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A. APPENDIX A



Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant Lidl UK / Orchard Street Investment Management LLP c/o Agent	Name and Address of Agent Rapleys LLP / Montagu Evans 55 Spring Gardens / 5 Bolton Street Manchester / London M2 2BY / W1J 8BA
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Part I – Particulars of Application

Application Number: 98127/FUL/19

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

Extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new Class A1 food 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.

Part II – Particulars of Decision

That Trafford Borough Council hereby gives notice in pursuance of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reason(s):-

Refusal Reason(s):

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.

INFORMATIVES:

1 The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Date of decision: 16th July 2020



Head of Planning and Development
Rebecca Coley

Please read notes provided

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) England (Order) 2015

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission and an enforcement notice has been served for the same or very similar development the time limit is:

- Within 28 days from the date of the local planning authority's decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- Within 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. Please refer to <http://www.legislation.gov.uk> if you require clarification as to what falls into this category.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Notes continued overleaf

4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

5. Town and Country Planning Act 1990

Disabled Persons Act 1981

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.

B. APPENDIX B



Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

<p>Name and Address of Applicant Orchard Street Investment Management LLP / Lidl UK (joint... C /o Agent</p>	<p>Name and Address of Agent Mr Craig / Jonathan Blatchford / Harper Montagu Evans LLP (joint applicants) / Rapleys LLP 70 St Mary Axe / 55 Spring Gardens Manchester / London M2 2BY / EC3A 8BE</p>
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Part I – Particulars of Application

Application Number: 103414/FUL/21

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

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.

Part II – Particulars of Decision

That Trafford Council hereby gives notice in pursuance of the provisions of the Town and Country Planning Act that **PERMISSION HAS BEEN GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted and the following condition(s):

CONDITIONS:

1 The development must be begun not later than one year beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and with a shortened time period for implementation imposed to assist in the delivery of development having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:

Site location plan (ref. 14366-99 D)
Proposed site layout plan (ref. 14366-105 K)
Proposed ground floor plan (ref. 14366-106 F)
Proposed first floor plan (ref. 14366-107 B)
Proposed roof plan (ref. 14366-108 B)
Proposed section plan (ref. 14366-111 A)
Proposed elevations (ref. 14366-109 E)
Proposed elevations large format (ref. 14366-112 A)
Existing and proposed elevations comparison (ref. 14366-113 A)
Proposed hard landscaping (ref. 14366-116 F)
Proposed boundary treatments (ref. 14366-115 J)
Proposed street scene (ref. 14366-114 C)
Proposed street scene 2 (ref. 14366-117 C)
Proposed CGI 1 (ref. 14366 Altrincham CGI 01A)
Proposed CGI 2 (ref. 14366 Altrincham CGI 02)
Proposed soft landscaping (ref. V14366 L01 M)

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3 No above-ground construction works shall take place until samples and full specifications of materials to be used externally on the development hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4 No works relating to new hard landscaping shall take place until full details of hard landscape works for the approved development have been submitted to and approved in writing by the local planning authority. The submitted details (which shall include the type, siting, design, dimensions and materials) shall cover: hard surfacing, boundary treatments/means of enclosure (including acoustic fencing), refuse or other storage units (including cycle storage), trolley bays/shelters, bollards, and seating furniture. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5 No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 M) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed

numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6 If, for the lifetime of the development, any trees or shrubs planted or retained in accordance with the approved soft landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs of a similar size and species shall be planted in the next planting season.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7 The unit identified as Unit 1A hereby approved shall be used as a discount convenience foodstore (Use Class E(a)) and for no other purpose (including any other purpose in Class E). The gross internal floor area of the discount foodstore shall be limited to 1,858 square metres, of which no more than 1,272 square metres shall be used for net retail sales. Thereafter there shall be:

- i. No internal subdivision of the unit;
- ii. No formation of mezzanine floors;
- iii. No more than 20% of the net retail floorspace shall be used for Use Class E(a) comparison goods retailing; and
- iv. No sale or provision of pharmaceutical products available by prescription only, post office, dry cleaning, financial services, fresh fish, hot food, cheese and meat counter(s), home delivery/click and collect, photographic shop, mobile phone shop, or café/restaurant.

The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

8 The unit identified as Unit 1 hereby approved shall be used as a non-food DIY unit (Use Class E(a)) and for no other purpose (including any other purpose in Use Class E). The gross internal floor area of the DIY unit shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. The net retail sales floorspace of Unit 1, including the garden centre, shall be limited to 4,394 square metres. Thereafter there shall be:

- i. No internal subdivision of the unit;
- ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and

iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F).

Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants' products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings. The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

9 The new left-turn only egress onto the highway of George Richards Way shall be provided in the location shown on plan ref. SCP/190052/SK08/Rev C (contained within the Transport Assessment prepared by SCP, dated 11.11.20 and referenced SCP/190052/TA/0). The associated highway works shall provide, for each traffic lane, a minimum unobstructed lane width of not less than 3 metres (in accordance with plan ref. SCP/190052/SK08/Rev C). The maximum gradient of the egress shall not exceed 1:20 (5%).

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

10 The new egress onto George Richards Way shall not be brought into use unless and until details of a 2.15 metre vehicle height restriction barrier to be installed at the egress have been submitted to and approved in writing by the local planning authority. The submitted details shall include the design and specification of the barrier, and details of advance signage and/or markings within the car park and at the barrier. The approved details shall be implemented in full prior to the egress being brought into use and shall be retained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

11 The new egress onto George Richards Way shall not be brought into use unless and until an unobstructed minimum visibility splay of 2.4 metres x 43 metres is provided, and that visibility splay shall be retained and maintained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

12 The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 K, intended to serve that unit, have been laid out and are available for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and that the site can be satisfactorily serviced, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

13 The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until details of parking facilities for motorcycles have been submitted to and approved in writing by the local planning authority. The details shall include the type, quantity and location of the motorcycle parking facility. The approved motorcycle parking facilities shall be installed before the first occupation of the respective component and shall be retained at all times thereafter.

Reason: To ensure that an adequate level and variety of parking options are provided, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

14 The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Travel Plan relating to that unit, which shall include measurable targets for reducing car travel, has been submitted to and approved in writing by the local planning authority. On or before the first occupation of the respective component, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing from the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15 The new foodstore use hereby approved (operating within Unit 1A) shall not be open to customers other than between the hours of 0800 and 2200 Monday to Saturday, and between the hours of 1000 and 1600 hours on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0800 and 2000 Monday to Saturdays and outside the hours of 1000 and 1600 on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16 The DIY store and garden centre (Unit 1) shall not be open to customers other than between the hours of 0800 and 2000 Monday to Saturday, and between the hours of 1000 and 1600 on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0730 and 2000 Monday to Saturday. There shall be no deliveries or refuse/recycling collections on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17 The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 J). Prior to the development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Thereafter the development shall be maintained in full accordance with the approved details.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18 The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Servicing and Delivery Management Plan relating to that unit, which shall demonstrate that the practices of servicing, deliveries and refuse collections shall be satisfactorily and safely managed, has been submitted to and approved in writing by the local planning authority. Servicing, deliveries and refuse collections shall thereafter take place in accordance with the approved plans.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19 No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall address, but not be limited to, the following matters:

- i. Suitable hours of construction and demolition activity;
- ii. The parking of vehicles of site operatives (all within the site);
- iii. Loading and unloading of plant and materials including times of access/egress;
- iv. The location of the site compound;
- v. Temporary access/egress and car parking arrangements for customers and visitors to the retail park;
- vi. Storage of plant and materials used in constructing the development;
- vii. The erection and maintenance of security hoardings;
- viii. Wheel washing facilities and measures to keep the highway clean;
- ix. Measures to control the emission of dirt and dust during demolition/construction processes;
- x. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site);
- xi. Measures to prevent disturbance to adjacent property from any noise and vibration arising from demolition/construction activities, including from any piling works;
- xii. Details regarding how any asbestos materials shall be identified and treated or disposed of in a manner that would not cause any undue risk; and
- xiii. Measures for dealing with any complaints.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby residential properties and users of the highway, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

20 The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be compliant with BS 4142:2014 'Rating industrial noise affecting mixed residential and industrial areas.'

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21 No external lighting shall be installed at the site other than in accordance with the submitted External Lighting Proposal (prepared by Synergy Building Services, dated 26.11.20, Issue 2) and the proposed external lighting plan (ref. 5585, LTG-02 P2).

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

22 Notwithstanding the approved plans, no above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.

Reason: In the interests of sustainability and reducing air pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

23 No above ground construction works shall take place unless and until a site investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The assessment, which shall develop the findings of the submitted Preliminary Environmental Risk Assessment (prepared by Groundtech Consulting, dated April 2019, ref. 19038/740), shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall include:

- i. A survey of the extent, scale and nature of any contamination;
- ii. An assessment of the potential risks to human health, property (existing or proposed), crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters, surface waters, ecological systems, archaeological sites, and ancient monuments;
- iii. Where unacceptable risks are identified, an appraisal of remedial options and a proposal for the preferred option(s) to form a remediation strategy for the site;
- iv. A remediation strategy (where required) giving full details of the remediation measures required and how they shall be implemented; and

v. A subsequent verification plan (where required) providing details of the data that shall be collected in order to demonstrate that the works set out in the remediation strategy have been completed and identifying any requirements for longer term monitoring of any pollutant linkages, requirements for maintenance, and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the development hereby approved is first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner).

