testing for retail with the methodology for sequential testing for flooding. However, following relevant advice from the Council, the approach now applied is that which relates to the sequential test for flood risk purposes as outlined within the above NPPF policies and guidance.

Therefore, on this basis, the application is now accompanied by a Sequential Assessment specifically in relation to flood risk, however an exception test is not required. The Sequential Test is based on the Environment Agency Flood Zones and information contained within the SFRA. The proposed development is for a foodstore on previously developed (brownfield) land. The submitted assessment reviews the site search parameters and outlines that "*the application site measures 1.1 ha and is a 'tight' site in respect of access and car parking and the developable area available. In this regard, the layout has been materially*

*informed by the requirement to provide a large area to the west to allow for fluvial flooding from the river. Therefore, whilst the site measures 1.1ha in total, the actual developable area is significantly smaller at approximately 0.7ha. As such, we consider that any alternative site would need to be at least 80% of the size of the part of the application site which consists of the development area (i.e. the building, car parking and servicing) in order to provide for a broadly similar development. This would equate to approximately 0.56ha.”*

Also within the sequential assessment submitted by the applicant, it is stated that alternative sequential sites should have a dedicated service area suitable for HGVs and dedicated on-site car parking facilities or be capable of accommodating dedicated car parking; be situated within walking distance of Stockport town centre area, such that any sequential alternative site would serve the same broad catchment area; and be located in a visible location which benefits from good access to the transport network in order to meet the needs of prospective operators and to assist in future letting opportunities.

In respect of their existing store site on Newbridge Lane, it is acknowledged that this site is within Flood Zone 1 and so has a lower classification of flooding than the proposed new site on Water Street. However, it is advised within the application submission that the existing store is no longer fit for purpose, where it has begun to suffer ongoing operational difficulties such as a heavily congested car park, crowded isles during peak periods and stock replenishment issues. The site is tight and there is no available space for extensions or a reconfiguration of the site layout or car park. Therefore, the submission outlines that the Newbridge Lane is not suitable for the proposed development and so is discounted from a sequential perspective. The site is located outside the shopping area boundary of the Town Centre and as such, is the same as the site on Water Street from this perspective. However, it could be argued that the existing site on Newbridge Lane in Flood Zone 1 could be used for a ‘more vulnerable’ end user such as a residential development, and the less vulnerable use of a retail foodstore would be better placed site on Water Street in a Flood Zone 2 area.

The following other alternative sites were assessed:

#### 1. Former Debenhams, Stockport town centre

This site is split between Flood Zones 1 and 2, with the eastern part of the site being in Flood Zone 2 and the western part being in Flood Zone 1. At the time the updated Assessment was submitted (December 2023), this unit was vacant and as such was considered to be available for the purposes of the sequential test. However, since this time, Joseph James Furniture has now occupied and opened a store in this building from the 3<sup>rd</sup> February 2024. As such, the site is no longer available.

Notwithstanding this, the assessment concludes that the level of floorspace available within the former Debenhams unit far exceeds the floorspace associated with the proposed development at Water Street. As such, extensive works would be required to reconfigure the unit to meet a discount foodstore’s requirements and it is questionable whether this could be achieved given the internal configuration. Furthermore, access to the unit is off a pedestrianised street with no direct and level car parking.

Whilst it is acknowledged that parking is available on the roof of the unit, the internal configuration of the unit and limited access to the roof parking would



render the unit unsuitable for the occupation by a large format foodstore operator. The conclusion is therefore that the site is not suitable to accommodate the proposed development, and in part, is located in Flood Zone 2, which is the same as the application site.

## 2. Former M&S, Stockport town centre

This site is located in Flood Zone 2 and as such is the same classification as the proposed development site. Stok is a new development within Stockport town centre, repurposing the former M&S unit. The principal new element of Stok is the creation of up to 61,364 sq.ft of new contemporary workspace over four floors. The ground floor of the unit provides 1,144sq m gross flexible retail floorspace with the intention to provide smaller units, with direct access off Merseyway. It was announced by the landlords in July 2024, that Starbucks has agreed terms to occupy a unit of 210sqm gross at the ground floor level. It is understood that the remaining potentially available ground floorspace totals just 934sqm gross.

However, the retail floorspace which forms part of the Stok development is considerably smaller than the proposed foodstore at Water Street and is therefore not suitable to accommodate the development, even when applying a sufficient degree of flexibility. In any event, no dedicated car parking is available on site. There is nearby car parking available in the Merseyway centre multi-storey car parks yet it is not considered that this would be suitable for the proposed use, which given the nature of the development, rely on convenient car parking being provided directly adjacent.

On this basis, it can be concluded that even though these units may be available, they are not deemed to be suitable for the proposed development and are located in Flood Zone 2, which is the same as the application site.

## 3. Former Sainsbury's, Stockport town centre

This site is located in Flood Zone 2 and as such is the same classification as the proposed development site. The assessment highlights that a planning application was submitted in December 2021 (reference DC/083694) for a mixed use residential led development. The scheme includes the creation of three residential buildings of up to 15 storeys and two small scale commercial units at ground floor. It is clear that the site as a whole is no longer available for redevelopment, following the detailed plans submitted in respect of the comprehensive scheme for the site.

However, the assessment does acknowledge that the proposed plans do include two commercial units at ground floor level, which are understood would be available once the development was constructed. Works have not commenced on site currently. The two units would measure 91 sq.m and 77 sq.m and are therefore considerably smaller than the level of commercial floorspace proposed at the application site.

The floorspace associated with the former store far exceeds the floorspace proposed at Water Street. Furthermore, the site is also located within Flood Zone 2 and is therefore not sequentially preferable to the application site and provides for no flood risk benefit.

Therefore, it is concluded that the site is not available or suitable for the proposal and in any event, is also located in Flood Zone 2.

#### 4. Unit 4B, Peel Centre, Stockport

This site is located in Flood Zone 2 and as such is the same classification as the proposed development site. Marks and Spencer has now opened their Foodhall format from Unit 4B and therefore the unit is no longer available for the purposes of the sequential test. The unit forms part of the retail park which is located within the wider Flood Zone 2 designation that the application site also lies in, and therefore provides no sequential advantage.

Therefore, it can be concluded that the site is not available or suitable for the proposal.

#### 5. Former Citroen garage site, St. Mary's Way

This site is located within Flood Zone 1. It is understood that the unit and wider site is available and is currently being marketed. However, as outlined within the retail sequential assessments above, the marketing particulars for the Former Citroen site confirm that the freehold of the site is not available at all, and it is the leasehold of the existing car showroom that is being marketed. As the premises comprises a purpose built motor dealership amounting to 1,497sqm, this is not suitable for Aldi for a new foodstore.

