

RAPLEYS

**Updated Statement of Case for
Orchard Street Investment Management LLP
and Lidl (Great Britain) Limited**

**Appeal against refusal of planning permission for the extension,
refurbishment and subdivision of the existing Homebase store
to provide a downsized unit for Homebase and
a new food retail unit.**

**UNIT 1,
ALTRINCHAM RETAIL PARK,
GEORGE RICHARDS WAY,
ALTRINCHAM,
WA14 5GR**

August 2021

Our Ref: 19-00220

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QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

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**FOR AND ON BEHALF OF RAPLEYS
AUGUST 2021**

1 INTRODUCTION

1.1 This Updated Appeal Statement has been prepared on behalf of Orchard Street Investment Management LLP and Lidl UK, the joint appellants, to support an appeal against the refusal of Planning Application Ref. 98127/FUL/19 for:

'Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.'

1.2 The planning application, to which the appeal relates, was submitted to Trafford Borough Council on 24th May 2019. The application was validated on 5th August 2019. It was given a target determination date of 4th November 2019. The determination deadline was subsequently extended to allow outstanding matters to be resolved and the application to progress to Planning Committee for determination.

1.3 The planning application progressed to Planning Committee on 16th July 2020 and was subsequently refused. The Decision Notice was issued by Trafford Borough Council on 17th July 2020. A copy of the Decision Notice is attached at **Appendix 1** for reference, the accompany Committee Report at **Appendix 2** and the Committee Additional Information Report at **Appendix 3**.

1.4 This Statement will set out why this planning appeal against the refusal of planning application ref. 98127/FUL/19 should be allowed.

1.5 A summary of the case background is provided, followed by an assessment of the key planning considerations, and justification as to why the appeal should be allowed and planning permission granted for the above described development.

1.6 Against this background, the content of this statement has been set out as follows:

1. Introduction
2. Site Specific Information
3. Case Background
4. Planning Policy
5. Planning Considerations
6. Planning Conditions
7. Conclusions

2 SITE SPECIFIC INFORMATION

- 2.1 This section provides details of the appeal site and surrounding area, the planning history of the site, the development proposal, and the appeal procedure proposed.

SITE AND SURROUNDING AREA

- 2.2 The appeal site comprises the Homebase store and associated garden centre area at Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR. The planning application site also includes the area of car park sitting to the front and side of Unit 1, and the servicing area to the rear. The site extends to approximately 1.81ha in size.
- 2.3 The appeal site is located approximately 1.4km north west of Altrincham Town Centre and 3.5km south west of Sale Town Centre. Adjacent to the site is the Currys PC World unit and additional car parking associated with the retail park. To the north lies predominantly residential uses, separated by Huxley Street, while the site is bound to the east by the A56 Manchester Road and to the south by George Richards Way.
- 2.4 There is a Grade II Listed public house (The Railway Inn) which is located at the junction of the A56 and George Richards Way and which is included within the application boundary. There are additional retail warehouse units located to the south of the site on both sides of Atlantic Street, known as Atlantic Street Retail Park.

ACCESSIBILITY

- 2.5 Access to the site is via the current main access into Altrincham Retail Park from George Richards Way and then via a mini roundabout associated with the internal road layout of the retail park.
- 2.6 There are two dedicated pedestrian accesses associated with the site - the first to the south at the access into Altrincham Retail Park and the second to the east from Manchester Road. These provide direct access to the site and correspond closely with existing bus stops. Dedicated footways are provided internally within the site to allow safe pedestrian movement, as well as along Manchester Road and George Richards Way. The two signalised junctions of Manchester Road / George Richards Way and George Richards Way / Altrincham Retail Park Access allow safe and controlled crossing points along these aforementioned main roads.
- 2.7 The site benefits from good accessibility by public transport. Bus stops are located less than 100m from the site, with provision at the main access to Altrincham Retail Park on George Richards Way as well as to the east of the site on Manchester Road. These provide frequent bus services, including travel to Broadheath, Sale and Warrington (281/ CC5A services from George Richards Way) as well as Central Manchester, the Trafford Centre, Streford, Wythenshawe, Davyhulme, Moss Side (247 / 263 / 755 / 758 services from Manchester Road).

SITE CONSTRAINTS

- 2.8 The appeal site is not located within or in close proximity to a Conservation Area.
- 2.9 The site is located within Flood Zone 1 and there are no Tree Preservation Orders (TPOs) within the appeal site boundaries.

RELEVANT PLANNING HISTORY

- 2.10 A review of Trafford Council’s online planning register identifies an extensive planning history in relation to the appeal site, linked to the wider development of the retail park. The key planning applications of relevance are summarised in the table below.

Reference	Description	Decision	Date of Decision
H38342	Outline planning permission for the demolition of existing buildings and structures and redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants and associated parking employment development and construction of new access road.	Approved	7 October 1994
H39892	Demolition of existing buildings & structures & redevelopment of site as a retail warehouse park including non-food retail units, garden centre, 2 restaurants & associated parking, employment development and construction of new access road (details of siting and means of access).	Approved	4 January 1995
H39994	Submission of reserved matters (siting and means of access) for demolition of existing buildings & structures & redevelopment of site as a retail warehouse park including non-food retail units (140,000 sq.ft), garden centre (13,700 sq.ft), restaurant (3,000 sq.ft) and associated car parking (751 spaces): employment development and construction of new access road.	Approved	16 November 1994
H39995	Demolition of existing buildings & structures & erection of extension to retail warehouse park approved in outline under app. H/OUT/38342 comprising non-food retail unit (39,400) sq.ft.	Approved	15 February 1995
H40410	Variation of condition, attached to reserved matters approval H/ARM/39892, in order to permit outside storage to take place within garden centre area as delineated on attached plan.	Approved	29 March 1995

H41090	Erection of retail warehouse development comprising 16,666 sq.m of non-food retail units; a 1,273 sq.m garden centre, a 214 sq.m restaurant with associated car parking, access & servicing facilities, following demolition of existing buildings. (details of siting, means of access, design and external appearance following the grant of outline planning permission H/OUT/38342 and H/OUT/39995).	Approved	30 August 1995
78734/CLEUD/2012	Certificate of Lawfulness of Existing Development for the installation of mezzanine floors in Units 1, 2-3, 5, 6, 8A, 8B, 9 and 10, for the purposes falling within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).	Approved	26 July 2012
98127/FUL/19	Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.	Refused	17 July 2020
103414/FUL/21	Extension and sub-division of existing Homebase store (Unit 1) to create two new retail units (Use Class E(a)) comprising a retail warehouse unit and associated garden centre (Unit 1) and a discount convenience foodstore (Unit 1A), together with associated revised car parking arrangement, landscaping and formation of an additional site egress.	Approved	9 April 2021

DEVELOPMENT PROPOSAL

- 2.11 Planning Application Ref.98127/FUL/19 sought permission for the extension and sub-division of existing Homebase store (Unit 1) to create two new retail units (Use Class A1) comprising a retail warehouse unit and associated garden centre (Unit 1) and a discount convenience foodstore (Unit 1A), together with associated revised car parking arrangement, landscaping and formation of an additional site egress. It would therefore provide:
- A downsized retail warehouse unit with associated garden centre for Homebase; and
 - A discount convenience foodstore for Lidl with associated car parking arrangement, landscaping and formation of an additional site egress.
- 2.12 The proposed changes in floor area proposed through the application are set out below.