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

24 The development hereby approved shall not be brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), unless and until a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that site remediation criteria have been met. It shall also include a plan, where required, for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The longer-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

25 The development hereby approved shall be constructed in accordance with the recommendations contained within Section 4 of the submitted Crime Impact Statement (dated 09.10.19, referenced 2019/0651/CIS/01 version A). Thereafter the development shall be maintained in accordance with these recommendations.

Reason: In the interests of crime prevention and the enhancement of community safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26 No clearance of trees and shrubs, or removal of bird boxes, in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance or removal shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

27 Prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a scheme for the provision of replacement bird boxes and invertebrate boxes installed within the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the type, specifications and dimensions of the feature to be installed, the quantities of each feature, and the proposed location. The approved details shall be installed prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner) and shall be retained thereafter.

Reason: To safeguard and enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

28 In the event that the works of extension and sub-division to the existing Unit 1 have not commenced by 1st April 2022, this building shall be re-assessed for its bat roosting potential. A report of this assessment shall be submitted to and approved in writing by the local planning authority prior to the works of extension and sub-division taking place. This report shall include a detailed mitigation strategy in the event that bats or their roosts are found. The mitigation strategy shall be implemented as approved.

Reason: In order to protect any protected species that may be present on the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

29 The development hereby permitted shall be designed, constructed and operated in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy (prepared by LK Group on behalf of Bell Munro Consulting Ltd, dated November 2020, ref. FRA 19 1049 R2) as superseded, in part, by one of the following submitted drainage plans (prepared by Bell Munro Consulting Ltd, refs. J6377/SK001 160321 A (Option A) and J6377/SK001 160321 B (Option B)) which shall be tested, selected and implemented in accordance with the drainage hierarchy (as set out in the National Planning Practice Guidance or any subsequent equivalent guidance). The development shall also include the following mitigation measures as detailed within the submitted Flood Risk Assessment and Outline Drainage Strategy and the drainage plans as referenced above:

- i Provision of 239.4m³ of soakaway or 58.52m³ attenuation flood storage (subject to onsite BRE365 tests) on the site to a 1 in 100 flood event plus climate change (standard); and
- ii The limiting of surface water run-off generated by a 1 in 100 flood event plus climate change (critical storm) in order that surface water run-off shall not exceed 76.85l/s and shall not increase the risk of flooding off site.

Reason: To secure a satisfactory and safe system of drainage and to prevent the risk of flooding, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

30 The development hereby approved shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory and safe system of drainage and to prevent pollution of the water environment, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1 The local planning authority worked positively and proactively with the applicant to identify various solutions during application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The local planning authority has therefore implemented the requirement in paragraph 38 of the National Planning Policy Framework.

2 The applicant's attention is drawn to the consultation correspondence from Cadent Gas, United Utilities and North West Electricity. All include some import advice notes regarding the proposed development, its implementation and operation. Copies have been provided.

3 Whilst the building to be remodelled has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the implementation of this permission, all work should cease immediately and a suitably licensed bat worker should be employed to assess how best to safeguard the bat(s). Natural England should also be informed.

4 The approved development includes the carrying out of works on/to the adopted highway. Planning permission is not permission to work on/to the adopted highway. Before any such work is undertaken, the applicant must enter into a highway agreement under Section 278 of the Highways Act 1980.

Date of decision: 8th April 2021



Head of Planning and Development
Rebecca Coley

Note: This permission refers only to that under the Town and Country Planning Act and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Please read notes provided

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) England (Order) 2015

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission and an enforcement notice has been served for the same or very similar development the time limit is:

- Within 28 days from the date of the local planning authority's decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- Within 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the normal appeal period).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

Notes continued overleaf

5. Town and Country Planning Act 1990

Disabled Persons Act 1981

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

- (a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.

C. APPENDIX C

TRAFFORD COUNCIL

Report to: Planning and Development Management Committee
Date: 9 September 2021
Report for: Decision
Report of: Head of Planning and Development

Report Title

Member Update:
Appeal by Lidl UK/Orchard Street Investment Management LLP
Homebase Ltd, Unit 1 George Richards Way, Broadheath, Altrincham, WA14
5GR
LPA ref. 98127/FUL/19
Appeal ref. APP/Q4245/W/21/3267048

Summary

This report provides an update to Members of the Planning and Development Management Committee in respect of the appeal by Lidl UK/Orchard Street Investment Management LLP following the refusal of planning application ref. 98127/FUL/19 in July 2020. The appeal site is the Homebase unit at Altrincham Retail Park, George Richards Way, Broadheath, Altrincham. The appeal is to be dealt with via a public inquiry.

The appellant has now requested to the appointed Inspector determining the appeal that the highways plans be substituted to reflect those approved under planning application ref. 103414/FUL/21 in April 2021. The Inspector has not yet confirmed whether the substitution of plans will be accepted and may not do so until the first day of the inquiry. However, if the plans were to be substituted, the Council would not seek to contest the appeal and no evidence would be submitted as the proposals would replicate a scheme already granted planning permission.

Subject to, and dependent on, a response from the appointed Inspector, this report seeks the Committee's authorisation to no longer contest the appeal should the plans be substituted. This recommendation takes into account the Committee's resolution in respect of the revised planning application (ref. 103414/FUL/21).

Recommendation

Subject to the appointed Inspector allowing the appeal to proceed on the basis of substituted plans (as accepted by the Council through the approval of planning application ref. 103414/FUL/21), that the Planning and Development Management Committee authorises officers to formally take the position at the forthcoming inquiry that the Council will no longer contest the appeal.

Contact person for access to background papers and further information:

Name: Bethany Brown
Extension: 0161 912 3215

POSITION STATEMENT

1. At its meeting of 16 July 2020 the Planning and Development Management Committee refused planning permission - in accordance with officers' recommendation - for application ref. 98127/FUL/19. This proposed the: *'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'*. There were two refusal reasons which referred to: 1. The sequential test (relating to main town centre uses); and 2. Highway safety.
2. On 18 February 2021 the Council received formal notification from the Planning Inspectorate of the lodging of an appeal against the Council's refusal of the application. It was confirmed that the appeal would be heard by way of a public inquiry.
3. On 8 February 2021 a revised full planning application for a similar form and description of development, and made by the same applicants, was submitted (ref. 103414/FUL/21). This application proposed a materially different vehicular egress from the site, and with additional supporting evidence on highways matters supplied. Whilst the local highway authority still did not fully support the egress proposals, the adjustments made and the information supplied substantively reduced their concerns to the extent that it was no longer considered that 'unacceptable' highway safety impacts would occur. A detailed officer report was prepared for the 8 April 2021 meeting of the Planning and Development Management Committee. This explained the material differences between the two applications (in terms of the design of the vehicular egress and the level of safety risk arising). It also set out the rationale for the officers' recommendation of approval despite the fact that the sequential test was again failed. This took into account the likely outcome of the application of the sequential test specific to this case and also the collection of scheme benefits arising, which was considered sufficient to outweigh the scheme's harms. The Planning and Development Management Committee approved the second application in accordance with the officers' recommendation.
4. On 19 May 2021 Tesco Stores Ltd submitted an application to the High Court for judicial review of this decision (103414/FUL/21). The Court refused permission on the papers for the judicial review to proceed. However, Tesco subsequently applied for a renewal hearing. This request was granted and it is due to take place on 13 October 2021.
5. In view of the outstanding judicial review, the appeal regarding the refusal of the first application remains in place. The inquiry is due to commence on 9 November 2021 and is scheduled for six days. As well as the Council and the joint appellants, three interest groups have been granted 'Rule 6 party' status. The decision on the merits of the proposed development will be made by the appointed Inspector.

6. The joint appellants have recently submitted to the Inspector a request for the appeal to proceed on the basis of substituted highway plans (subject to the necessary formal consultation). These plans are the same as the plans which the Planning and Development Management Committee saw and approved in April 2021. The effect of the plans substitution, if the request is accepted by the Inspector, is that the appeal scheme (ref. 98127/FUL/19) and the approved application (ref. 103414/FUL/21) would be the same.
7. A decision from the Inspector on whether the revised plans are accepted as substituted plans is awaited. Whilst this decision was due to take place on the first day of the inquiry, on instruction from Counsel appointed by the Council, officers have recently written to the Inspector to ask for this decision to be reviewed. This is in light of the significant resource implications for the Council since, if a decision is not made ahead of the preparation of proofs of evidence, officers would have to plan for both scenarios. Under the refused scheme, the Council would have to prepare proofs of evidence from three separate witnesses, including consultants acting as highways and retail witnesses.
8. Nonetheless, a decision will be made at some point between now and the inquiry's opening. The consequence of plan substitution for the Council's inquiry case is significant since it would no longer have an objection to the scheme (in accordance with the resolved position on application ref. 103414/FUL/21) and would not contest the appeal. In this situation, the Council would not prepare any evidence and would – in effect – withdraw from taking an active role in inquiry proceedings.
9. For the avoidance of doubt, should the Inspector not accept the revised highway plans, the Council will continue to object to the proposed development at the inquiry in accordance with the resolution of the Committee on application ref. 98127/FUL/19.
10. The judicial review process will continue separately.