At paragraph 168 of the NPPF, it explains that consideration must be made of reasonably available sites that are 'appropriate for the proposed development'. Paragraph 028 of the PPG on flood risk, also makes it relevant to consider whether the candidate site is "in a suitable location for the type of development". The application is for the provision of a retail foodstore and policy requires new retail development to be located on "suitable sites" starting with town centres, then edge-of-centre, and lastly out-of-centre locations that are accessible. This site is located to the southeast of the town centre in an out of centre location. The site is also located outside the agreed 5 minute drivetime catchment for the Water Street site. As such, it is considered that this site would not meet this 'appropriate' requirement and is not located within a suitable location for this type of development. To favour this site over the application site at Water Street, would override the retail sequential test outlined above.

This site would not offer the same sustainability benefits as the application site and is therefore not an appropriate or suitable alternative for a sequentially preferable location for the proposal.

#### 6. Proposed retail site at Wellington Road North

This site is located within Flood Zone 1. In light of the current permission and new proposal for a foodstore on this site, it is considered that the site is available for development.

However, Aldi have confirmed that this site would not be a suitable location for another Aldi store, as they currently have a store on Wellington Road North (opposite the McVities factory) which is just 1.3 miles away. As this is less than a 5-minute drive, they have confirmed that this area is already covered extensively by the existing store. Furthermore, they also have a store on Kingsway in Burnage, which is just 2.2 miles away from this site on Wellington Road North

which again would mean that a new Aldi store on Wellington Road North would overlap significantly with the catchment for this store. On this basis, a further Aldi store located at this site would simply duplicate their existing offer and would make no commercial sense.

Therefore, on this basis, as need and market demand can be factors in determining the "appropriateness" of a site, it is considered that the site at Wellington Road North is not suitable or appropriate for another Aldi store due to the existence of the existing stores outlined above.

Furthermore, as outlined above for the Former Citroen site, at paragraph 168 of the NPPF, it explains that consideration must be made of reasonably available sites that are 'appropriate for the proposed development'. Paragraph 028 of the PPG on flood risk, also makes it relevant to consider whether the candidate site is "in a suitable location for the type of development". The application is for the provision of a retail foodstore and policy requires new retail development to be located on "suitable sites" starting with town centres, then edge-of-centre, and lastly out-of-centre locations that are accessible. This site is located to the north of the town centre in an out of centre location. The site is also located outside the agreed 5 minute drivetime catchment for the Water Street site. As such, it is considered that this site would not meet this 'appropriate' requirement and is not located within a suitable location for this type of development. To favour this site over the application site at Water Street, would override the retail sequential test outlined above.

This site would not offer the same sustainability benefits as the application site and is therefore not an appropriate alternative for a sequentially preferable location for the proposal.

Therefore, this site is discounted on the basis that it is not suitable for another Aldi store located so close to their existing local stores, and is not appropriate in terms of its out of centre location and outside the agreed drivetime catchment.

### Sequential Assessment Conclusions

The submitted sequential assessment has been fully considered by the Local Planning Authority and the conclusions are agreed. It is considered that it has been appropriately demonstrated that the alternative sites are either unsuitable, inappropriate, unavailable or would not achieve the same benefits for the town centre in terms of linked trips and satisfying wider town centre first objectives/sustainability criteria. It is agreed that there is a balance to be made between flood risk and other important planning policy objectives, and that the edge of centre location and sustainability credentials of the Water Street site must weigh in favour of that balancing exercise.

Therefore, it is considered that as there are no reasonable alternative sites in an area with a lower risk of flooding to accommodate the development, the sequential test is satisfied and the development accords with paragraph 168 of the NPPF. Paragraph 028 of the PPG states that 'Reasonably available sites' are those in a *suitable location* for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It has also been proven in the assessment above that sites that are available are not in a suitable location for this type of development, and as such the sequential test is satisfied and the development accords with paragraph 028 of the PPG.

Furthermore, the submitted Flood Risk Assessment has provided detailed evidence in relation to all sources of flooding and the Environment Agency have confirmed that subject to a series of achievable mitigation measures, there are no concerns with regard to risk of flooding on or off the site. Importantly, it has been agreed that the development can be made safe for its lifetime without increasing flood risk elsewhere, as per the requirements of paragraph 165 of the NPPF.

In view of the above, the passing of the sequential test, and the imposition of conditions to ensure compliance with the submitted Flood Risk Assessment and suggested mitigation measures, the development is considered to be acceptable in terms of flood risk in accordance with saved UDP policy EP1.7, Core Strategy DPD policies SD-6 and SIE-3 and the NPPF.

In relation to drainage, Paragraph 175 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. On this basis, the application is accompanied by a Drainage Strategy for the development. The Lead Local Flood Authority has confirmed that the proposed drainage strategy submitted is sufficiently developed to support the outline application, subject to more detailed design being developed and agreed at subsequent stages. Therefore, Members are advised that appropriate drainage of the site is capable of conditional control.

In view of the above, the imposition of a condition to ensure the submission of a fully detailed drainage design, would ensure that the development would be drained in a sustainable and appropriate manner without the risk of flooding elsewhere, in accordance with saved UDP policy EP1.7 and Core Strategy DPD policies SD-6 and SIE-3.

### **Access, Traffic Generation, Parking and Highway Safety**

Due to the scale of the proposed development, a Transport Statement, Road Safety Audit and Framework Travel Plan have been submitted in support of the application. The comments received to the application from the Council Highway Engineer and from Transport for Greater Manchester, are contained within the Consultee Responses section above.

The consultation responses outlined above highlight that the proposal has been the subject of extensive discussion with the applicant and their Transport representatives. During the consultation period for this application, some revisions have been made to the proposed development and supporting documents and reactive additional documents have been provided. The review of the application has included an assessment on the basis of on site accessibility, traffic generation and consequent highway impact, any mitigation measures, car parking demand and provision, access arrangements, servicing needs and general site operation and safety. This review also includes an assessment of pertinent comments received from interested 3<sup>rd</sup> parties on the application.

The Highways Officer has assessed the proposals in relation to traffic generation and highway impact, the proposed access, parking and servicing, accessibility to the site, travel planning, layout and design, and potential construction impacts. Each of these elements will now be addressed below.

In terms of traffic generation and highway impact, a Transport Statement has been submitted in support of the application to assess the impact of the proposed development on the local highway network. This outlines that, based on data contained in the TRICS database, the development would generate 39 two-way vehicle movements during the AM peak, 146 two-way vehicle movements during the PM peak and 200 two-way vehicle movements during the Saturday peak (1200-1300). This is based on the site being occupied by a discount retailer, which would need to be conditioned. Whilst some customers of the food store will be people who would make a specific journey to visit it, others will already be on the road network (e.g. travelling through the area on their way home from work). As such, the assessment has assumed that 40% of trips will be new and 60% will be pass-by trips (on Tiviot Way and Great Portwood Street), with 25% of trips to / from each compass direction.