Area	Existing Homebase	Proposed Homebase	Lidl	Total Proposed	Difference
Ground Floor	3,664	2,883	1,858	4,691	+1,027
First Floor	1,352	779	0	779	-573
Total GIA	5,016	3,612	1,858	5,470	+454
Garden Centre	1,295	1,231	0	1,231	-64
Total	6,311	4,843	1,858	6,701	+390

2.13 The proposed development will result in a net uplift in Gross Internal Area (GIA) of 454 sq.m. however, taking account of the reduction in the size of the garden centre, this reduces to 390 sq.m in terms of the useable area for A1 retail sales.

Homebase - Unit 1

2.14 The new downsized Homebase unit will safeguard the future of Homebase at the retail park. It will enable Homebase to utilise their floorspace more efficiently, better addressing the changing retail needs of customer within the catchment. Notwithstanding this, the store will still continue to sell a similar range of products associated with the DIY retail market.

2.15 The elevational treatment of the Homebase unit will be updated through the provision of anthracite columns to the front and replacing the moonstone Kingspan cladding on upper levels. New service doors will be created to the rear of the building and on the side elevation of the garden centre. The front entrance to the garden centre will comprise brickwork with aluminium framed glazing allowing natural light to filter through. A new entrance to the garden centre will also be provided on the eastern elevation.

2.16 A new service yard will also be created to the rear to enable servicing to the new downsized Homebase.

Lidl Foodstore - Unit 1A

2.17 The net sales area for the proposed store is 1,272 sq.m, broken down between 1,018 sq.m of convenience floorspace (80% of net floorspace) and 254 sq.m of comparison floorspace (20% of net floorspace).

The Lidl foodstore will utilise the existing dedicated service area to the north of the building. Delivery vehicles will drive into the site in forward gear and reverse into the delivery bay where products will be deposited within the warehouse.

2.18 The following trading hours which reflect Lidl's national trading pattern are proposed:

- 0800-2200 Mondays to Saturdays (including Bank Holidays); and
- 1000-1700 on Sundays.

2.19 The proposal also includes the construction of a new egress from the car park onto George Richards Way, approximately halfway between the two signalised junctions. The design includes a central reserve on George Richards Way to prevent vehicles from turning right in or out of the retail park. The proposed junction alterations will assist in reducing pressure on

the existing car park access junction for a more efficient and balanced use of parking spaces within the wider car park.

APPEAL PROCEDURE

- 2.20 The development proposal constitutes major development in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The appeal is to extend, refurbish and subdivide the existing Homebase store to provide a downsized Homebase unit and a new Class A1 retail unit that will be occupied by Lidl. If allowed, the site will retain 50 jobs from the existing Homebase store and provide additional 40 jobs, primarily aimed at local residents.
- 2.21 Given the scale and nature of the proposed development, which has generated local interest and appeared in the press, along with the disputed nature of the reasons for refusal, particularly with respect to the retail sequential site assessment test, it is considered appropriate for the appeal to be progressed under an Inquiry procedure.
- 2.22 The two reasons for refusal of the application are complex and technical in nature, and necessitated detailed legal advice during the planning application's consideration.
- 2.23 Copies of the two pieces of legal advice, prepared by David Manley QC, which were submitted to Trafford Council, dated 19th May 2020 and 9th July 2020, have been included at **Appendix 4** and **Appendix 5** for reference.
- 2.24 As such, formal examination of these matters is required to ensure that a fully informed decision on the appeal can be forthcoming. It is the view of the applicants that Trafford Borough Council's evidence should be tested through formal questioning by an advocate.
- 2.25 This accords with the approach set out in the Procedural Guide for planning appeals in England (November 2020) at Appendix K, which identifies that common sense judgement should be applied in deciding upon the most appropriate procedure.

APPLICATION REF. 103414/FUL/21

- 2.26 Following the refusal of Planning Application Ref. 98127/FUL/19, to which this appeal relates, a new application ('the 2nd Planning Application') for the extension and sub-division of existing Homebase unit was submitted to Trafford Council.
- 2.27 The key amendment from the appeal scheme to the scheme proposed through the 2nd Planning Application, was an alternative approach to the proposed new site egress onto George Richards Way. In addition, additional cycle parking and 2no. EVC bays were added to the car park. Further information was also provided with respect to the sequential test.
- 2.28 Following constructive dialogue between the Council, TfGM and the appellants, the Council were able to conclude that the alternative access arrangements were acceptable and subsequently recommend the application for approval.
- 2.29 The 2nd Planning Application was validated on 8th February and was recommended for approval by the Council Officers with the Committee Report and Additional Information Report provided at **Appendix 6** and **Appendix 7** respectively.

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- 2.30 The application was taken to Planning Committee on 8th August 2021 where the Planning Committee Members voted in favour of the proposal. The Decision Notice was subsequently issued on 9th April 2021 (**Appendix 8**).
- 2.31 Tesco Stores Limited (Tesco) lodged a Claim for Judicial Review of the decision on 19th May 2021. The Claim for Judicial Review was refused on 15th July 2021. A copy of the Court Order has been provided at **Appendix 9**. The Deputy High Court Judge also awarded full costs against the claimant.
- 2.32 Further to this, an oral (renewal) hearing has now been set for 13th October 2021.

3 CASE BACKGROUND

3.1 This section of the Appeal Statement sets out the appeal case background.

PLANNING APPLICATION REF. 98127/FUL/19 - APPEAL CASE

3.2 As set out above, Planning Application Ref. 98127/FUL/19 for:

‘Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.’