RECOMMENDATION

11. Subject to the appointed Inspector allowing the appeal to proceed on the basis of substituted plans (as accepted by the Council through the approval of planning application ref. 103414/FUL/21), that the Planning and Development Management Committee authorises officers to formally take the position that the Council will no longer contest the appeal.

ADDITIONAL INFORMATION REPORT

Agenda Item 8 Urgent Business (b) - Member update: Appeal by Lidl UK/Orchard street investments Management LLP.

Since report publication matters have moved on and the appointed Inspector for the upcoming inquiry has now confirmed that she is minded to accept the substituted highways plans and that the appeal will now proceed on this basis. The Inspector confirmed this is subject to a number of conditions: a) that the appellants, with the support of the Council, undertake appropriate consultation on the revised plans; b) statements of common ground are progressed which clearly set out the Council's position; and c) that the Council and appellants be mindful that the Rule 6 parties may still want to raise general highway safety concerns and that questions may be asked on this basis.

With this in mind and following further advice from Counsel it is intended, if Members are minded to authorise the recommendation in the main report, that some evidence to the inquiry will be submitted in respect of highways and planning balance only (evidence on retail matters will not be given). This is in order to assist the Inspector and Rule 6 parties in understanding the Council's position in no longer contesting the appeal.

In respect to Paragraph 4 of the report, again matters have moved on since its publication and the renewal hearing has now been transferred from London to the Manchester administrative court. Consequently the date for the renewal hearing is now 7 December 2021, which will be after evidence has been given to the inquiry but may be before a decision is made by the Inspector.

A representation has been received from a planning consultant on behalf of Tesco Stores Ltd, who are the claimant in the judicial review proceedings against the 8 April 2021 grant of planning permission (ref. 103414/FUL/21) and a Rule 6 party at the inquiry. This has been sent to all Members.

The key points raised in this representation can be summarised as:

- Up until now the Council has sought to maintain its position on the refusal of the first application in July 2020 (ref. 98127/FUL/19);
- The recommendation put before Committee on 9 September 2021 relies upon the marginal but unproven reduction in harm arising from the revised highways egress to change the overall planning balance. That would seem wholly inappropriate;
- The Council's acceptance of the revised highways egress is dependent on additional traffic surveys which have not been carried out;
- Planning decision-making is a statutory process and decisions made should not lightly be put aside and should always have regard to evidence; and
- The change in position put forward by officers should not be authorised.

In responding to these points; the first application (98127/FUL/19) and the second application (103414/FUL/21) were materially different (as explained in the officer report regarding the second application) and different conclusions were reached. The representation has misunderstood the position of the Council in regard to the acceptability of the revised vehicular egress; additional traffic surveys would only be required if the Council was required to continue to defend its position regarding the potentially unacceptable highway safety impacts arising from the originally proposed egress (as proposed in 98127/FUL/19).

In respect of the planning balance, this is a matter of planning judgement for the decision maker. Members, in approving planning application 103414/FUL/21, determined that the planning balance did indeed weigh in favour of the application and that the materially different highways position was determinative when having regard to the totality of harms versus benefits. The representation suggests that this is 'wholly inappropriate' but it is a decision that Members have already made, in accordance with a reasoned and detailed officer justification, and which has already been found to be robust by the High Court (albeit this is subject to a renewal hearing).

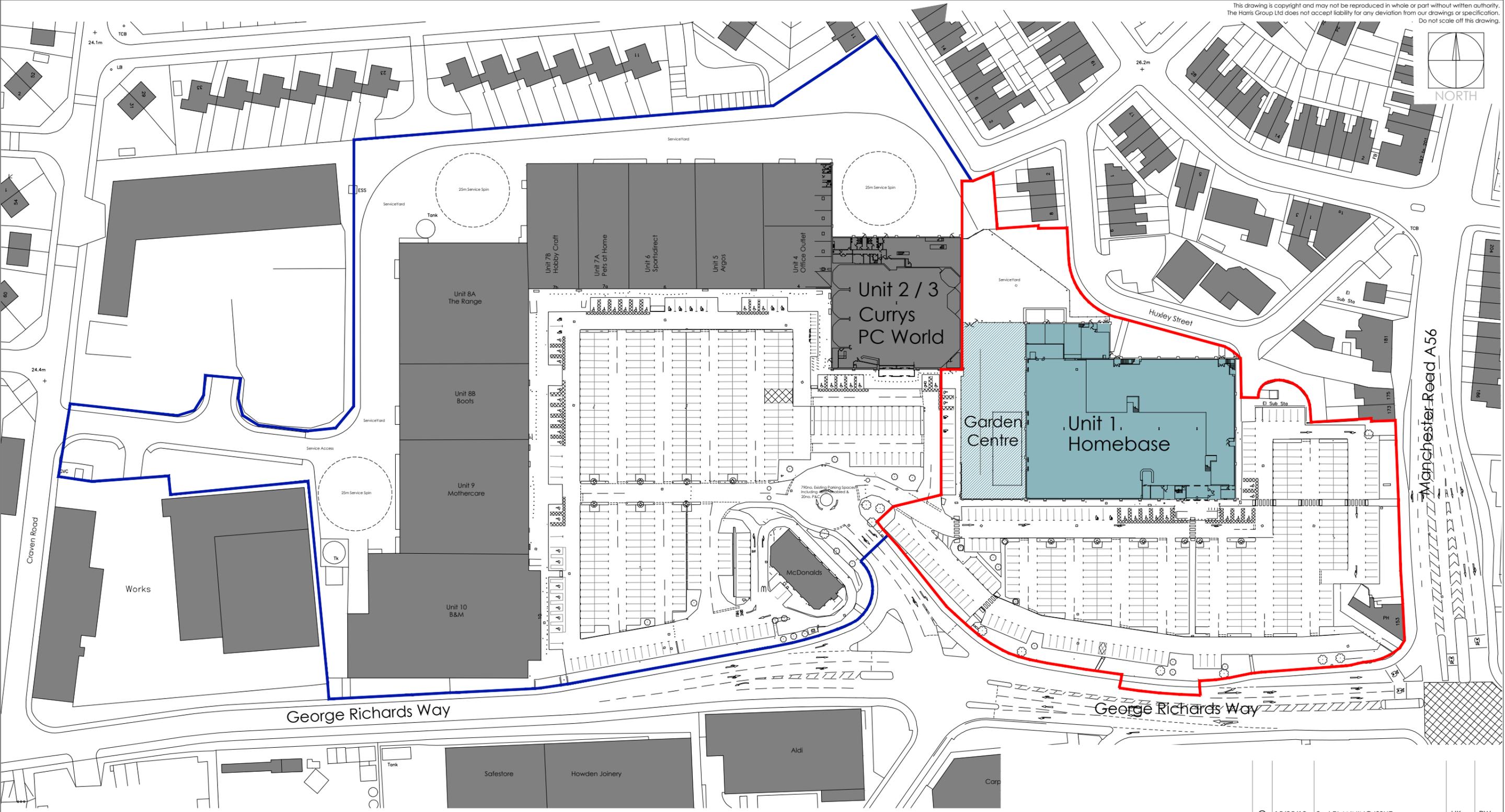
The representation refers to a 'change in position' by the Council which should not be authorised. This is not a change in position but rather is intended to ensure consistency; the authorisation being sought is for the Council's stance to reflect the position it took in approving application ref. 103414/FUL/21 since the two proposals are now the same.

A further representation has been received from Altrincham & Bowdon Civic Society, who are also a Rule 6 party at the inquiry. In summary this representation opposes the officers' recommendation on this item.

Recommendation

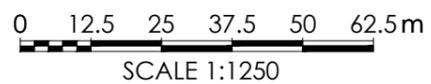
That the Planning and Development Management Committee authorises officers to formally take the position that the Council will no longer contest the appeal.

D. APPENDIX D



Note:
 Surrounding contextual buildings and information are based on received ordinance survey drawings, and are shown for illustrative purposes only. Assumed site boundary is subject to confirmation. All legal easements, and extent of existing underground services locations, are subject to confirmation.