The TS also outlines the estimated traffic generation of the previously approved schemes (3 vehicle movements during the PM peak for the employment unit and 94 vehicle movements during the PM peak for the retail / leisure unit and 245 vehicle movements during the weekend peak for the retail / leisure unit). On the basis that the proposed development would be expected to generate fewer vehicle movements during the Saturday peak compared with the retail / leisure unit and as it expects that all customers would simply transfer from shopping at Tesco or Asda to the proposed store, it therefore concludes that the effects of the development would be minimal.

The impact of the development on the Tiviot Way / Water Street signal controlled junction has then been assessed using LinSig junction modelling software for 2026 (application submission year plus 5 years). This uses weekday traffic data collected in 2018 for the TA's for adjacent car dealership (application DC/070913) and the redevelopment of the United Carpets site on Great Portwood Street (application DC/073239) and Saturday traffic survey data obtained in March 2022. This outlines that the junction presently operates within capacity and would continue to operate within capacity if the development was implemented.

This junction and the submitted modelling has been assessed by the UTC section at TfGM. It has been confirmed that they have reviewed the modelling files and updated information and have concluded that there are no further comments on the modelling. The modelling indicates that the junction will continue to operate within practical capacity with the addition of development traffic. TfGM have also confirmed that they do not require the revalidation of SCOOT at the junction, as this was completed recently for a previous development.

The modelling provided also outlines that the Great Portwood Street / Marsland Street junction would continue to operate with sufficient capacity and minimal queues and, even if the development generated a slightly greater number of vehicle movements, it can be concluded that this junction would continue to operate within capacity, with minimal queues. As such, it is considered that the development would not have a material impact on this junction and therefore an objection to the scheme on the grounds of impact to this junction could not be justified.

Therefore, it is concluded that methodology chosen is acceptable and gives a thorough and robust assessment of traffic generation. It is not considered that there is any evidence that the development would cause a severe impact on

highway operation and capacity or an unacceptable impact on and risk to the safety of users of the nearby network. As such, it is not considered this would be a justifiable reason to withhold permission.

In relation to the proposed access, the site is proposed to be accessed via a new bellmouth access on the southern section of Water Street, to the south of its junction with Marsland Street. This section of Water Street is presently partially closed and will need to be re-opened and improved to allow the site to be safely accessed. The TS outlines that these works will need to include a build-out of the footway on the southern side of the Water Street / Marsland Street junction. The submitted drawings now outline what works are proposed in respect to the improvement of the street and these are considered to be acceptable. The scheme also now takes into account the amendments to the Water Street / Marsland Street junction that were carried out as part of the construction of the Porsche dealership.

To enable the development to be constructed, two existing highways (Richard Street and Portwood Place) will need to be permanently closed and stopped up. This will require a 'stopping-up' order under Section 247 of the Town and Country Planning Act 1990. A plan showing the streets that will need to be stopped up has now been included in the submission. A replacement turning area is now shown at the southern end of Water Street to replace the existing junction, and this is considered to be acceptable. An amended site layout and access arrangements drawing has been submitted to show the new turning area at the end that will be formed towards the end of Water Street and that will double up at the site access being extended into the site. This would be of adequate size to allow HGVs to turn at the end of Water Street. Vehicles tracking information submitted shows that such manoeuvres would be possible. As such, it is considered that all earlier concerns relating to site access have now been addressed.

Full details of the site access and works to Water Street will need to be agreed at detailed design stage and this can be dealt with by condition. As on-street parking could affect access to the site and the ability of vehicles to turn at the end of Water Street, parking restrictions will be required. These will need to be implemented by the Local Highway Authority at the applicant's expense. As such, it is recommended that any approval granted is subject to the applicant entering into a Section 106 Agreement in respect to the payment of a financial contribution of £7500 (the current cost of a Traffic Regulation Order) to fund parking restrictions on Water Street.

Parking is proposed to be provided within the site for 113 cars, which includes 4 spaces for disabled badge holders, 4 spaces with electric charging points (2 of which are accessible spaces), 6 powered two wheelers (motorcycles / mopeds) and a canopy for 12 customer cycles. The applicant has confirmed that long stay cycle parking for staff can be provided within the building and can be secured by condition. Staff shower, changing and drying facilities, together with lockers, must also be provided. The requirement to provide these, however, can also be secured by condition. The overall number of parking spaces accords with the adopted parking standards and is expected to meet demand. There is no substantive evidence that provision of parking at the level that is proposed will give rise to overspill parking difficulties and concerns.

The number of spaces with EV charging points does not, however, accord with the Council's guidance contained in 'Electric vehicle charging: Guidance for

developers on the requirements for electric vehicle charging for new development'. Assuming a 2024 year of occupation 11% of spaces should have EV charging points, which would equate to 13 spaces (2 of which should be suitable for disabled persons). However, the requirement to provide the required number of charging points, as well as ducting to allow additional charging points to be provided as demand increases, can be dealt with by condition.

In addition, it is considered that the car park needs to be managed to ensure that it is available for customers and is not just used for general public car parking and that those visiting the site are aware that space is available. As such, it is recommended that any approval granted is subject to conditions which require the implementation of a car park monitoring and management plan and requiring the car park to be connected to the Town Centre Parking Guidance information (VMS) system.

In relation to servicing, it has been confirmed that subject to the implementation of a servicing method statement which sets out an agreed way of servicing the site, the proposed development should be able to be serviced in a safe and practical manner. In terms of refuse storage, the applicant has confirmed that refuse would likely be stored within the store's warehouse and would be returned to the depot in the same vehicles which deliver to the store. Assuming such an arrangement is implemented, an external bin store would not be required. As such, the refuse collection strategy is considered to be acceptable. Details of this could also be set out and agreed as part of the servicing method statement.

On this basis, it is concluded that the site can be serviced in a manner that will not give rise to unacceptable risk to the safety of all users of the site. A condition would be required in relation to the submission of a Service Method Statement to properly manage servicing requirements.

Following discussions with the applicant, a review of the site's accessibility was carried out by the Council. Based on this review and taking into account the scale and nature of the development, access routes to the site, the likely catchment of the store, existing deficiencies, other works scheduled to be carried out in the area and transport improvement schemes the Council is developing, this review concluded that an appropriate mitigation package would be as follows:

- Provision of a parallel crossing (Tiger crossing) on Marsland Street (to provide a safe crossing location on Marsland Street for pedestrians and cyclists accessing the site from east / south and those making linked trips with nearby retail stores). This would take the form of a raised zebra crossing with parallel cycle crossing and would tie into the existing footpath and cycle path that abuts the M60.
- Provision of traffic calming on Marsland Street in the form of two pairs of speed cushions (to improve the road safety for pedestrians and cyclists accessing the store and the pedestrian / cyclist environment).
- Widening of the existing path between Howard Street and the M60 subway so as to form a 3m wide shared use path, including the provision of an uncontrolled crossing point on Howard Street (dropped kerbs and tactile paving) and amendment to the kerb line adjacent to the subway entrance.