3.3 Planning Application Ref. 98127/FUL/19 was refused by Trafford Council Planning Committee on 16th July 2020. Trafford Council’s Planning Committee Report, along with the Committee Late Papers are included at **Appendix 2** and **Appendix 3** respectively, for reference.

3.4 The Decision Notice was issued on 17th July 2020. The appeal has therefore been submitted within the statutory timeframe of 6 months from the date of that decision.

3.5 The Decision Notice includes two reasons for refusal which are as follows:

1. *There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application at paragraph 90 of the NPPF applies. The proposal is also contrary to saved Policy S11 of the Revised Trafford Unitary Development Plan and Policy W2 of the Trafford Core Strategy.*
2. *The proposed development involves the introduction of a new point of egress for customer traffic onto George Richards Way which has the potential to introduce significant vehicular conflict. It has not been adequately demonstrated by the applicant that this would not have an unacceptable impact on highway safety and thus a reason to refuse the application at paragraph 109 of the NPPF applies. The proposal is also contrary to Policy L4 of the Trafford Core Strategy.*

3.6 It is considered that the principal items for consideration in respect of this appeal can be summarised as follows:

1. The sequential test; and
2. The impact on highway safety.

3.7 It should be noted that neither of the reasons for refusal, which have been put forward by Trafford Council, highlight positive harm.

3.8 In regard to the sequential test, it is stated that the applicant has not adequately demonstrated that the alternative site is not suitable. It does not state that the Council are certain that the alternative site is suitable.

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- 3.9 Furthermore, in regard to highways safety, it is stated that the applicant has not adequately demonstrated that the proposal would not have an unacceptable impact on highways safety. It does not state that the Council are certain the proposal will have an unacceptable impact on highway safety.
- 3.10 The appellants consider that appropriate information was provided with respect to both matters through the planning application.
- 3.11 Both items will be considered in detail within Section 5 of this Statement.

4 PLANNING POLICY

4.1 This section of the Statement sets out planning policy relevant to the appeal proposal. A full assessment of the national and local planning policies applicable to the development proposal is also provided in the Planning and Retail Statement that accompanied the application.

NATIONAL POLICY

4.2 National planning policy is set out within the National Planning Policy Framework (2021) (NPPF), which is supplemented by the National Planning Practice Guidance (NPPG).

4.3 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay, or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.4 Section 4 of the Framework (Decision-making) confirms that local planning authorities should approach decisions on proposed development in a positive and creative way by working proactively with applicants to secure developments that will improve the economic conditions of the area.

4.5 Section 6 of the Framework (Building a strong, competitive economy) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

4.6 Section 7 of the Framework (Ensuring the vitality of Town Centres) highlights the importance ensuring the vitality of Town Centres and sets the requirements for the sequential test and retail impact test for planning applications for main Town Centre uses that are in edge-of-centre or out-of-centre locations.

4.7 Section 8 of the Framework (Promoting healthy and safe community) reaffirms the importance of creating safe, healthy and inclusive places by ensuring that the development encourage walking and cycling as well as active street frontages.

4.8 Section 9 of the Framework (Promoting sustainable transport) states that transport issues should be considered from the earliest stages of the process to ensure that potential impacts can be addressed so that opportunities for avoiding and mitigating any adverse effects can be included.

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- 4.9 Section 11 of the Framework (Making effective use of land) supports as much re-use as possible of previously developed land and vacant buildings for development such as retail.
- 4.10 Section 12 of the Framework (Achieving well-designed places) confirms that good design is a key aspect of sustainable development and creates better places in which to live and work. Good design also helps make development acceptable to communities.
- 4.11 Section 14 of the Framework (Meeting the challenge of climate change, flooding and coastal change) highlights the importance of supporting the reduction of emissions and encouraging the use of renewable and low carbon energy.
- 4.12 Section 15 of the Framework (Conserving and enhancing the natural environment) states that developments should not contribute to unacceptable levels of air or noise pollution and should remediate contaminated land, where appropriate.
- 4.13 Specifically, the following paragraphs of the NPPF, referenced within the reasons for refusal of Planning Application Ref. 98127/FUL/19 should be noted.
- 4.14 Paragraph 87 - Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 4.15 Paragraph 91 - Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.
- 4.16 Paragraph 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

LOCAL PLANNING POLICY

- 4.17 The adopted Development Plan for Trafford Borough Council comprises ‘saved policies’ of the Revised Trafford Unitary Development Plan (UDP) (2006), Trafford Core Strategy (2012), and the Altrincham Town Centre Neighbourhood Business Plan (2017).
- 4.18 Following the adoption of the Core Strategy (2012) amendments have also been made to the adopted Proposals Map and these are set out in Appendices 1 and 4 of the adopted Core Strategy. The appeal site is not allocated or designated for a specific purpose on the adopted Policies Map.
- 4.19 On the Proposals Map accompanying the statutory Development Plan, the appeal site forms part of a ‘Retail Warehouse Park’ allocation which encompasses Altrincham Retail Park and Atlantic Street Retail Park. The corresponding policy of the Core Strategy is Policy W2.

‘Saved Policies’ of the Revised Trafford UDP (2006)

- 4.20 The Revised Trafford UDP was adopted in June 2006 to provide the framework and priorities for the development, improvement and conservation of land within the Borough of Trafford through to the year 2016.

4.21 In 2007 and 2008, Trafford Council was granted permission by the Secretary of State to ‘save’ the majority of the Local Plan policies in line with the directions of the Planning and Compulsory Purchase Act 2004.

4.22 The following UDP policy is considered to be relevant to the appeal.

4.23 **Policy S11 (Development Outside of Established Centres)** states that

‘Proposals for retail development not on land within town and district centres (or otherwise specifically allocated for the purpose in this Plan - see Proposal S12) will not be permitted unless all the following factors apply:

- i) There is a demonstrable need for further retail development locally that cannot be met by existing provision in the Borough;*
- ii) It can be demonstrated that a sequential approach to site selection has been adopted, giving first preference to sites within town and district centres, followed by edge-of-centre sites at town and district centres, sites within local and neighbourhood centres, and only then by out-of-centre sites;*
- iii) The scheme would be highly accessible by a choice of means of transport allowing for the minimisation of car use;*
- iv) The development would not lead to the sporadic siting of comparison goods shopping units along a road corridor;*
- v) There is no realistic chance of the site being developed for any other use for which it may be allocated specifically in this Plan;*
- vi) The development meets the requirements of other Proposals in this Plan, particularly Proposals D1 and D2.*

In all cases it will be necessary to demonstrate, by means of an impact study to a methodology acceptable to the Council, that the development would not have a serious adverse effect on the vitality and viability of any town or district centre within or outside Trafford.’