 Application Boundary
 Estate Boundary



Rev	Date	Description	Rev By	Chk'd By
C	15/05/19	2nd PLANNING ISSUE	IJK	PW
B	26/04/19	PLANNING ISSUE	IJK	PW

Project Title	Proposed Refurb & Extension		
Client	Orchard Street Investment Management LLP		
Status	PLANNING		
Scale	1:1250	Drawing Size	A3
Date	12/18	Drawn By	IJK
		Checked	PRW

Drawing Title	Location Plan	
Job-Dwg No	14366-99	Rev C
<input checked="" type="checkbox"/> 2 St. Johns North, Wakefield, WF1 3QA t. 01924 291800 <input type="checkbox"/> Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555 <input type="checkbox"/> The Old Rectory, 79 High Street, Newport Pagnell, MK16 8AB t. 01908 211577 <input type="checkbox"/> 101 London Road, Reading, RG1 5BY t. 0118 9507700 <input type="checkbox"/> 10 Gees Court, St Christophers Place, London, W1U 1JJ t. 0207 4091215		

E. APPENDIX E

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.

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

APPLICANT: Lidl UK / Orchard Street Investment Management LLP

AGENT: Rapleys LLP / Montagu Evans

RECOMMENDATION: REFUSE

The application has been reported to the Planning and Development Management Committee since it is considered that the proposal raises a number of important issues which warrant consideration by the Planning and Development Management Committee.

SITE

The application site comprises part of the existing Altrincham Retail Park located in the Broadheath area of Altrincham. Specifically, the site relates to the existing Homebase unit (known as Unit 1) and its adjacent garden centre which is located at the eastern end of the retail park towards the A56 Manchester Road. The site also includes the surface-level car park which serves the unit (as well as serving other retailers). The existing building is of typical construction and appearance incorporating a large floorplate with a flat roof. Whilst principally single-storey the building also accommodates an internal mezzanine. The garden centre includes both covered and open elements, all enclosed by walling. The unit's service yard is positioned to the north.

The Altrincham Retail Park is accessed from George Richards Way, situated to the south, which leads from the route of the A56. Other retailers within the wider retail terrace include Argos, Boots and Currys, and there is a further area of communal car parking adjacent to these units. There is also a standalone drive-thru unit.

Adjoining the site to the north are terraced residential properties. There are further residential uses to the site's east on the opposite side of the A56, interspersed with

commercial units. 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.

PROPOSAL

The application, which is made in full, involves the extension, refurbishment and subdivision of the Homebase unit such that two Class A1 retail units would be created (known as Unit 1A and Unit 1). The discount food retailer, Lidl, would be introduced into Unit 1A whilst Homebase would move to Unit 1. A replacement garden centre for Homebase, with both covered and open areas, is proposed adjacent to Unit 1 towards the site's eastern edge.

The reconfigured Unit 1A (for Lidl) would provide a gross internal area (GIA) of 1,858 square metres and a net sales area of 1,272 square metres. The Homebase unit (Unit 1) would reduce in size from 5,016 square metres GIA to 3,612 square metres GIA. The floorspace of the relocated Homebase garden centre would reduce from 1,295 square metres GIA to 1,231 square metres GIA. The proposed floor plans for the Homebase unit show an area of mezzanine floorspace.

The submitted plans/drawings illustrate that the new built form would largely replicate the existing design approach in terms of building scale and height, external treatment and materials, and positioning.

Vehicular access to the retail units (for customers) would continue to be taken from George Richards Way and then via a mini-roundabout which forms part of the internal road layout of the retail park. However, a new vehicular (left-out) egress is proposed directly onto George Richards Way at a mid-point between the retail park entrance and the junction of George Richards Way with the A56. The design includes a new central reserve on George Richards Way, and the changes to the highway would be delivered via a Section 278 (Highways Act 1980) Agreement. Access for service traffic would continue from Craven Road to the west of the retail park and with the route continuing past the adjacent retail terrace. The proposed Lidl unit would utilise the service yard currently used by Homebase whilst a new dedicated service yard for the reconfigured Homebase would be provided adjacent to Huxley Street.

The proposal involves some reconfiguration of the car park to the front of the units, which would reduce the number of car parking spaces across the retail park as a whole. 696 would be retained, a net loss of 94 spaces, although within this the number of dedicated disabled and parent with child spaces would increase (by 4 and 8 spaces respectively). An existing pedestrian access from George Richards Way is proposed to be removed and with a replacement access provided a short distance to the west.

Value Added

Concerns have been raised on a number of issues regarding this proposal, including in relation to highway safety, town centre impact, residential amenity (specifically noise), impact on heritage assets, design, flood risk/drainage, and tree loss. The applicant has sought to address the concerns raised through amended/additional submissions. In some cases this further information has served to remove objections or to reduce the extent of concerns, but not in all instances.

DEVELOPMENT PLAN

For the purposes of this application the Development Plan in Trafford comprises:

- **The Trafford Core Strategy**, adopted 25 January 2012. The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council. It partially supersedes the Revised Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy;
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006. The majority of the policies contained in the revised Trafford UDP were saved in either September 2007 or December 2008 in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provided details as to how the Revised UDP is being replaced by the Trafford LDF; and
- **The Altrincham Town Centre Neighbourhood Business Plan**. This was made on 29 November 2017 and it since forms part of the Development Plan for Trafford. Its chief purpose is in relation to the determination of planning applications within the defined neighbourhood area.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W2 – Town Centres and Retail

R1 – Historic Environment

R3 – Green Infrastructure

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S11 – Development Outside Established Centres

PROPOSALS MAP NOTATION

Retail Warehouse Park Development

SUPPLEMENTARY PLANNING GUIDANCE

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPG24 – Crime and Security

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) is a joint Development Plan Document being produced by each of the ten Greater Manchester districts. Once adopted it will be the overarching development plan for all ten districts, setting the framework for individual district local plans. The first consultation draft of the GMSF was published on 31 October 2016, and following a redraft a further period of consultation commenced on 21 January 2019. The weight to be given to the GMSF as a material consideration will normally be limited given that it is currently at an early stage of the adoption process. Where it is considered that a different approach should be taken, this will be specifically identified in the report. If the GMSF is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

H/OUT/38342 – 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 new access road.

Approved, 07.10.94

H/ARM/39892 – 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 new access road (details of siting and means of access)

Approved, 04.01.95

H/ARM/39994 – Submission of reserved matters (siting and means of access) for demolition of existing buildings and structures and 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 spaces. Employment development and construction of new access road
Approved, 16.11.94

H/OUT/39995 – Demolition of existing buildings and structures and erection of extension to retail warehouse park approved in outline under ref. H38342 comprising non-food retail unit (39,400 sq ft)
Approved, 15.02.95

H40410 – Variation of condition attached to reserved matters approval ref. 39892 in order to permit outside storage to take place within garden centre
Approved, 29.03.95

H/ARM/41090 – 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 and servicing facilities following demolition of existing buildings (details of siting, means of access, design and external appearance following the grant of outline permission refs. H38342 and H39995
Approved, 30.08.95

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, 26.07.19

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

Planning and Retail Statement
Design and Access Statement
Heritage Statement
Transport Assessment
Framework Travel Plan
Noise Assessment
Flood Risk Assessment
Drainage Strategy
Arboricultural Impact Assessment
Crime Impact Statement
Geo-environment Assessment
Air Quality Assessment

Preliminary Bat Roost Assessment
Lighting Report

Updated documentation on some of these matters has also been supplied in response to concerns raised.

CONSULTATIONS

Altrincham Town Centre Business Forum – No response received

Cadent Gas – No objection, subject to informative (to advise the applicant of the presence of apparatus)

Electricity North West – No response received

Environment Agency – No response received

Greater Manchester Archaeological Advisory Service – No objection

Greater Manchester Ecology Unit – No objection, subject to condition/informative (to ensure that works cease if bats were to be found, no works to trees during bird nesting season, and to request replacement bird and insect boxes)

Greater Manchester Police Design for Security – No objection, subject to condition (to ensure the development is implemented in accordance with the submitted Crime Impact Statement)

Trafford Council Heritage Development Officer – Objection raised on the grounds that harm to a designated heritage asset would be caused.

Trafford Council Lead Local Flood Authority – No objection, subject to condition (to ensure compliance with the revised Flood Risk Assessment/Preliminary Drainage Strategy)

Trafford Council Local Highway Authority – Objection raised on the grounds of the impact to highway safety brought about by the proposed new egress

Trafford Council Pollution and Licensing (Air Quality) – No objection, subject to condition (to request the provision of electric vehicle charging infrastructure)

Trafford Council Pollution and Licensing (Contaminated Land) – No objection, subject to condition (to request a site investigation and risk assessment, and subsequent verification report)

Trafford Council Pollution and Licensing (Nuisance) – No objection, subject to condition (to limit the hours of stores opening and delivery, to request a Construction Environmental Management Plan, to request a Delivery and Service Management Plan,

to ensure that the proposed noise mitigation measures are implemented, to ensure that external lighting is installed in accordance with the lighting report, and to limit the noise level from fixed plant)

Trafford Council Tree Officer – No objection, subject to condition (to ensure the implementation of details specified in the landscaping plan and to secure subsequent landscape management)

Trafford Council Waste Management – Response awaited

Transport for Greater Manchester – Support the LHA in its objection to the application

United Utilities – No objection, subject to condition/informative (to request a surface water drainage scheme, to ensure the provision of separate systems for foul and surface water, and to advise of the existence of water mains)

REPRESENTATIONS

There have been two main rounds of neighbour notification to account for the submission of amended information.