- Increasing the height of the railings / barrier (to 1.4m) adjacent to the path through the subway to improve cyclist safety.
- Minor works to the path to the north side of the subway (to improve the transition between the paths and deal with a change in levels / raised kerb).

This package of works was tabled to the applicant, and they have subsequently confirmed that they would agree to this package of works, with the works secured by condition and delivered by means of a Section 278 Agreement. As such, subject to this package of works being delivered, together with cycle parking, internal access routes, shower / changing facilities and the implementation of a Travel Plan, it is considered that the proposed development is acceptable from an accessibility perspective.

In response to the objections received in relation to accessibility, there is a fairly large residential population within a 1km walking distance of the site, with dwellings located within Stockport Town Centre, estates to the east and west of Lancashire Hill, and Portwood including the recently converted Meadow Mill. A much larger residential population lives within reasonable cycling distance of the site including Reddish and The Heatons, Edgeley, Bredbury, and Offerton. There are various good quality pedestrian and cycle routes in the area, which include illuminated paths with ramps, controlled crossings and cycle tracks, to facilitate walking and cycling to the application site. In some cases, various routes are available to access a particular residential area. Whilst routes to and from the Town Centre, Portwood and Lower Bredbury are generally level, routes further afield are less so, due to the site lying in a river valley. Most of these routes, however, offer step free access or have gradients which are suitable for cycling and wheeling, with ramps provided on some routes (e.g. on the Fred Perry Way between the site and Penny Lane / Lancashire Hill) to assist. Notwithstanding this, the package of accessibility improvement measures secured would address certain current deficiencies in the network, which should enable customers and staff to travel to the site using sustainable modes of transport.

It is also worth noting that the objections received make reference to the original Transport Statement submitted to accompany the application and the recommendations contained within this TS report were not accepted by the Council's Highways officer. Detailed negotiations have taken place since the original submission, a number of amendments have been made and the accessibility improvement measures outlined above agreed. Therefore, the recommendation to grant this application is based on later submissions and detailed accessibility information and not those referenced by objectors.

Following a request for the submission of a Travel Plan, the applicant subsequently submitted a Sustainable Travel Plan completed by Turner and Lowe dated November 2022. It is acknowledged that this has not been produced using TfGM's toolkit, however a review of the Travel Plan that has been completed. The plan provides a background on travel plans, their benefits and objectives, a summary of the site's accessibility, outlines that staff travel surveys will be carried and outlines how targets will be drawn up once and the travel plan will be monitored. It also outlines various measures that are proposed to be implemented to encourage travel by sustainable modes, including providing staff with travel information packs, providing cycle parking and lockers, putting up posters and information on sustainable travel in staff areas and promoting sustainable travel days / weeks and car sharing.



The highway officer outlined that additional information is still required in relation to customer travel and policy. It is considered that the plan needs to be developed to include further details, including details on the development and measures to encourage customers to travel by sustainable modes. These issues, however, could be addressed through the development of the travel plan prior to occupation of the development. The requirement to do this could be secured by condition.

Although the application is in outline form, access and layout are for consideration as part of this application. As such, the site layout needs to be considered and reviewed as part of this application. A review of the layout, concludes that the layout is generally acceptable from a highway perspective. Some concerns were raised with the initial submission including the lack of a direct link path from the store entrance to the riverside path, the size of the turning area, the location of the cycle parking too close to the disabled accessible parking bays, the site access needed to have footways on both sides, the size of the motorcycle bays and more details about the ramp from Water Street.

Amended and additional details were subsequently submitted and a review of these concludes that the concerns originally raised have been satisfactorily addressed. The only matter not to be addressed is the provision of a direct link path from the store to the riverside path. The applicant has outlined that this would require levels to be raised which would affect flood storage. As such, whilst it would have been beneficial to have provided such a path, as it would have reduced the walking / cycling distance to the north, it is accepted that this cannot be provided without compromising other aspects of the scheme.

Finally, in relation to potential construction impacts, the Highway officer raised in the initial comments that it would be useful for some information to be provided in the TA. However, it was acknowledged that it is normally appropriate for full details of how a development is constructed to be agreed at discharge of conditions stage. On this basis and as no further information was provided, the Highway officer was happy to recommend the inclusion of a condition stating that no development shall take place until a method statement detailing how the development will be constructed (including demolition and site clearance) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details on demolition, site clearance and construction timescale, phasing and working hours, traffic management, signage and any required footway, footpath, cycle path or road closures, hoarding, site fencing and scaffolding, where materials will be loaded, unloaded and stored (on or off site), welfare / office facilities (on or off site), contractor parking demand and provision / arrangements, how, where and when deliveries will take place and vehicle routing, site clearance, demolition and construction site layout, including access arrangements and turning / manoeuvring facilities, any temporary highway works to permit construction (e.g. relocation / removal of street lights or street furniture), any cranes, mobile elevating work platforms or similar to be used, and measures to prevent mud/debris from being deposited on the highway and cleaning any mud/debris deposited.

To conclude, the submission has demonstrated that the site can accommodate the development proposed. It is clearly a site that benefits from a reasonable level of accessibility and the development will deliver further improved accessibility measures. The consequent traffic impact of development would not give rise to a severe effect on highway operation or unacceptable effect on

highway safety, that the development has acceptable access arrangements and can accommodate the necessary parking and servicing needs so not to give rise to highway operation and safety concerns.

In this case, with regard to the issues of access, traffic generation, parking and highway safety, the proposal would comply with Core Strategy DPD policies SD-6, SIE-1, CS9, CS10, T-1, T-2 and T-3 and the Sustainable Transport SPD.

### **Design, Siting and Impact on Visual Amenity**

Limited assessment can be made at this stage in relation to design and visual amenity due to the matter of appearance being considered at the Reserved Matters application. However, it is considered that the proposed new foodstore would likely provide a modern building using contemporary materials that would overall improve the visual appearance and quality of the site, which currently lies vacant following the demolition of the former Mill building.

The site layout is considered to be acceptable with the foodstore building being located to the front of the site with the car parking to the side. On the main approach to the site, the building will dominate the view rather than large areas of hardstanding and parked cars. Notwithstanding this, it should be highlighted that the indicative landscape plans submitted show areas of planting within the car park to break up and soften the appearance of the car parking area.

Furthermore, the servicing area and plant areas for the proposed foodstore are shown to the rear of the building to improve the visual appearance of the site from the street scene.

The proposed massing plan submitted shows the maximum height of the building to be +8.0m above finished floor level. The existing buildings surrounding the application site (Tesco store and the Porsche dealership) are +11.5m and +9.8m respectively. Therefore, the scale of the proposed building is considered to be appropriate for the surrounding context.