Trafford Core Strategy (2012)

4.24 Trafford Core Strategy was adopted in January 2012 and covers the period up to 2026. It sets out the overarching spatial strategy for delivering sustainable growth across the Borough. The policies within the Core Strategy of principal relevance to the appeal are detailed below.

4.25 **Policy L4 (Sustainable Transport and Accessibility)** relates to sustainable transport and accessibility and seeks to ensure that all new developments do not adversely affect highway safety. In addition, the policy seeks to manage travel demand by improving the choice and quality of transport available.

4.26 **Policy L5 (Climate Change)** requires new development to mitigate and reduce its impact on climate change factors such as pollution and flooding, and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

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- 4.27 Explained further in paragraph L5.3(CO₂ Emission Reduction), the policy states that developments involving substantial improvement to an existing building (such as extensions or change of use), will be encouraged to adopt the principles of energy efficiency and incorporate appropriate microgeneration technologies, to help contribute towards reducing CO₂ emission within the Borough.
- 4.28 In addition, paragraph L5.13 (Pollution) states that development that has potential to cause adverse pollution (of air, light, water and ground), noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
- 4.29 **Policy L7 (Design)** sets the requirement for development to demonstrate high standards of sustainable urban design. In terms of matters of amenity protection, development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.
- 4.30 **Policy L8 (Planning Obligations)** confirms that contributions will be sought for all new development (including mezzanines), redevelopment and changes of use. The nature and level of contributions will be established on a site by site basis, relating to the type and size of the development proposal.
- 4.31 **Policy W2 (Town Centres and Retail)** states that a presumption against the development of retail, leisure and other centre-type uses for developments outside of the identified town centres applies unless it can be demonstrated that they are able to satisfy the tests outlined in current Government Guidance. It clarifies that proposals to expand any existing retail warehouse parks including Altrincham Retail Park should be justified against the tests set out in national guidance.
- 4.32 **Policy R1 (History Environment)** requires developments to complement and enhance existing features of historic significance including their wider settings, in particular in relation to conservation areas, listed buildings and other identified heritage assets.
- 4.33 This is further supported by paragraph R1.6 which reiterates the importance of demonstrating how new developments will protect, preserve and enhance the following heritage assets including their wider settings of, *inter alia*, listed buildings.
- 4.34 **Policy R3 (Green Infrastructure)** states that the Council will work with developers to develop an integrated network of high quality and multi-functional green infrastructure (GI) that will, *inter alia*:
- Improve health and wellbeing;
 - Improve and enhance cross-boundary connectivity and accessibility through the delivery of joint development proposals;
 - Protect and provide appropriate natural space to connect landscapes and allow wildlife to move through them to adapt to climate change; and
 - Mitigate the negative effects of climate change and support biodiversity, for example inclusion of green roofs, green walls and tree planting.
- 4.35 Details relating to the Council's car parking standards are set out in Appendix 3 of the Core Strategy. Use Class A1 food retail developments are required to provide a maximum of 1 car parking space per 16 sq.m; 1 bicycle space per 140 sq.m and 1 motorcycle space per 350 sq.m. In addition, the proposed foodstore will be required to provide 1 space per 350 sq.m for users with mobility impairment.

Altrincham Town Centre Neighbourhood Business Plan (2017)

- 4.36 The Altrincham Town Centre Neighbourhood Business Plan was adopted in November 2017 and forms part of the Development Plan for Trafford.
- 4.37 The appeal site does not fall within the Neighbourhood Plan area, however, the contested sequential site bound by Oakfield Road, Thomas Street and Altrincham Interchange (also commonly referred to as the 'Altair site') falls within the Neighbourhood Plan area.

SUPPLEMENTARY PLANNING DOCUMENTS

Trafford Council Parking Standards and Design (2012)

- 4.38 This Supplementary Planning Document (SPD) was adopted in February 2012 to assist with the interpretation and implementation of Policy L4 (Sustainable Transport and Accessibility) and Policy L7 (Design) contained within the Core Strategy.

EMERGING PLANNING POLICY

Places For Everyone (Formerly Greater Manchester Spatial Framework)

- 4.39 Trafford Council was one of the 10 Greater Manchester authorities involved in the preparation of the Greater Manchester Spatial Framework (GMSF). A first draft of the GMSF was consulted upon in 2016 with a further consultation on the second draft in 2019. A Regulation 19 consultation was expected to take place in the early part of 2021; however, this has been delayed following Stockport Council voting against the GMSF on 4th December 2020.
- 4.40 Following the decision of Stockport Council to withdraw from the GMSF, the remaining nine authorities agreed to progress a joint Development Plan, known as Places for Everyone. A Publication Draft version of Places for Everyone was published on 9th August 2021 and is currently out for public consultation until 3rd October 2021.
- 4.41 Given the plan's current status, it is considered that the document holds little to no weight in the decision-making process.

Trafford New Local Plan

- 4.42 Trafford Council has begun to prepare a new Trafford Local Plan. An initial notice of consultation took place in July 2018, though no further consultation has been undertaken on a document containing draft policies. Therefore, given the early stages of its preparation, no weight can be attached to the emerging Local Plan at this time.

EVIDENCE BASE

Trafford Council Retail and Leisure Study (2019)

- 4.43 The Trafford Council Retail and Leisure Study was published in August 2019 by Nexus Planning on behalf of the Council. The document establishes the current position in relation to the need for additional retail facilities within the Borough. The document also considers the vitality and viability of the various principal centres.

4.44 The report confirms “*there is an identified convenience goods expenditure surplus that could support between 2,600 sq.m and 4,500 sq.m of additional convenience goods floorspace at 2019, increasing to between 6,800 sq.m and 11,600 sq.m at 2037.*” Over the ten-year period to 2029, the identified capacity equates to between 4,600 and 7,900 sq.m of additional floorspace for convenience goods.

5 PLANNING CONSIDERATIONS

5.1 Planning Application Ref. 98127/FUL/19 was refused by Trafford Borough Council at Planning Committee on 16th July 2020. The Decision Notice issued on 17th July 2020 set out two reasons for refusal which can be summarised as:

- Reason one: the sequential test; and
- Reason two: impact on highway safety.