FIRST STAGE (RESIDENTS)

In Support

Four letters of support have been received. The key issues raised can be summarised as:

- Lidl offers a good range of food at low prices;
- The provision of a store in Altrincham would save trips to the Lidl at Stretford;
- There is a need for this brand of discount foodstore in this area; and
- This development would act as competition to other nearby supermarkets.

However, at the same time, one of the letters of support also objects to the loss of an existing pedestrian access between the retail park and Huxley Street.

In Objection

Eight letters of objection have been received from local residents. The key issues raised can be summarised as:

- The plans indicate that areas of landscaping within the retail park would be removed, including planting at Huxley Street;
- Existing landscaping is important in mitigating noise impacts from deliveries;
- Wildlife habitat would be destroyed;
- The proposed service yard is close to residential properties and would cause excessive noise;

- The existing Homebase received deliveries during the day; Lidl is proposing 24 hour deliveries which is unacceptable;
- There are queues of traffic caused by people trying to enter the retail park, especially at weekends, and this proposal would make it worse;
- The retail park causes backlogs of traffic along the A56 on both sides;
- The roads surrounding the retail park are already in poor condition due to the levels of traffic;
- Leaving the retail park via the existing mini-roundabout is already extremely difficult since the priority system does not favour the Homebase side;
- Existing drainage systems in the area could be damaged;
- Parking on residential streets may occur since customers may avoid entering the retail park;
- Customers may take short cuts down Sinderland Road;
- If the building were to be extended upwards then it would block light to houses and gardens;
- Lighting from the proposed development would be disruptive to residents;
- The construction process would bring heavy lorries, dust and noise;
- There is no need for another foodstore in this area;
- There are Aldi, Asda and Waitrose stores nearby which already cover the full spectrum;
- The Sainsburys and Tesco stores in Altrincham and Sale are also easily accessible by car;
- It would be more appropriate for Lidl to occupy the vacated Aldi store, or other empty units at the retail park;
- There are vacant shops in Altrincham town centre that Lidl could make use of;
- The proposal would cause air pollution;
- This is a prominent site which should not be occupied by a low quality store;
- Trolleys already get dumped in the area;
- The link behind the proposed store to Huxley Street should have consideration for pedestrian safety;
- The change from Homebase to Lidl would bring about a significant uplift in activity; and
- Vehicles and property along Huxley Street are already damaged by lorries delivering to existing businesses;

Neutral

A further letter of representation has been received which neither supports nor objects to the application but which seeks assurance regarding:

- Delivery vehicles avoiding Sinderland Road; and
- Deliveries not taking place before 0730 hours.

SECOND STAGE (RESIDENTS)

In Objection

Five letters of objection have been received from local residents. The key issues raised can be summarised as:

- The amended servicing hours would still result in later deliveries than at present, and this would disturb residents;
- Delivery vehicles would cause air pollution and excess vibration in the vicinity of the service yard;
- The introduction of cycle lanes to the A56, plus the development traffic, would bring the road to a grinding halt;
- The proposed development would create traffic congestion at a number of pinch points on the local highway network;
- There should be no store entrances to the rear;
- The roof of the development should not be any higher than the existing building;
- Smells from the store bakery would be unpleasant; and
- The cut-through to the retail park from Huxley Street would be removed.

FIRST STAGE (COMMERCIAL)

In Objection

In addition, three further letters of objection have been received from other retailers, as follows:

- From B&M Retail Ltd which occupies an existing unit at Altrincham Retail Park, and the key issues raised can be summarised as:
 - The creation of a supermarket in this part of the retail park would lead to further pressure on the already overloaded car park and access roads;
 - The surrounding road congestion is already a deterrent to shoppers on weekends and other peak commuting periods; and
 - The proposed Lidl would draw grocery spend and shoppers away from the town centre.
- From Aldi Stores Ltd which currently trades from a unit on the opposite side of George Richards Way and which has planning permission to move to an extended unit within the Atlantic Street Retail Park (with construction underway), and the key issues raised can be summarised as:
 - The planning application fails to demonstrate compliance with the sequential test which supports retail development in town centres first;
 - The submitted retail impact assessment cannot be relied upon; and
 - There are concerns that the proposed development would adversely impact upon planned investment within a defined centre.
- From Asda Stores Ltd and with Asda's Altrincham store a short distance away on George Richards Way, and the key issues raised can be summarised as:
 - The proposed development does not meet the sequential test;
 - The Lidl would compete with other supermarkets that cater for main food shopping needs, including in Altrincham and Sale town centres;

- The submitted noise assessment fails to consider the effects of delivery noise for residents;
- The proposed design is unacceptable for this prominent site;
- Several assumptions within the submitted Transport Assessment have not been justified, in particular regarding trip distribution;
- In addition, further operational assessments should be undertaken, including to consider a future year assessment;
- The proposed new vehicular egress onto George Richards Way gives rise to road safety concerns; and
- Further consideration should be given to the impact of the loss of 94 car parking spaces.

SECOND STAGE (COMMERCIAL)

In Objection

Following the submission of updated information regarding the sequential test and retail impact, as well as a revised noise assessment, further letters of objection have been submitted from Aldi Stores Ltd and Asda Stores Ltd which maintain their objection. In summary, these state:

- The proposal still fails the sequential test;
- The development could give rise to a significant adverse impact on in-centre investment; and
- The details of noise mitigation measures have not been provided.

OBSERVATIONS

The Decision-taking Framework

1. Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.

2. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3. Where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted, paragraph 12 of the NPPF explains.

4. The Council's Core Strategy was adopted in January 2012, two months prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly consistent with much of the policy in the new 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.

5. When having regard to the nature of this proposal and its key considerations, development plan policies concerning retail matters (Policy W2), highways impact (Policy L4), and heritage impact (Policy R1) have been central to its assessment. However, policies L4 and R1 in particular have been formally recognised as not being wholly consistent with NPPF guidance, specifically in relation to the key tests to be applied. In both cases, it has become standard practice to revert to the test in the NPPF, in treating it as a material consideration. Indeed, in representing up-to-date government planning policy, in instances where there is conflict between a development plan and the NPPF, greater weight should be given to the NPPF. The policy tests (for L4 and R1) themselves are explained in more detail in the relevant sections of this report, and likewise in respect of the weight to be afforded to the respective development plan policy. However, whilst both inconsistent with the NPPF *and* material to this proposal's assessment, it is concluded that these are not 'most important policies' which are 'out-of-date' in the manner envisaged by paragraph 11d of the NPPF. This is when taking account of the fact that policies L4 and R1 still contain policy requirements which are NPPF-compliant.

6. Thus, paragraph 11c and paragraph 12 provide the decision-taking framework for this application.

7. Whether other Core Strategy policies that are of relevance in determining this application are consistent with the NPPF is identified in each of the relevant sections of this report (and, subsequently, the appropriate weight to be applied).

The Principle of the Development

8. The NPPF, as supplemented by the NPPG, is clear that local planning authorities should adopt a 'town centre first' approach when assessing applications for 'main town centre uses'. This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and viability. Main town centre uses' are defined in the glossary

to the NPPF as: 'Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development.' Proposals for such uses which are not in an existing centre and not in accordance with an up-to-date development plan should be subject to two key tests: 1. the sequential test; and – where the amount of floorspace proposed is over 2,500 square metres gross or a locally set floorspace threshold – 2. the impact test.

9. With reference to the Proposals Map accompanying the statutory development plan, the application 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. This states that further development within Trafford's out-of-centre retail parks should be limited to the sale of bulky comparison goods (non-food) only. For the avoidance of doubt, 'bulky goods retail' traditionally refers to the merchandising of cumbersome items from large warehouse-style buildings in environments which are conducive to immediate transportation by car. Planning conditions are typically used to restrict the type of goods to be sold from such locations, and to prevent subdivision of the units. It has been concluded that Policy W2 is consistent with the NPPF and thus can be applied full weight for the purposes of decision-taking.

10. In general terms, it is considered that the existing Homebase unit and garden centre is consistent with this retail park allocation, and a re-positioned DIY store with garden centre would be the same. Such a conclusion cannot be reached, however, in respect of the proposed new foodstore. That being the case, it is accepted that the Proposals Map position is somewhat out-of-date. The function of the two retail parks in this part of Altrincham has evolved in recent years in reflecting wider changes within the retail warehouse sector. Thus, their use is already more diverse than that anticipated by Policy W2 (in including some more traditional 'high street' Class A1 retail (non-food units) together with some Class D2 leisure uses (including a gym and a ten pin bowling centre at the Atlantic Street Retail Park). In addition, planning permission has been granted for a new discount foodstore on the site of the former B&Q at Atlantic Street, which is currently being implemented. Granted to Aldi Stores Ltd in June 2019 (ref. 96088/FUL/18), this would replace the existing Aldi unit a short distance away at Davenport Lane and would provide a larger store and car park.