In view of the above factors and the character of the site and surrounding area, it is considered that they could be successfully accommodated on the site without causing undue harm to the visual amenity of the area. On this basis, the proposal is considered to comply with Core Strategy DPD policy SIE-1.

### **Heritage / Archaeology**

The application is supported by a Heritage Statement (HS) compiled by JBA Consulting (October 2021), which provides the level of detail as could be expected of an archaeological Desk-Based Assessment of the site. The HS is a useful and well-researched document which utilises archive, index, cartographic, photographic and Greater Manchester Historic Environment Record (GM HER) data to provide an in-depth assessment of the archaeological potential of the site, and makes recommendations for appropriate mitigation informed by the North West Regional Research Framework. As such the document has been prepared and submitted in line with NPPF 194 and a copy will be lodged with the GM HER.

The HS assesses the impacts of the proposed development based on the outline designs that have been submitted with the application and concludes that in some areas there may be archaeological potential at depth in the form of building foundations, cellars and water-management (and possible development to later

steam-powered systems) features associated with the former mill complex, but given the extent of later demolition, redevelopment and disturbance across many areas of the site, the potential is deemed to be low. The conclusion of the HS states:

*Given the low potential, the depth of made ground deposits and presence of hydrocarbons and asbestos trial investigations are not deemed to be appropriate for this site. It may be appropriate to undertake targeted proportionate intrusive archaeological investigations, such as a watching brief with provision for more archaeological investigation and recording, in specific areas where archaeological potential has been identified following reassessment against the detailed designs.*

*Any mitigation will need to be determined in consultation with the Local Planning Archaeologist at Greater Manchester Archaeology Advisory Service, dealt with as Reserved Matters application once planning consent has been obtained and the detailed design progressed.*

On the basis of the Heritage Statement, GMAAS have confirmed that they agree with the conclusions reached subject to the inclusion of appropriately worded conditions. The Council's Conservation officer also confirms that there are no objections and concur with the conclusions of the submitted Heritage Assessment, in that the scale and layout of the proposals as submitted will have no harmful impact upon the setting or significance of designated heritage assets.

### **Impact on Residential Amenity / Noise**

The application site is located within an existing commercial area on the edge of the Town Centre. The application site is not immediately bounded by residential properties that would result in any direct impacts. The closest existing properties to the application site are the apartments being created at Meadow Mill to the north east, any flats above commercial properties on the other side of the M60 motorway to the south and to the west at Hanover Towers on Penny Lane.

Due to the commercial / industrial nature of the immediate area and the significant separation between the closest residential properties and the application site, it is not considered that there would be any significant detrimental impacts on the current levels of amenity experienced by these existing dwellings.

Notwithstanding the above, material weight must be given to the previous land use of the site for commercial purposes. It must be accepted that there was already a degree of noise and disturbance arising from the former premises at the site. The site is also located immediately adjacent to the M60 motorway and as such, the noise levels in the vicinity are already high. For this reason, it was not deemed necessary for a Noise Assessment to accompany the application and no noise mitigation measures are required in this case.

In terms of visual impacts, it is likely that the only flats within the Lancashire Hill tower blocks area would be able to see the site from existing habitable room windows. The site has been vacant for some time and the appearance of the site to the wider area will be poor and not one of any visual quality. Therefore, it is considered that the overall appearance of the site would be improved through any form of development. The landscaped area and trees along the western boundary are to be improved / retained, and therefore the outlook from these

existing residential properties would in fact be improved. The scale of the proposed building would have no overbearing or overshadowing impacts due to the distance to any existing properties.

In view of all of the above matters, it is considered that the proposed development could be accommodated on the site without causing undue harm to the amenity of the surrounding residential properties by reason of noise and disturbance. On this basis, the proposal is considered to comply with Core Strategy DPD policies SIE-1 and SIE-3.

### **Impact on Trees and Landscaping**

An Arboricultural Statement by DEP Landscape Architecture has been submitted in support of the application, which assesses the condition and amenity levels of the existing trees. The consultation comments received to the application from the Council Arboricultural Officer are contained within the Consultee Responses section above.

The report outlines that the tree survey revealed a total of four individual trees and five groups, plotted in order to assess their health and dimensions in accordance with the British Standard. The majority of the trees are self-sown scrub apart from the Poplars within G5, which have obviously been planted. The trees were found to be within reasonable condition for their age and species. The quality rating for the trees on or affecting this site can be summarised as follows: U – 1 tree (T4), A – 0 trees/groups, B – 3 groups (G2, G4 & G5), and C – 6 trees/groups (T1, T2, T3, G1 & G3). The proposals include the removal of T1, T2 and approximately 30% of G4. The report concludes that the loss of any tree is always regrettable, but in this instance the losses are minimal involving the removal of scrub trees for the new maintenance road/footpath. It is considered that all losses can easily be compensated for with a new landscaping scheme on the land between the new building and the river.

The Arboricultural Officer acknowledges that existing trees on site are not afforded protection, by way of a Tree Preservation Order or Conservation Area status. As such, consideration must be had of the fact that existing trees on site could be worked to or removed without the requirement for consent. It is acknowledged that some tree removal is required to accommodate the proposed development. However, a large area of the site would be retained as landscaping and an appropriate soft landscaping scheme could be provided to accompany the Reserved Matters application that would mitigate for any tree losses.

The indicative landscaping areas is focussed around the site boundaries, with a large area in the western area of the site adjacent to the River Tame. However, there are also landscape areas shown along Water Street and within the car park to break up the large area of hardstanding. The landscaping and biodiversity enhancement measures would be secured by way of an appropriately worded condition, to require the implementation of a replacement planting/landscaping scheme to off-set any loss and enhance the local environment. Further conditions are recommended by the Arboricultural Officer to ensure that existing retained trees are not removed or damaged and to require the provision of protection measures to retained trees during construction.

In view of the above, in the absence of objections from the Arboricultural and Nature Development Officer's and subject to conditional control, the proposal is

considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

### **Impact on Protected Species and Ecology**

The application has been assessed by the Council's Nature Development Officer. It is acknowledged that the site has no nature conservation designations, however the site sits adjacent to the River Tame on its west margin and a section of the River Goyt designated as Green Chain habitat. Also, the site has been identified as existing woodland and opportunity tree planting habitat within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester. Therefore, an Ecological Appraisal was submitted to accompany the application. These designations are not necessarily a barrier to development, but it is important that the functionality of the Green Chain as a wildlife corridor is not compromised. Given that proposals would not encroach into the designated area, it is not envisaged that there would be any significant adverse impacts on the Green Chain as a result of the proposals.

Due to the length of time the application was being considered, the survey became out of date during the life of the application. Therefore, an updated report was subsequently submitted for further consideration.