5.2 The reasons for refusal will be considered in turn.

REASON ONE: THE SEQUENTIAL TEST

5.3 The first reason for refusal, in relation to the sequential assessment, states:

“There is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 86 of the NPPF and thus a reason to refuse the application at paragraph 90 of the NPPF applies. The proposal is also contrary to saved Policy S11 of the Revised Trafford Unitary Development Plan and Policy W2 of the Trafford Core Strategy.”

5.4 The planning application seeks consent for the extension, refurbishment and subdivision of the existing Homebase at Broadheath Retail Park to provide a downsized unit for Homebase and a new Class A1 retail unit to be occupied by Lidl.

5.5 It will create 2no. retail units. Unit 1 (Homebase) will measure 3,612 sq.m GIA and the associated garden centre will occupy 1,231 sq.m GIA. Unit 1A (Lidl) will measure 1,858 sq. m gross internal area (GIA) with a net sales area of 1,272sq.m.

5.6 The units will both utilise the existing surface level car parking provision. The site is in an out-of-centre location in retail planning terms. Therefore, it was necessary for the application to be assessed via the sequential test, set out within Paragraph 86 of the NPPF.

5.7 Through reason for refusal one, the Council state that ‘there is a sequentially preferable site which is available within a reasonable period and also potentially suitable to accommodate the proposed foodstore development.’

5.8 The site in question, which the Council believe to be potentially sequentially preferable, is known as the Altair Development Site, located in Altrincham Town Centre, which is controlled by Nikal Developments. It is bound by Oakfield Road, Thomas Street and Altrincham Interchange. It is located inside the Altrincham Town Centre boundary and is 2.2ha in size.

5.9 The Altair Development Site benefits from planning permission for a residential-led mixed use scheme with ground floor retail / commercial / leisure uses (Outline Permission Ref. 81115/O/2013, Phase 1 Reserved Matters Permission Ref. 86755/RES/15 and Phase 2 Reserved Matters Permission Ref. 90432/RES/17).

5.10 The current Altair planning permission does not include any provision for a Use Class A1 (Now Use Class E) foodstore.

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- 5.11 Lidl entered into a contract with Nikal Developments to take a lease on a metropolitan format Lidl store at the Altair Development Site in February 2020.
- 5.12 The Lidl store which will come forward at Altair is different in format to the store proposed at Altrincham Retail Park, as it will be integrated within the wider residential-led mixed use development. It will be served by shared underground car parking provision, will have residential development of several stories above, will front onto a pedestrianised high street and sit as part of a retail parade. It is therefore, fundamentally different to the store type being brought forward at Altrincham Retail Park.
- 5.13 The delivery of a Lidl store at the Altair Development Site is likely to be a minimum 3-4 years away (at the time of writing) due to it not having planning permission currently and the complex nature of the mixed use scheme. This is reflected within the contract Lidl has agreed with Nikal Developments.
- 5.14 In contrast, the Altrincham Retail Park scheme can be built out and operating inside 12 months from the grant of planning permission. Through the determination of the planning application to which this appeal relates, the appellants confirmed that they would be willing to accept a 12 month time limit for the implementation of any permission to reiterate this position.
- 5.15 In advance of considering the specifics of the case in more detail, it is necessary to consider the policy and case law context.
- 5.16 At paragraph 86 of the NPPF it states that:
- ‘Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’*
- 5.17 Paragraph 87 subsequently states:
- ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’*
- 5.18 Trafford Development Plan Policy W2 of the Core Strategy states that retail development outside designated retail centres will be considered against the tests set out in national policy / guidance. Policy S11 of the Unitary Development Plan pre-dates the NPPF and is not consistent with its requirements. Therefore, the guidance set out within the NPPF in paragraphs 86 and 88 is the key reference point in considering whether the proposal passes the sequential site assessment test.
- 5.19 There are a number of legal cases which are of direct relevance to this appeal, and the interpretation of the sequential test.
- Tesco Stores Ltd v. Dundee City Council (Appendix 10)**
- 5.20 Through the Tesco Stores Ltd v Dundee City Council case, Lord Reed held that that “suitable” meant “suitable for the development proposed by the applicant” rather than “suitable for meeting identified deficiencies in retail provision in the area.”

Aldergate Properties Ltd v. Mansfield District Council (Appendix 11)

- 5.21 Through the Aldergate Case, it was held by Justice Ouseley that “suitable’ and ‘available’ generally mean ‘suitable’ and ‘available’ for the broad type of development which is proposed in the application by approximate size, type, and range of goods.’
- 5.22 It was stated ‘The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.’
- 5.23 It was identified that the application of the sequential test should not be dependent upon the individual corporate personality of the applicant or intended operator.

Rushden Lakes [APP/G2815/V/12/2190175] (Appendix 12)

- 5.24 The Secretary of State in the Rushden Lakes case was clear that there is no policy requirement to disaggregate when undertaking the sequential test and that a “real world” view of matters must be taken.

Scotch Corner [APP/V2723/V/153132873] (Appendix 13)

- 5.25 The approach taken in the Rushden Lakes case was echoed in the Scotch Corner case. In that case, the Inspector approved the scheme, stating ‘applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme.’
- 5.26 It was clarified that ‘the sequential test seeks to see if the application, ie what is proposed, can be accommodated on a town centre site or on sequentially preferable sites. There is nothing in the evidence before me to suggest that the applicant has pitched the scale of the scheme so that would be impossible to identify a town centre site.’
- 5.27 The decision was subsequently supported by the Secretary of State.

Tollgate [APP/A1530/W/16/3147039] (Appendix 14)

- 5.28 In the Tollgate case, the Inspector identified that ‘In this case there is no evidence that the proposed format is necessary or fundamental to the proposal. Whilst the proposal is in outline, not a single retailer has been identified, and the size and location of units within the site has not been established and there is no defined timescale or phasing. It is difficult to conceive of a more open ended proposal. ‘
- 5.29 The inspector therefore deemed that disaggregation for the purposes of the sequential test was appropriate in that instance. However, the conclusion stemmed from the scheme itself being flexible, as there was no end occupiers and the size of the units within the site had not been established.

Kingswood Hull [APP/V2004/W/3171115] (Appendix 15)

- 5.30 In the Kingswood Hull case, a similar approach was taken to the Tollgate case. The Inspector noted that ‘The present appeal scheme is a speculative proposal without identified occupiers for its several retail units or its food and beverage units. Thus, the question of an individual retailer or corporate personality does not arise. However, this situation also allows for greater

flexibility in how the accommodation is provided on a town centre site as compared to the situation where all of the retail space was intended for occupation by a single retailer.’