11. The 'out-of-centre' location of Altrincham Retail Park contrasts with the identification, by Policy W2, of Altrincham as the Borough's 'Principal Town Centre', and of Sale, Stretford and Urmston as 'Other Town Centres.' District Centres and Local Centres are also referred to. Outside of these identified centres, Policy W2 explains that: 'there will be a presumption against the development of retail...and other town centre-type uses except where it can be

demonstrated that they satisfy the tests outlined in current Government Guidance.’ These are the tests of ‘sequential’ and ‘impact’ as referred to in paragraph 8 of this report.

12. At this stage some reference is also given to Policy S11 of the Revised Trafford Unitary Development Plan, which precedes Policy W2. This remains saved in the absence of an adopted Trafford Land Allocations Development Plan Document. When dealing with proposals for retail development not on land within town and district centres, Policy S11 confirms the requirement for a sequential approach to site selection to be adopted. The policy is also clear that the applicant will be required to demonstrate by means of an impact study that such development would not have a serious adverse effect on the vitality and viability of any town or district centre in Trafford.

13. With this in mind, therefore, the applicant has submitted a retail assessment which seeks to address the policy tests for out-of-centre retail development. The Council’s independent retail planning consultant has been appointed to audit the assessment, and there have been a number of rounds of discussions in an attempt to resolve concerns. To reiterate, objections have been received on behalf of two other foodstore operators with stores in the area (Aldi and Asda) and with their respective consultants contending that these policy tests have not been fulfilled.

The Sequential Test

14. Current government policy in relation to the sequential test is set out in paragraphs 86 and 87 of the NPPF, which requires its application in relation to all proposals for ‘main town centre uses’ that are neither in an existing centre, nor in accordance with an up-to-date plan. Paragraph 86 requires that: ‘Main town centres 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’ (emphasis added). In considering edge and out-of-centre proposals, paragraph 87 continues that ‘...preference should be given to accessible sites that are well-connected to the town centre’.

15. The advice received from retail consultants on the Council’s behalf has addressed the issue of ‘disaggregation’ as it is applied in relation to the sequential test (i.e. whether the constituent elements of a proposal can be sub-divided for the purpose of considering alternative sequentially preferable sites). In this situation, disaggregation would involve separating the proposed Lidl foodstore from the reconfigured DIY use. This matter is not specifically dealt with within the NPPF and it is recognised that there is no default planning policy requirement to disaggregate when undertaking the sequential test. However, whether disaggregation is appropriate is ultimately a matter of planning judgement that can be exercised depending on the circumstances *as they apply*

to each case. Accordingly, it has been concluded that it is appropriate in this instance to consider the application proposal on the basis of whether the proposed Lidl foodstore in isolation could be accommodated on a sequentially superior site. It is notable that this is how the applicant's original assessment approached its consideration of sequential alternative sites, identifying that it is representative of a 'robust' approach. However, a reworked assessment has subsequently sought to argue that the proposed development should be treated as a whole. However, the applicant has not provided any persuasive evidence to support its revised position that the downsized Homebase and the new Lidl are commercially and/or functionally dependent, and that the only means of achieving the downsizing of the DIY store would be through the occupation of an additional adjacent unit by a discount foodstore operator. For the avoidance of doubt, in the event that it was concluded that disaggregation should not be applied to the circumstances of this case, it is accepted that there are no available or suitable sites in sequentially preferable locations to accommodate the proposal in its entirety. However, in the judgment of officers, disaggregation is appropriate in this case for the reasons set out above, and the sequential assessment should therefore consider whether there are any available or suitable sequentially preferable sites to accommodate the Lidl store.

16. There is agreement that the area of search for sequential alternatives sites should encompass Altrincham town centre, and only one potential site has been put forward for consideration. This comprises land bounded by Oakfield Road, Thomas Street and Altrincham Interchange (commonly referred to as the 'Altair site'). The Council accepts that there are no other sites which merit consideration as part of the sequential test. This includes sites within the Altrincham Town Centre Neighbourhood Business Plan which can be discounted on the basis of unsuitability for a retail development of the proposed scale, and similarly in respect of sites that the Council has recently acquired with a view to redevelopment and reuse (the Grafton Centre and the Stamford Quarter). In addition, whilst it is noted that there are some relatively large units that are currently available in Altrincham town centre, it is accepted that none are suitable to accommodate a foodstore proposal of this nature, which generally require some dedicated car parking.

17. The extant planning permission for Altair does not include provision for a foodstore (with reference to outline permission ref 86661/VAR/15 and reserved matters permission ref. 86755/RES/15). However, the applicant has confirmed that a contract has been signed between Lidl and Nikal (the Altair developer) for a discount foodstore to be provided as part of an amended future proposal. This agreement of terms between Lidl and Nikal gives an indication that the site is able, in principle, to accommodate a discount foodstore.

18. Paragraph 86 of the NPPF requires sequential alternative sites to be available or expected to become available within a reasonable period. The applicant's position is that the Altair site is not available now and it cannot be so

in a reasonable timeframe. The applicant states that the Altair site is complex and any revised proposals would take three to four years before they reached implementation stage, it is stated. In response, it is of course recognised that the Altair site cannot immediately provide for the proposed use, albeit Nikal has clearly made it available to accommodate a foodstore development as part of a wider scheme.

19. In considering what a 'reasonable period' may be for the purpose of the sequential test, the last guidance was provided by a Government publication from 2009 (Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach) and which was superseded in March 2014. Given its date and status, it has not been directly relied upon but nonetheless it is a helpful reference point. This indicated that whether it is appropriate to assess availability over three to five years or a longer timeframe largely depended on local circumstances. It also acknowledged that major town centre schemes could take between 10 to 15 years to deliver. The timeframe for the availability of alternative sequential sites has also, more recently, been debated as part of notable planning decisions. These have also recognised that out-of-centre locations are likely to be more straightforward, and quicker, to develop than many in-centre sites.

20. It is the officers' judgement that the three to four year period suggested by the applicant for the provision of a foodstore at Altair is reflective of a reasonable timeframe. The applicant's latest statement provides a breakdown of the expected programme, which accounts for a six month period to prepare a planning application, a further six months (minimum) for the submission and determination of the application, three to six months to discharge pre-commencement planning conditions, a similar period for the appointment of contractors, and an eighteen month to two year construction process. In response, it is considered that this proposed programme for the delivery of Altair simply accounts for basic requirements necessary to bring forward a development. In providing some guidance on what might be a reasonable period, the NPPG is clear that the scale and complexity of a proposed scheme should be given due consideration, but the applicant's timetable does not indicate anything particularly onerous or complicated in the delivery of a revised Altair. To rule out sites simply on the basis that they need to go through the planning process runs the risk of available sequential alternative sites being limited to those that are already under construction or *currently* available.

21. In addition, it is not considered that there are particular circumstances – either relating to the general grocery provision in Altrincham (which is already well-provided for) or to the current Covid-19 pandemic - which mean that the 'reasonable period' within which sequentially preferable sites should become available should be truncated for the purpose of this application. As a consequence, it is concluded that the Altair site is *available* within a reasonable period, as envisaged by the NPPF, to accommodate the application proposal.

22. The applicant has confirmed that planning permission will be sought for an amended Altair scheme which will incorporate a 'metropolitan format' discount foodstore as an integral element of the overall development. It is understood that this would include a shared below-ground car park, which suggests that the store would cater for some car-borne custom. Metropolitan model foodstores are typically progressed where there is insufficient land to provide a traditional store with surface car parking, it is understood.

23. The applicant's position is that the Altair site cannot be deemed suitable for the type of development proposed at Broadheath, even when applying flexibility on issues such as format and scale as required by the NPPF. However, the necessary evidence to support this position has not been provided, despite numerous requests. For example, the exact floorspace of the Altair foodstore has not been disclosed, and nor the expected car parking provision to serve it. Nor has the applicant indicated what could be delivered on site in respect of floorspace, or car parking, or why this would be unsuitable. The applicant has indicated that the Altair foodstore development is constrained by the terms of the contract with Nikal, but it has not been prepared to share this contract or to at least confirm the important detail within it.

24. In the absence of this evidence, it is not possible to conclude that the Altair site cannot accommodate a foodstore of a comparable scale and nature to the application proposal and with a similar range and type of goods. The pursuit of a metropolitan model at Altair is indicative of operators being able to be flexible in respect of store format in order to secure representation on more challenging and constrained central sites, the Council's retail consultant has advised. As such, this advice also identifies Altair as a *suitable* site on the basis of it being able to accommodate a metropolitan model discount foodstore with underground car parking. This is considered consistent with the NPPF requirement at paragraph 87 for applicants to '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.'

25. In demonstrating compliance with the sequential test, the NPPG is clear that the burden rests with the applicant. On the subject of suitability, the applicant has not been able to substantiate its claims that the more central location of Altair cannot accommodate a foodstore development that would be comparable to what the application proposal would provide.