The report concludes that the closest Natura 2000 and Ramsar site is the Mersey Estuary SPA, located 40km from the site. The River Tame provides a hydrological link to the site, however, the Mersey Estuary SPA is considered sufficiently distant not to be impacted. The site comprises bramble scrub, other neutral grassland, other woodland; broadleaved, developed land; sealed surface, hawthorn scrub, dense scrub, line of trees and river (other priority habitat). The relevant protected / notable species are badgers, otters, bats, birds, invertebrates and invasive species. Mitigation measures were proposed to protect these including adherence to pollution prevention methods, retention of trees, avoidance of light spill and avoidance of works during nesting seasons. The report confirms that provided the measures within this report for further survey and mitigation can be adopted, it is anticipated that a design could be brought forward for this site that would be compliant with current local and national biodiversity planning policy. The report has been assessed by the Council's Nature Development officer who has confirmed that they are happy with the content of the report and the mitigation recommendations included.

Notwithstanding this, the report also suggested further survey work to be completed in relation to certain species and potential habitats. As the Nature Development officer confirmed that this survey work must be completed prior to the determination of the application, camera monitoring surveys were conducted during April and May 2024 to inform the application and any further mitigation and protection measures. A report of the findings has now been submitted and the Nature Development officer has confirmed their agreement and acceptance of the findings and conclusions. It is also confirmed that the Willow tree highlighted as a potential bat roost location within the PEA report, is located within the north western area of the site on the Riverbank and would be retained and protected as part of the development. Therefore, no further bat survey work of this tree is required.

On this basis, there are now no objections in relation to ecological matters. However, conditions are recommended to ensure the compliance with the Ecology Appraisal and Camera Monitoring Report, the submission of a BNG

Statement with any future Reserved Matters application, and that no vegetation clearance is undertaken within the bird breeding season, unless it can be demonstrated that no birds will be harmed and/or that appropriate protection measures are implemented. Further conditions are recommended in relation to the exact nature / products for the proposed biodiversity enhancements within the development and landscaping proposals; to ensure the sensitive design of any external lighting; and the submission of a watercourse pollution avoidance method statement due to the relationship of the site to the River Tame.

In relation to Biodiversity Net Gain, this planning application was first submitted to the Local Planning Authority in August 2021. At this time, there was no mandatory requirement to meet the 10% net gain either on or off site. Therefore, the provision of 10% BNG is not applicable in this case. However, Paragraphs 180(d) and 186(d) of the NPPF requires developments to secure 'measurable gains for biodiversity'.

In response to this, the applicant has confirmed their commitment to achieving a 10% net gain on-site and there are substantial landscaped areas within the scheme and site, where it will be possible to provide the required net gain. As the matter of landscaping is to be dealt with at the reserved matters stage, it is considered appropriate for this BNG to be dealt with through the Reserved Matters application. This would form part of the detailed landscaping and management plan, which would be submitted as part of the future Reserved Matters application. The application and landscaping plan would also be supported by a full BNG assessment and a 30 year management plan.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on protected species, biodiversity and the ecological interests of the site, in accordance with saved UPD policy NE3.1 and Core Strategy DPD policy SIE-3.

### **Air Quality**

The application site lies within the Greater Manchester Combined Authority Air Quality Management Area (AQMA). Therefore, the application has been submitted with an accompanying Air Quality Assessment (AQA) completed by Redmore Environmental Ltd (dated 9<sup>th</sup> July 2024).

The Air Quality Assessment confirms that it was undertaken to assess potential impacts associated with potential impacts associated with fugitive dust emissions during the construction phase of the development, road transport emissions as a result of vehicles travelling to and from the development and, to identify any requirement for relevant mitigation measures. In summary, it concludes that:

*“Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of earthworks, construction and trackout activities. It is considered that the use of the identified site-specific control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.*

*Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the development. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the*

*highway network both with and without the development in place. Results were subsequently verified using local monitoring data.*

*Review of the dispersion modelling results indicated that air quality impacts as a result of traffic generated by the development were not predicted to be significant at any sensitive location in the vicinity of the site.*

*The proposals have the potential to impact on achieving the aims of the Greater Manchester Clean Air Plan due to the increase in road vehicle exhaust emissions on the local road network. This was considered in the context of the assessment results. The findings indicated that the development is not considered to affect realising the Clean Air Plan aims.*

*A number of mitigation measures have been included within the development in accordance with the requirements of the relevant guidance to encourage the use of sustainable transport, manage vehicle flow and reduce pollution around the site. The methods were considered to further reduce potential impacts associated with the scheme.*

*Based on the assessment results, air quality factors are not considered a constraint to the development.”*

The report also confirms that for the purposes of the assessment, the traffic flows have been based on the scenario including the re-location of the current retail operator (Aldi UK) at New Bridge Lane to the proposed site (Water Street), the New Bridge Lane unit being taken over by a convenience goods retailer not currently represented within Stockport Town Centre, and a new food store (occupied by Lidl) being provided on the site of a former Mercedes dealership at Wellington Road North. This scenario also included the assumption that none of the vehicles travelling to and from the proposed and existing foodstores at Wellington Road North and New Bridge Lane would be diverted to the development. However, it should be noted that it is likely that some level of trip diversion would occur as a result of the proposals. Notwithstanding this, the assessment being based on this scenario ensures a ‘worst case’ assessment.

The submitted AQA has been assessed in detail by the Council’s Air Quality officer, who states that the proposed development site is located within the Council’s Air Quality Management Area (AQMA), which has been declared where levels of nitrogen dioxide are close to or are exceeding annual objective levels. This development will have the potential for vehicles travelling to and from the site to increase pollution levels in this sensitive area and this is why assessing impacts on local air quality is required.

In relation to the operational phase of the development, it is confirmed that the methodology used for air quality modelling and the impact assessment provided is considered to be satisfactory and the results have been compared against accepted criteria. When compared to the national air quality standards, all impacts on annual mean NO<sub>2</sub> are predicted to be negligible, with reference to accepted impact descriptors. The model further confirms that impacts from the development on local air quality in relation to particulate matter PM<sub>10</sub> and PM<sub>2.5</sub> are also negligible. On this basis, the Council’s Air Quality officer is satisfied with the methodology, which has been utilised in the modelling and production of the air quality assessment, and has no comments or objections in relation to the conclusions provided. However, to ensure that any impacts associated with vehicle use are minimised a condition is recommended in relation to the provision

of electric vehicle charging points (minimum 7kWh) and infrastructure to be submitted to and approved in writing by the Local Planning Authority.

In relation to the demolition & construction phase, the air quality assessment confirms that dust and emission mitigation measures will need to be employed during construction 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, the Council's Air Quality officer has recommended that a condition is included in relation to the submission of a Construction Environmental Management Plan (CEMP), which provides for measures to minimise and control vehicle, plant and dust emissions from the demolition and construction work phases and include a procedure to respond to complaints of fugitive dust emissions.