- 5.31 Furthermore, the during the appeal, the appellants’ witnesses did not object to potential subdivision of the development. It was therefore deemed that the circumstances of each case are directly relevant as to whether disaggregation should be considered as part of the sequential test.
- 5.32 The Inspector concluded that the proposal had failed to pass the sequential test, but it should be noted that the proposal was very open ended and flexible, rather than being a fixed scheme for identified end operators.

Case Summary

- 5.33 From the above legal / appeal cases, it must be noted that disaggregation is not a requirement of the sequential test. It has however been applied in some specific circumstances, where a proposal is flexible and open ended in its approach i.e an outline application, no fixed end operators / users etc. In the key cases where the proposals are more fixed in nature (Rushden Lakes / Scotch Corner), it was deemed that disaggregation was not appropriate.

Disaggregation in this Case

- 5.34 As is evident from the submitted Planning and Retail Statement (PRS), the ability to provide two retail units for occupation by Lidl and Homebase is completely dependent on the re-configuration of the existing unit, (i.e. part demolition and part-extension).
- 5.35 Furthermore, the PRS (paragraph 1.3) makes clear that the existing occupier - Homebase - is undergoing trading format changes in this location as a consequence of their recent CVA. A smaller format store is now required to meet their needs and consequently it is incorrect to state that the existing Homebase unit can continue to viably trade in its current form.
- 5.36 It should be noted that Homebase submitted representations in support of the planning application to Trafford Council on 29th June 2020. A copy of these representations has been included at **Appendix 16**. The representations confirmed that a downsized store at Altrincham Retail Park was required to ensure Homebase’s continued operation in Altrincham and to protect the 50 people they employ in the town.
- 5.37 It was confirmed that further to Homebase’s Company Voluntary Agreement in 2018, 42 Homebase stores have closed throughout the UK, and that they have subsequently been working in collaboration with landlords to downsize existing stores with a view to reducing their cost base. This ensures that their existing stores can continue trading where they otherwise may have proved unviable and had to close.
- 5.38 In this particular case, the appeal proposal will facilitate the creation of a new unit for Homebase, which is around a third smaller than their existing unit.
- 5.39 Without this reconfiguration, Homebase would be forced to close the store and vacate the unit permanently. The only way to retain Homebase in a sustainable trading format - including retaining the existing local staff working at the store - is for the re-configuration to take place in association with accommodating Lidl. The Lidl store coming forward facilitates this reconfiguration.

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- 5.40 For the reasons specified above, it is clear that the proposed development must be treated as a whole and that disaggregation is not required by local or national policy; furthermore, it is self-evident that the Tollgate decision is not analogous to this proposal. In this case, there is evidence that the proposed format is both necessary and fundamental.
- 5.41 Through the planning application's consideration, it was always accepted by Trafford Council that the development as a whole could not be accommodated on the Altair site. The Altair site is therefore neither suitable or available for the type of development proposed.
- 5.42 On this basis, the only conclusion that can be reached is that the appeal scheme passes the sequential test in accordance with paragraph 86 of the NPPF. Therefore, no further interrogation should be required.

Altair Site

- 5.43 It should be noted that the Altair site is not allocated for a foodstore in the Development Plan, nor does it benefit from any form of food retail planning consent. In addition, it should also be noted that Aldi secured planning permission for a new foodstore at Atlantic Street, Broadheath, in June 2019 (Planning Permission Ref. 96088/FUL/18 - **Appendix 17**) on an out-of-centre site. It was necessary for them to assess the Altair Development Site as part of their sequential test for the application.
- 5.44 In making a decision on the application, Trafford Council suggested the Altair Development site was neither suitable or available for a discount foodstore with surface level car parking. A copy of the Committee Report and the Aldi Planning Statement are included at **Appendix 18** and **Appendix 19** for reference.
- 5.45 Trafford Council are of the view that the proposed Lidl store should be disaggregated from the Homebase unit and tested independent for the purposes of the sequential test. The appellants fundamentally disagree with this position. However, it is considered that even if disaggregation was applied the Altair site cannot be considered sequentially preferable in any event.
- 5.46 Given the residential-led, multi-level, mixed use scheme coming forward on the Altair Development Site, the site is not capable of accommodating the 'development proposed by the applicant'. It is therefore considered it should not be deemed suitable in sequential terms. This approach would mirror the decision taken by Trafford Council in respect of Aldi Planning Permission Ref. 96088/FUL/18.
- 5.47 The Council do not accept this position and suggest that because Lidl have signed a contract to deliver a different type of retail store as part of the Altair scheme the site is suitable. There are however significant differences between the type of development which will come forward at Altair, when compared to the standard format limited assortment discount foodstore being proposed at Altrincham Retail Park. The key differences between the Lidl store at Altrincham Retail Park and the store which will likely come forward at Altair are as follows:

Development Characteristic	Altrincham Retail Park	Altair
Net Sales Area Above 1,200 sq.m	Yes	No
Surface Level Car Park	Yes	No
Single Storey Development	Yes	No
Retail Only Scheme	Yes	No
Mainly Car Borne Shoppers	Yes	No
Shoppers Mainly Using Trolleys	Yes	No
Main Store Access from Car Park	Yes	No

5.48 It can be seen therefore, that the Lidl store which will come forward at the Altair site is fundamentally different to the Lidl store being brought forward at Altrincham Retail Park.

5.49 To ensure that Lidl's position regarding both the appeal proposal and the Altair site is clear, Lidl have prepared a letter, which is enclosed at Appendix 20 of this statement. The letter confirms the following:

- That Lidl are fully committed to delivering two stores in Altrincham;
- That Lidl have a contract in place with Nikal Developments, who control the Altair site;
- The timings for the delivery of the Altair scheme; and
- The operational differences between the appeal scheme and the store that would be delivered as part of the Altair development.

5.50 It is confirmed that in addition to the obvious physical differences between the two schemes set out above, the sales area at the Altair scheme will be 15% smaller than the proposed Lidl store at Altrincham Retail Park. The Altair scheme will also have 40m less vertical shelving than the Altrincham Retail Park store, equivalent to one whole aisle. Operationally, this limits the range of goods which can be sold from the store, when compared to a standard format Lidl store.

5.51 Lidl have also confirmed, based upon regional examples, that a customer will spend approximately 70% less when visiting a metropolitan format store, reflecting the basket shopping nature of the stores.

5.52 In this context, it is confirmed that the Altair scheme will have 70% self-serve checkouts, which specifically cater to basket shopping. In contrast, at the Altrincham Retail Park scheme there will be no self-serve checkout provision. All checkouts in the Altrincham Retail Park scheme will have a standard till belt design and be manned by a cashier, which is more appropriate for trolley borne shopping.