26. Therefore, in concluding on the sequential test, available evidence indicates that a more centrally located site is *available*, and also potentially *suitable*, to accommodate the foodstore element of the application proposal. On the matter of suitability, the necessary evidence to enable the applicant's standpoint to be accepted is presently lacking. As a result, it has not been demonstrated that the application meets the requirements of the NPPF

sequential test at paragraph 86. It is also contrary to Policy W2 and Policy S11 on that basis.

27. Finally, it is noted that the applicant has sought to provide assurance that Lidl is contractually obliged and committed to bringing forward both the Altair and Broadheath schemes. However, even where there is commitment to develop both sites, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site.

The Impact Test

28. The NPPF's paragraph 89 sets out the impact test for applications for retail and leisure development that are located outside town centres and which are not in accordance with an up-to-date development plan. It requires applications for such development, which are over 2,500 square metres (or a locally set threshold), to include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

29. This Council does not presently have a local impact testing threshold, and it is acknowledged that the floorspace proposed falls below the 2,500 square metre figure in the NPPF. However, the applicant has chosen to submit a retail impact assessment, and therefore it is incumbent on officers to examine its robustness. Furthermore, the potential for the development to impact upon town centre health has been raised as a concern by objectors, and Policy S11 requires an impact assessment irrespective of floorspace. Therefore, the matter of impact is considered of relevance to the application proposal.

30. Commentary and conclusions regarding the first strand of the impact test – the impact on investment test – are presented first, followed by coverage of the second impact on vitality and viability test. To reiterate, paragraph 90 of the NPPF confirms that: 'Where an application...is likely to have a significant adverse impact on one or more of the considerations [in paragraph 89] it should be refused.'

31. In so far as the investment impact test is concerned, additional advice in the NPPG is limited to identifying three considerations, namely:

- The policy status of the investment;
- The progress made towards securing the investment; and
- The extent to which an application is likely to undermine planned

investment based on the effect on forecast turnover, operator demand and investor confidence.

32. Altair is identified in the Core Strategy (Policy W2) and also the Altrincham Town Centre Neighbourhood Business Plan. There is no doubt that the Altair development has suffered from a series of hold ups, with the original planning permission for a mixed-use development dating back to 2008 (ref. H/OUT/68603). However, some preparatory works have recently been undertaken on site associated with the implementation of Phase 1. Lidl has informed the Council that it is contractually committed to a revised Altair development for a subsequent phase. It is considered that the Altair development comprises 'planned investment' for the purpose of the NPPF test.

33. It is fully appreciated that Altair is a very significant and much delayed scheme. Whilst the Covid-19 pandemic is resulting in challenging economic conditions, there is no evidence to suggest that the grant of this planning permission to enable Lidl to operate from Altrincham Retail Park would in itself prejudice the delivery of Altair. Significantly, it is noted that those behind the Altair planning investment (Nikal) have not expressed any concerns, and the contractual obligations between the applicant and Nikal support this position.

34. It is known that there are currently other proposed investments being considered in Altrincham town centre. This includes the Council's aspirations to bring forward the redevelopment of the Grafton Centre in conjunction with a joint venture partner, and the Council's acquisition (with Bruntwood as joint venture partners) of the Stamford Quarter with a view to improving its offer. However, in both cases at this stage the Council's investment plans are rather embryonic, and it is not considered that they constitute 'planned investment' of the form that the NPPF seeks to protect. Moreover, it is understood that any early stage visions for both the Grafton Centre and the Stamford Quarter do not support the inclusion of a discount foodstore of the type proposed.

35. As such, it is considered that there is no case for a 'significant adverse impact' on town centre investment to be demonstrated. It is therefore concluded that the application proposal accords with the requirements of the first strand of the NPPF impact test.

36. In turning to the second strand, an assessment of impact on the vitality and viability of town centres is typically based around a quantitative retail impact exercise. The NPPG provides further advice regarding how the impact on vitality and viability test should be applied. It states that it is for the applicant to demonstrate compliance with the impact test, and that the test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.

37. It should be commented that it is accepted that the comparison goods (or

non-food) floorspace associated with the proposed development is limited and that much of the expenditure attracted to this element of the proposal would be spent at other out-of-centre destinations in the immediate area (including at other units within the retail park). As such, it is concluded that any impacts arising from the comparison goods component on defined centres would not be material to the application of the impact on vitality and viability test. It follows that the applicant's approach to assessing the impact of convenience goods (food) has been the focus of examination.

38. The applicant's first attempt at assessing (convenience goods) quantitative impact was considered to be fundamentally flawed. An amended assessment was subsequently submitted which now correctly draws upon the Trafford Retail and Leisure Study of 2019 which provides an up-to-date baseline position, including regarding foodstore performance, convenience goods shopping behaviour and town centre health. The applicant's assessment sets out a series of updated inputs and assumptions which underpin its approach to retail impact, and it also provides a series of retail impact tables. Some of these assumptions have been concluded to be reasonable and robust, including regarding the definition of an appropriate catchment area and assessment period. However, queries have continued to be raised in respect of other aspects of the approach employed. This includes the failure to properly factor in the effects of existing retail commitments, and assigning greater levels of trade diversion from stores further afield (in Sale, for example) than is likely to occur in practice.

39. The retail consultant appointment on the Council's behalf has therefore provided its own updated assessment which makes its own adjustments. In this scenario it is concluded that the largest proportions of the Lidl convenience goods turnover would be diverted from the adjacent Aldi store and then also the Asda at George Richards Way. It is notable that both of these stores occupy out-of-centre locations, akin to the application site, and thus are afforded no policy protection. The resulting cumulative impact on the convenience goods turnover of operators within and adjacent to Altrincham town centre (namely the Sainsburys and Tesco stores), even when applying a worst case scenario through the consultant's sensitivity test, has been found to be relatively modest, equating to around a 4% impact when aggregated. As confirmed by the Trafford Retail and Leisure Study 2019, both the Sainsburys and Tesco stores have very substantial turnovers and would, it is considered, remain viable subsequent to the implementation of the Lidl proposal (in addition to the new Aldi in treating this as a retail commitment). The trade diversion from other foodstores (including Iceland) in Altrincham town centre would be more limited, and significantly no representations have been submitted which would indicate that any town centre retailers may close.

40. The NPPG sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that

'...a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances' and that '...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact'.

41. Altrincham town centre's health has been varied in recent years. Up until relatively recently it was the subject of an exceptionally high vacancy rate and had lost a clear role and function. However, it has been reinvigorated in recent years as a consequence of public and private investment. The new Altrincham Market Hall, and the unique food and beverage offer that has developed around it, as had the most transformative effect, along with wider public realm improvements. As a consequence, the Trafford Retail and Leisure Study 2019 finds the town centre to be 'highly vital and viable.'

42. Notwithstanding this, Altrincham town centre is still susceptible to wider market pressures, with the Debenhams store closing in January 2020. The long-term future of the Rackhams unit has also been uncertain. There is also concern about the general impact of the COVID-19 pandemic on all town centres, and there is the prospect of a recession impacting on future economic growth. However, the current challenging market conditions are likely to be of greatest consequence to the comparison goods and leisure sectors, and it is considered that the convenience goods function of the town centre is more resilient and less susceptible to such pressures.

43. As a result, whilst it is recognised that Altrincham town centre's vitality and viability is more precarious than it was envisaged a few months ago, it is not considered that the impacts arising from the Lidl foodstore proposal would materially impact on the trading position of its grocery operators, and thus its vitality and viability would not be undermined in a way which could be assigned to the Lidl proposal. As a consequence, it is concluded that the proposal also complies with the requirements of the second strand of the NPPF impact test regarding vitality and viability. It is also compliant with Policy W2 and Policy S11 in this respect.

Conclusions on the Principle of the Development

44. It has been outlined that there are two key tests in the NPPF which apply to an application of this nature: the sequential test; and the impact test, with the latter split into two parts and summarised as: impact on investment; and impact on town centre vitality and viability. The conclusion of officers, as supported by the appointed consultant, is that there is unlikely to be a 'significant adverse impact' on any town centre within Trafford as a result of the application proposal. However, in turning to the sequential test, the requirements of this test have not been met. This is because it has not been adequately demonstrated by the applicant that Altair is not an *available* and *suitable* sequentially preferable site for the proposed foodstore development. Claims regarding unsuitability have

not been fully evidenced. A reason to refuse the application under paragraph 90 of the NPPF is therefore triggered. In failing to meet this NPPF test, the proposal also contravenes the provisions of Policy W2 and Policy S11 in so far as they relate to the sequential test.

Highways Matters

45. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives. Accordingly, it advises that planning decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development proposals that generate significant amounts of movement should be supported by a Transport Statement/Transport Assessment, it continues. However, development should only be prevented or refused on transport grounds if there would be an 'unacceptable impact on highway safety', or 'the residual cumulative impacts on the road network would be severe', it advises (paragraph 109). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 (on the issue of traffic impact) is considered to be out-of-date for the purposes of decision-taking. However, as will be explained in the following paragraphs, it is the issue of highway safety (rather than traffic impact) which has been the focus of concerns (when having regard to the applicant's vehicular access proposals).