To conclude, the submitted report has been assessed by the Council's Environment Officer and no objections are raised subject to the inclusion of electric vehicle charging points being provided at the site and the submission of a CEMP. On this basis, the proposals are therefore considered to accord with Policy SIE-3 in respect of air quality.

### **Land Contamination**

The application has been assessed by the Council's Environment Team and the Environment Agency in respect to contaminated land issues. DTS Raeburn have undertaken a Geo-Environmental Appraisal of the application site, which assesses the ground conditions of the site and its suitability to develop the site for commercial use, accompanies the application. The report identifies that a cover system should be installed for any landscaped areas and gas protection measures will be required.

The report outlines that a first phase of ground investigation, designed based on an initial CSM prepared by DTS was completed during May 2016, and a second supplementary phase during August-September 2020. Both phases of investigation included cable percussion boreholes, rotary boreholes and trial pits with associated in situ and laboratory testing and gas and groundwater monitoring. The 2016 investigation also included soil infiltration testing.

The report concludes that the levels of contamination detected in the test soils are considered to be within acceptable limits for retention beneath buildings and external hardstanding areas. However, it is recommended that a minimum 0.5m-thickness of clean cover material be placed above any existing made ground in new areas of soft landscaping. Careful control should be maintained during earthworks operations to limit the spread of asbestos in soils to as low as reasonably practicable, in accordance with the requirements of the Control of Asbestos Regulations 2012.

The Contaminated Land officer has confirmed that there are no objections to the proposals subject to the inclusion of conditions relating to the submission of verification information for soil and gas. The Environment Agency have outlined that the site environmental setting is sensitive with respect to risk to controlled waters due to the site being underlain by Secondary A drift aquifer and Principal bedrock aquifer with the River Tame adjacent to western site boundary. There are 2 groundwater abstraction licences within 500m of the site for industrial process water. The Geo-Environmental Appraisal Report shows that elevated concentrations of hydrocarbons, including a hotspot of free phase hydraulic oil,



have been found in made ground and natural strata particularly in the west and southwest part of the site and elevated copper, nickel, zinc and BaP have been detected in groundwater.

The EA confirms that the application's supporting documentation demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information would however, be required before built development is undertaken. The EA have confirmed that they believe it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of outline planning permission. However, the proposed development will only be acceptable if certain specified planning conditions are included, such as requiring the submission of a remediation strategy, a watching brief over the site during construction, details of drainage strategies, and details of piling or investigation boreholes. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without these conditions, 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.

Subject to the inclusion of the relevant conditions requested above, it is considered that any potential land contamination issues at the site could be effectively mitigated, in accordance with Core Strategy DPD policy SIE-3.

### **Energy Efficiency**

In view of the fact that the proposal would comprise the provision of over 1,000 square metres of additional floorspace, a Sustainability Statement was submitted to accompany this planning application.

There is no specific requirement with the SMBC Core Strategy or supporting Planning Policies for non-domestic dwellings to achieve a specific BREEAM score or rating. However, it is stated within the Sustainable Construction SPD that "The Council will look favourably upon development which seeks to achieve a high rating under schemes such as BREEAM." ON this basis, the applicant has confirmed within the Sustainability Statement that consideration to pursuing BREEAM certification, with a rating not less than 'Very Good' will be reviewed as part the detailed design process of the scheme.

As this is an Outline Planning application, there is presently little information available on the form and servicing of the building to inform a BREEAM pre-assessment which could be used to identify a route-map to achieving the higher BREEAM ratings. However, it is envisaged that a BREEAM pre-assessment could be provided to support the subsequent Reserved Matters Application, once more detailed information becomes available.

The Sustainability Statement outlines that the key relevant sustainability objective topic areas are Location & Transport; Site Layout & Building Design; Materials; Waste; Energy; Water; Landscape & Biodiversity; and, Health & Wellbeing. This Statement identifies how the proposed commercial development could contribute towards sustainability covering the above topics as well as other core principles, as appropriate. It confirms that as the design evolves, it is expected that the following strategies will be adopted:

- The design and construction of an energy efficient building fabric which exceeds minimum Building Regulation Part L requirements.

- In addition to architectural and building fabric measures, reducing the energy demands of building should also include the utilisation of energy efficient building servicing solutions (lighting, heating / cooling, ventilation and hot water).
- A renewable energy feasibility study will be undertaken during concept design stages. It is anticipated that a low and zero carbon (LZC) energy report will identify the feasibility of installing low and zero carbon technologies into the development.

On this basis, subject to the submission of additional information relating to sustainability with the Reserved Matters application and subject to the inclusion of an appropriately worded condition for the submission of detailed information, the application is considered to be compliant with the requirements of Core Strategy DPD policy SD-3.

### **Safety and Security**

A Crime Impact Statement has been submitted, to include crime data from the local area. This report confirms that Greater Manchester Police support the proposed development and that the investment in this part of Stockport is welcomed. Several recommendations are contained within the report to improve security at the site including in relation to boundary fencing, design of external walls, the installation of safety rated doors, windows, shutters, glazing, alarms, access controls to doors and CCTV, and the employment of a security guard.

The applicant has confirmed that they will comply with the recommendations contained within the CIS report.

In view of the above considerations and the comments received by Greater Manchester Police, the proposed development is not considered at risk from a safety and security perspective, in accordance with Core Strategy DPD policy SIE-1.

### **SUMMARY**

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 of the NPPF indicates that these should be sought jointly and simultaneously through the planning system.

The application site is located within the M60 Gateway area as defined on the UDP Proposals Map. Saved UDP Policy TCG4.4 relates to the site, which describes the land to the north of Water Street as an area of opportunity for employment uses (B1 , B2 and B8) and leisure including a hotel. A number of criteria need to be satisfied including the need for safe pedestrian links to the town centre and a high standard of design reflecting its prominence as a motorway-adjacent location.

SUDP policy TCG4.4 does not in itself support retail uses on the site and therefore the proposal constitutes a departure from the development plan, despite the explanatory test associated with the policy at paragraph 19.101 requiring A1 retail proposals to apply the sequential test and to demonstrate need. However, it has been outlined within the report above, that the proposed

development satisfies the nine requirements within this policy and is considered to be an acceptable form of development on this site.

A previous appeal decision for retail and leisure development was allowed in April 2007 where the Inspector noted that TCG4.4 does not preclude retail coming forward on the site subject to conformity with national policies, and that the site falls within the definition of an 'edge of centre' location. In subsequent grant of retail planning permissions on the site, most recently in January 2017 (application ref: DC/061730), the Council has concurred with the Inspectors' conclusions in that the site occupies an edge of centre location and this view remains.

Under national planning policies, the proposed use is a main town centre use. The site is beyond the town centre boundary defined by Policies TCG2.1 – 3.7 and is judged to be an 'edge of centre' site. As such, a sequential test is required under Paragraph 91 of the NPPF.