5.53 In terms of Lidl's business model, they have advised that the two store types are not interchangeable. They have advised that the proposed store at Altair will function in a somewhat similar manner to their metropolitan format store located in Piccadilly Gardens in Manchester City Centre. A photograph of this store has been included at Appendix 21 for reference.

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- 5.54 From the information Lidl have provided, it is very clear that the Lidl store which will be delivered at Altair is a very different type of development. Therefore, if the Lidl store component of the appeal scheme was disaggregated from the Homebase element, the Altair site would not be suitable for the type of development proposed in any event.
- 5.55 There are also issues with the availability of the Altair site, in that it is not immediately available for the type of development proposed. The Altair site is not available for the proposed development as terms have already been agreed between Lidl and Nikal Developments for the provision of a metropolitan format discount foodstore, a different type of development, in this location.
- 5.56 Notwithstanding the above point, and the fact that the site is not suitable for the proposed development, the ability for the site to become available is also dependent upon the following:
- The preparation of a planning application (6 months);
 - The submission and determination of the planning application (at least 6 months);
 - The discharge of relevant pre-commencement planning conditions (3 to 6 months);
 - The tendering process to appoint contractors for the overarching Altair scheme (3 to 6 months); and
 - Construction of the scheme on a phased basis to achieve a shell specification suitable for occupation (18 months to 2 years).
- 5.57 As is evident, the minimum time required for the retailers to occupy the units would be at least 3 to 4 years. Lidl are intimately aware of the stages and associated timescales necessary for the development to come forward. This timescale goes beyond what a reasonable reader could construe as available now or within a reasonable period.
- 5.58 This is likely to be a best case scenario and it should be noted that the Altair scheme has been coming forward for over 10 years, with the first planning consent being obtained in 2009 (Planning Permission Ref. 74390/O/2009). This demonstrates the complexity of the development site and it is clear that the site is not immediately available and will not be available for a number of years.
- 5.59 In the NPPF, paragraph 24, when referencing availability, is written in the present tense. This is a change from the historic guidance on availability, which was acknowledged in the Tollgate decision (**Appendix 14**). In this context, when considering whether a sequential site is available, it is appropriate to ask whether a sequentially preferable site is available to accommodate the application proposals within a similar timeframe.
- 5.60 The appeal site, at Altrincham Retail Park, Broadheath, is immediately available and the development can be completed and open within 12 months from the grant of planning permission. The appellants have confirmed they would be willing to accept a 12 month time limit for the implementation of any permission to reiterate this position.
- 5.61 On this basis, the appellants consider that even if the Lidl element is disaggregated from the Homebase element, the Altair scheme cannot be considered either suitable or available for the type of development proposed.
- 5.62 It is therefore the appellants view that the scheme passes the sequential test set out in paragraph 86 of the NPPF, even if the two elements of the development were to be disaggregated.

5.63 The appellants consider that this reason for refusal has therefore, been fully addressed.

REASON TWO: IMPACT ON HIGHWAY SAFETY

5.64 The second reason for refusal states:

“The proposed development involves the introduction of a new point of egress for customer traffic onto George Richards Way which has the potential to introduce significant vehicular conflict. It has not been adequately demonstrated by the applicant that this would not have an unacceptable impact on highway safety and thus a reason to refuse the application at paragraph 109 of the NPPF applies. The proposal is also contrary to Policy L4 of the Trafford Core Strategy.”

5.65 The appeal proposal includes the creation of a new egress from the eastern side of the retail park car park, broadly in front of the existing Homebase store entrance, with a left turn out only, onto George Richards Way to the south.

5.66 Throughout the planning application’s consideration both Trafford Council Highways and Transport for Greater Manchester (TfGM), raised concerns with the principle of a new egress from the retail park onto George Richards Way.

5.67 An objection to the application was received from Trafford Council Highways, and Transport for Greater Manchester (TfGM) advised that whilst they cannot object, they support the conclusions of Trafford Council Highways.

5.68 The concerns raised, centred on the fact that the introduction of a new egress could create conflict between vehicles, when considered against the existing (no egress) position. The Council consider that the introduction of a new egress onto George Richards Way in the proposed location would introduce turning movements into an area of “weaving” traffic on the approach to the left and right turn lanes at the signalised junction with the A56 Manchester Road.

5.69 The Council’s view is that any additional conflict causes a highways safety concern. However, it should be noted that paragraph 109 of the NPPF clearly states that:

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

5.70 Any new access or egress introduces some risk but the NPPF is clear in stating that development should only be refused on this basis if the impact on highways safety is unacceptable or the residual cumulative impacts are severe. It does not follow that all proposals for a new access or egress which create any form of risk should be refused.

5.71 A separate Highways Statement of Case has been prepared by SCP Transportation Planning: Infrastructure Design, which demonstrates that the egress should be deemed acceptable in highways safety terms and thus, can be wholly compliant with the requirements of both paragraph 109 of the NPPF and Policy L4 of the Trafford Core Strategy.

5.72 The Highways Statement of Case provides compelling evidence as to why the new egress does not constitute a road safety issue in the proposed location. It demonstrates that the traffic on George Richard Way in the vicinity of the new egress does not “weave”, is slow moving, therefore minimising any risk.

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- 5.73 In addition, it also illustrates that the presence of a signalised junction upstream of the proposed egress will create natural gaps in traffic flow allowing drivers to emerge safely and that there is no capacity issue relating to the proposed egress that would cause driver frustration and risk taking.
- 5.74 It should be noted that no evidence was provided by Trafford Council Highways during the application's consideration to demonstrate that the proposed egress would have an unacceptable impact on highway safety. However, through the appeal submission, the appellants have provided detailed information that clearly demonstrates it can operate in a safe and appropriate manner.
- 5.75 On this basis, the appellants consider that this reason for refusal has been fully addressed.
- 5.76 As set out in Section 2, the 2nd Planning Application was submitted following the refusal of the appeal scheme. The key amendment from the appeal scheme and the scheme proposed through the 2nd Planning Application, was an alternative approach to the proposed new site egress onto George Richards Way.
- 5.77 The amendments, summarised in the Transport Assessment (November 2020) prepared by SCP, are as follows:
- The egress is positioned approximately 10m further west and therefore further away from the start of the left turn lane to Manchester Road north;
 - The central traffic island has been extended to the west to prevent right turns into and out of the egress; and
 - The design of the ramp has been reconfigured and lengthened to provide a gradient of no more than 1:20.
- 5.78 A copy of the Transport Assessment (November 2020) is attached at **Appendix 22**. In addition to the physical changes which went with the access, additional cycle parking and 2no. EVC bays were also provided
- 5.79 Further design amendments were made during the application process including the setting back of an existing knee rail fence and replacement tree planting in the area of the egress to maintain appropriate visibility splays. Through this constructive dialogue between the Council, TfGM and the appellants, the Council were able to conclude that the alternative access arrangements were acceptable and subsequently recommend the application for approval.
- 5.80 As an access solution which is acceptable to the Local Planning Authority and Local Highways Authority has now been found, the appellants have made an application to formally request the substitution of plans, which would allow the plans accepted by Trafford Council via the 2nd Planning Application, to form part of the appeal.
- 5.81 A schedule of plans which are proposed to be substituted and the associated replacement plans is provided at **Appendix 23**.

6 PLANNING CONDITIONS

6.1 This section of the Appeal Statement sets out the conditions that the Appellants would be prepared to accept in the appeal's determination.

6.2 The appellants will work jointly with Trafford Council to formally agree a list of planning conditions in advance of the Inquiry.

DEVELOPMENT IMPLEMENTATION

6.3 Through the planning application's consideration, the appellants confirmed that they are willing to accept a 12 month period for implementation of any planning permission in recognition of the fact that this development proposal is immediately deliverable.

6.4 The appellants would be willing to accept a suitably worded condition on this basis.

TREES AND LANDSCAPING

6.5 Trafford Borough Council's Arboriculturist confirmed by a response dated 4th June 2020 that they had no objection to the proposed recommendations subject to the development being in accordance with the agreed revised Landscaping Plan (Drawing Ref. V14366 L01F) submitted on 5th June 2020 and conditions being imposed to ensure the following:

- The improved soil/root/planting conditions; and
- The new trees are well-planted and appropriately maintained.

6.6 The appellants would be willing to accept a suitably worded condition.

DELIVERIES AND OPENING HOURS

6.7 Trafford Council's Pollution and Licensing Team confirmed that it did not object to the proposal, subject to the following.

6.8 The proposed hours of activity for the Homebase remaining unchanged. The operational hours are as follows:

Deliveries

- Between 0800 and 2200 hours on Mondays to Fridays; and
- Between 0800 and 2000 hours on Saturdays and Sundays.

Store Opening

- 0800 to 2200 hours on Mondays to Saturdays (including Bank Holidays); and
- 1000 to 1600 hours on Sundays.

6.9 In regard to the proposed foodstore, the following hours of activity are proposed alongside the implementation of an acoustic barrier:

Deliveries

- Between 0800 and 2000 hours on Mondays to Saturdays; and
- Between 1000 and 1600 hours on Sundays.

Store Opening

- 0800 to 2200 hours on Mondays to Saturdays (including Bank Holidays); and
- 1000 to 1600 hours on Sundays.

6.10 The Pollution and Licensing Team required the submission of a Servicing Management Plan and Construction Environmental Management Plan to ensure that the delivery process is appropriately managed by the retailers and that potential environmental effects arising during the construction stage are mitigated.

6.11 The Pollution and Licensing Team also proposed to limit the noise levels from a fixed plant to be installed.

6.12 The appellants would be willing to accept a suitably worded conditions on this basis.

LIGHTING

6.13 A lighting report is to be submitted and approved in writing by Trafford Borough Council which explains that new lighting is proposed in the customer car park and to serve the two service yards. When having regard to the choice of luminaires and their location, it is concluded that the proposed lighting would not cause light overspill to the detriment of surrounding residential occupiers.

6.14 The appellants would be willing to accept a suitably worded condition on this basis.

AIR QUALITY

6.15 The Council's Environmental Health Officer raised no objection in respect of air quality. However, it was advised that the submission of Construction Environmental Managed Plan should include measures to control the emission of any dust and dirt from the demolition and construction processes.

6.16 There is also a requirement for low emission vehicle charging infrastructure to be installed within the development.

FLOOD RISK AND DRAINAGE

6.17 Trafford Council's Lead Local Flood Authority raised no objection to the submitted Flood Risk Assessment and Preliminary Drainage Strategy subject to the following information being provided through suitable worded planning condition:

- Further infiltration testing should be undertaken and confirmation of groundwater levels to establish whether which of the two-option strategy would be appropriate and implemented. The implemented strategy will then be maintained and managed.

6.18 The appellants would be willing to accept a suitably worded condition on this basis.

ECOLOGY

6.19 Greater Manchester Ecology Unit reviewed the submitted Preliminary Roost Assessment and accepts that the building to be reworked and extended has negligible bat roosting potential.

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- 6.20 However, the appeal site contains both bird and invertebrate boxes and evidence of birds nesting has also been identified. Therefore, appropriately worded conditions recommending the restriction of certain works to the period outside of the bird nesting season and provision of replacement box habitat have been proposed.
- 6.21 The appellants would be willing to accept a suitably worded condition on this basis.

7 CONCLUSIONS

7.1 This Updated Appeal Statement has been prepared on behalf of Orchard Street Investment Management LLP and Lidl UK, the joint appellants, to support an appeal against the refusal of Planning Application Ref. 98127/FUL/19 for:

'Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 retail unit. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping, and the creation of a new egress from the site.'

7.2 The planning application, to which the appeal relates, was submitted to Trafford Borough Council on 24th May 2019. The application was validated on 5th August 2019. It was given a target determination date of 4th November 2019. The determination deadline was subsequently extended to allow outstanding matters to be resolved and the application to progress to Planning Committee for determination.

7.3 The planning application progressed to Planning Committee on 16th July 2020 and was subsequently refused. The Decision Notice was issued by Trafford Borough Council on 17th July 2020.

7.4 It is considered that Trafford Borough Council's decision to refuse the application was not justified and that the appeal should be allowed for the following reasons:

- It has been robustly demonstrated through the planning application submission and clarified in this Statement that there are no sequentially preferable sites located within or on the edge of Altrincham town centre that are either suitable or available to accommodate the proposed development. Therefore, the sequential test is passed.
- It was robustly demonstrated through the planning application submission and clarified in this Statement and supporting documentation that the construction of a new egress from the car park onto George Richards Way would not have an unacceptable impact on highway safety.

7.5 Therefore, due to the contents of this Appeal Statement and the points detailed above the appeal should be allowed, and permission granted for the above described development.