Therefore, in this case, the application has been assessed against Core Strategy Policy AS-3 'Main Town Centre Uses, Hot Food Take Aways and Prison Development Outside Existing Centres' of the Development Plan and paragraphs 91-95 of the NPPF in relation to the key tests of sequential approach and retail impact. The NPPF at paragraph 95, advises that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the factors set out in paragraph 94, it should be refused.

However, as outlined in detail in the report above, following a very detailed and robust assessment of the relevant material considerations in relation to retail policy matters, it has been concluded that the development proposals meet the sequential approach and retail impact tests and are considered to be acceptable in accordance with Core Strategy policy AS-3 and paragraphs 91-95 of the NPPF.

Due to the site being located within a Flood Zones 2 and 3, the application is accompanied by a flood risk sequential assessment. It is considered that it has been appropriately demonstrated that the alternative sites are either unsuitable, inappropriate, unavailable or would not achieve the same benefits for the town centre in terms of linked trips and satisfying wider town centre first objectives/sustainability criteria. It is considered that there is a balance to be made between flood risk and other important planning policy objectives, and that the edge of centre location and sustainability credentials of the Water Street site must weigh in favour of that balancing exercise.

Therefore, it is considered that as there are no reasonable alternative sites in an area with a lower risk of flooding to accommodate the development, the sequential test is satisfied and the development accords with paragraph 168 of the NPPF. Paragraph 028 of the PPG states that 'Reasonably available sites' are those in a *suitable location* for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It has also been proven in the assessment above that sites that are available are not in a suitable location for this type of development, and as such the sequential test is satisfied and the development accords with paragraph 028 of the PPG.

Furthermore, the submitted Flood Risk Assessment has provided detailed evidence in relation to all sources of flooding and the Environment Agency have

confirmed that subject to a series of achievable mitigation measures, there are no concerns with regard to risk of flooding on or off the site. Importantly, it has been agreed that the development can be made safe for its lifetime without increasing flood risk elsewhere, as per the requirements of paragraph 165 of the NPPF.

In view of the above, the passing of the sequential test, and the imposition of conditions to ensure compliance with the submitted Flood Risk Assessment and suggested mitigation measures, the development is considered to be acceptable in terms of flood risk in accordance with saved UDP policy EP1.7, Core Strategy DPD policies SD-6 and SIE-3 and the NPPF.

The size and scale of the proposed development has been considered in light of Core Strategy Policy SIE-1 'Quality Places' and is considered to be acceptable in terms of its impact on the visual amenity of the area. This is in view of the former commercial character of the site and its immediate surroundings. Matters of design, appearance and materiality would be assessed at the Reserved Matters stage. The proposed development is therefore considered to be in accordance with Core Strategy Policy SIE-1 of the development plan and paragraph 126 of the NPPF.

The scheme has also been assessed in detail by the Council's Highways officer, concluding that the submission has demonstrated that the site can accommodate the development proposed.

This is a site that benefits from a reasonable level of accessibility, being well served by public transport, and the development will deliver further improved accessibility measures to be delivered as part of the development. It is also concluded that the consequent traffic impact of development would not give rise to a severe effect on highway operation or unacceptable effect on highway safety, that the development has acceptable access arrangements and can accommodate the necessary parking and servicing needs so not to give rise to highway operation and safety concerns. Overall, it is considered that there are no highway reasons for refusal that could be substantiated. Therefore, on this basis, the development is considered to be in accordance with Core Strategy Policies T-1 : Transport and Development, T-2 : Parking in developments and T-3 : Safety and Capacity on the Highway Network of the development plan.

In the absence of objections from relevant consultees and subject to the imposition of suitably worded planning conditions, the proposal is considered acceptable with regard to the issues of impact on trees; impact on protected species and ecology; flood risk and drainage; land contamination; energy efficiency; and safety and security.

In view of the above, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and SPD guidance when taken as a whole. The application has been advertised as a Departure due to the presence of Policy TCG4.4, however this policy does not preclude retail development on the site, as outlined by a Planning Inspector. It is shown in the report above that the proposed development satisfies the nine requirements within this policy and is therefore, considered to be an acceptable form of development on this site and compliant with Policy TCG4.4. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the

Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

Members will note that due to the proposed development being a Departure from the Development Plan, the application is referred to Central Area Committee for comment and recommendation only, subject to the application being presented to the Planning & Highways Regulation Committee.

## **RECOMMENDATION**

Grant subject to:

- The Assistant Director of Place Making and Planning (Chief Planning Officer) being delegated authority to negotiate the legal agreement indicated above; and
- The Assistant Director of Place Making and Planning (Chief Planning Officer) being delegated authority to issue the outline planning permission and impose conditions to secure (but not exclusively) the following matters:

### **Headline Conditions:**

- Time limits
- Approval of Reserved Matters (appearance and landscaping)
- Approved Plans / Documents
- Floorspace Restriction
- Sale of Goods Restriction
- Mezzanine Restriction
- No Subdivision
- Limited Assortment Discounter
- Construction Method Statement
- Engineering Drawings – site access and southern end of Water Street
- Construction of Access
- Bollards, Gates and Barriers clear of turning head / new highway boundary
- Detailed Drawings – pedestrian / cycle accesses within the site & riverside path
- Accessibility Improvements
- Detailed Drawing – Car Parking facilities, internal access roads and loading bay
- Car Parking Management Plan
- Electric Vehicle Charging Point details (highway and air quality reasons)
- Cycle Parking Facilities
- Motorcycle Parking Facilities
- Shower, changing locker and drying facilities for cyclists
- Travel Plan
- Servicing Method Statement
- Tree Retention
- Tree Protection
- Compliance with Ecological Report and Camera Monitoring Report
- Construction Ecological Management Plan (CEMP)
- Sensitive Lighting Plan
- Watercourse Pollution Avoidance Method Statement (Ecology)

- Nesting Birds
- BNG Assessment / Biodiversity Enhancements
- Invasive Species Surveys
- Ecology Re-survey of works not commenced in two survey seasons
- Contaminated Land – Verification for Soil
- Contaminated Land – Verification for Gas
- Air Quality – compliance with Report
- Construction Environmental Management Plan – Air Quality (CEMP)
- Flood Risk Assessment – strict compliance
- Finished Floor Levels at least 44.80m above Ordnance Datum
- Remediation Strategy – Controlled waters
- Detailed Surface Water Drainage Strategy
- SuDs Management and Maintenance Strategy
- Archaeological Survey Works (WSI)

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

<https://planning.stockport.gov.uk/PlanningData-live/applicationDetails.do?activeTab=documents&keyVal=QWUECZPJH6Q00>

Please note that certain documents and reports (such as the Application Form and Preliminary Ecological Appraisal) 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)