46. The highway implications of the proposed development have been carefully considered by the local highway authority (LHA) and with Transport for Greater Manchester (TfGM) also providing an important advisory role. This review has covered the applicant's initial Transport Assessment (TA) and then there has been a series of subsequent highways notes and Road Safety Audits.

47. A single access (for customers) currently serves the retail park, situated off George Richards Way and which is signalled controlled. It leads to a mini-roundabout. Whilst the proposal involves the utilisation of this existing access for entering the retail park, a new point of egress is proposed in this application off George Richards Way. This would provide a 'left-turn only' option which would lead vehicles towards the A56. It would be positioned between the existing retail park access and the George Richards Way/A56 junction. To the east of the egress a new pedestrian access is proposed to provide a connection from the car park to the George Richards Way footway. The works would also involve a new central reserve and a change in kerb alignment. The egress would not be signalled controlled; rather, the TA explains that, during the

inter-peak, exiting customers would join George Richards Way when gaps in traffic appear, whilst they would merge with traffic during peak periods when queues would build up beyond the proposed egress.

48. From the outset objections have been raised by both the LHA and TfGM regarding the principle of this egress. Whilst the applicant has sought to rely upon an outstanding unimplemented permission for a new access onto George Richards Way from the retail park further west to support their case, the circumstances and location of that access have been found to be very different. A key concern in respect of the present proposal is the nearness to the A56 major junction; a distance of only some 80 metres. The proposed egress would be in proximity to the existing George Richards Way left turn lane to the A56 and in the weaving length of vehicles changing lanes to exit George Richards Way and travel onwards. The consultees have raised the very real prospect of vehicle conflict occurring with drivers attempting to exit the retail park via the proposed egress when it is unsafe to do so and at a time when other drivers are preparing to change lanes on approach to the A56. These concerns have led the LHA and TfGM to both conclude that the proposed new egress is likely to have an 'unacceptable impact on highway safety', in reflecting the terminology of the NPPF.

49. Notwithstanding these 'in principle' objections, efforts have been made to work with the applicant to explore potential solutions. Some additional information has been provided which has been welcomed. This has included a Road Safety Audit (RSA), tracking diagrams, and some adjustments to the junction design and central reserve. However, other requested evidence to support the applicant's contrary position - that the LHA/TfGM concerns are unjustified - has not been provided. Recent requests include further site surveys to determine the level and position of lane changing in advance of the signals at the A56, and traffic modelling to determine the extent of gaps in traffic flow. The information has not been forthcoming, however. Other outstanding requests cover further vehicle tracking, an improved RSA, and an analysis of collision data. It is unfortunate that the applicant has been unwilling to fully cooperate in the face of concerns regarding highway safety and have instead requested determination of the application on the basis of the present submission and at a time when issues remain unresolved. However, the LHA's position is that the requests being made are wholly reasonable in this instance and when there are genuine and acute safety concerns; officers agree that the matter needs full and proper interrogation.

50. Accordingly, in coming to a conclusion regarding the present submission, the LHA and TfGM maintain their position that the introduction of the new egress onto George Richards Way would introduce new conflict between vehicular traffic; this would present a risk to highway users and it has not been adequately evidenced by the applicant that this risk would not be 'unacceptable'.

51. Notwithstanding this conclusion, for purposes unrelated to addressing the highways concerns, the LHA is aware that an amended proposed site layout plan has recently been submitted. This appears to introduce some further adjustments in the design of the proposed egress, including works that would be required within the George Richards Way carriageway as part of a subsequent Section 278 Agreement (although it is unclear whether the plan was intended to provide a solution to the issue as no supporting highway justification was received). This plan illustrates George Richards Way being reduced to a single lane which would prevent two lanes of traffic forming and thus the ability for drivers to switch lanes. However, at this stage this proposal similarly is not advanced enough and it has not been accompanied by necessary supporting information. Further evidence would still be needed in advance of determination to provide the LHA with the necessary comfort. This would include further modelling of the existing signalised junction at George Richards Way (to the south of the retail park entrance) when allowing for a re-designation of the carriageway to one lane. This would be in order to fully understand the implications of the road realignment on the operation of the junction and to ensure that this proposal would not then introduce a 'severe' impact on the highway network. Further drawings would also be needed to illustrate a full package of highway works and which then would be subject to the necessary scrutiny. Officers would have been prepared to work with the applicant to proactively discuss these proposals (or others) if the applicant had wished to do so. To reiterate, however, the applicant has expressed a desire for negotiations to cease. Therefore, the concluding position of the LHA, as supported by TfGM, is to object to the application on the issue of the proposed egress, as the applicant has been unable to demonstrate that an unacceptable highway safety impact would not occur.

52. In terms of other highways matters considered by the LHA/TfGM, it has been confirmed that the application proposal is acceptable. The TA provides an overview of the accessibility of the application site by non-car modes. It is explained that all roads within the vicinity of the site have footways typically of at least 2 metres in width and with pedestrian crossing facilities over busy roads (including at George Richards Way and the A56). The footway along the southern side of George Richards Way is designated as a shared footway/cycleway, it is explained, and with some cycle parking provided within the retail park. The A56 is a bus corridor and with the nearest bus stop located close to the existing Homebase and which is used by a number of services on routes between Altrincham town centre, the Trafford Centre and Manchester city centre. There is a further bus stop located on George Richards Way. The nearest tram stop and railway station is at Navigation Road which is some 900 metres to the site's south east. Notwithstanding the existence of some public transport options and that there is the prospect of some walk-in/cycle custom, given the nature and function of retail parks (including the availability of free and convenient car parking) and the way in which food shopping is undertaken, it is to be expected that the majority of customers would arrive by motor vehicle.

53. The submitted TA estimates the potential increase in vehicle trips associated with the proposed development (based on trip rate information from the TRICS database). It predicts that the development would increase the number of peak hour vehicle trips by 53 arrivals and 53 departures on a typical weekday, and 75 arrivals and 82 departures on Saturdays. In using LINSIG junction modelling the TA then considers the effects of this traffic increase on local roads. This includes at key junctions adjacent to the site. The TA identifies that the retail park access/George Richard Way is operating *within* capacity during peak hours and would continue to do so with the development in place. No significant uplift in vehicle queue length in this location is anticipated. For the A56/George Richards Way, the TA distinguishes between the different 'arms' of the junction and highlights that some are presently operating, at peak times, *above* capacity, *at* capacity or *within* capacity. However, whilst there would be some increase in traffic flows, no changes in these overall capacity positions are anticipated. Nonetheless, the TA forecasts that vehicle queue lengths for George Richards Way at the A56 junction would increase, and would in fact double during the typical Saturday peak. Overall, when placing the anticipated uplift in traffic in the context of the existing baseline environment, the TA records that there would be no *material* change in traffic conditions. This is a position that is accepted by the LHA, and thus it is concluded that the general increase in traffic attributable to this development could be absorbed by the local highway network and without giving rise to a 'significant adverse' or 'severe' impact. For the avoidance of doubt, this conclusion does not account for the unidentified traffic impacts which could result from the undeveloped revised egress proposals referred to above.

54. The retail park as a whole currently provides parking for up to 790 cars, and 351 of these spaces are located within the application site. The TA explains that the full car park is known to operate *within* capacity for the majority of the week, and with the spaces in front, and to the east, of the existing Homebase unit typically the least popular with customers (given their more peripheral location and in an area of the retail park where the number of retailers is less concentrated). 94 car parking spaces would be lost through this proposal, thereby reducing the number of spaces to 257 within the application site and 696 spaces across the park as a whole. However, within this, the number of dedicated disabled and parent with child spaces would increase (by 4 and 8 spaces respectively).

55. One of the objectives of Policy L4 is to ensure that new developments provide adequate levels of car parking. SPD3: *Parking Standards and Design* sets out the Council's maximum standards for parking provision across a broad range of uses. The use of maximum, rather than minimum, standards is intended to discourage excessive parking provision which could otherwise promote car use. The SPD identifies that, in this location, 1 parking space for every 14 square metres of Class A1 food retail (gross) floorspace is the

maximum requirement. For Class A1 non-food retail uses, the equivalent figure is 1 parking space for every 20 square metres of (gross) floorspace, and 1 space for every 40 square metres of Class A1 retail warehouse/bulky goods (gross) floorspace. The precise application of these standards to this proposal is difficult, however, given that this is not a standalone retail development served by one dedicated car park. Rather this is an existing retail park environment with a number of different component parts which fall into different categories within SPD3, and with the full car park available to all retail park customers, who may choose to visit different units as part of the same trip. The TA estimates that the new discount foodstore plus the retained smaller Homebase is likely to generate a maximum cumulative demand for 192 spaces on a typical Saturday afternoon under normal trading conditions. When having regard to evidence indicating a surplus of parking spaces for the majority of the week, and which is corroborated by on-site observations, and when noting that Lidl/Homebase customers would have access to other spaces across the retail park, the LHA has concluded that the proposed parking arrangements would be adequate to cater for the demands of the development and of the retail park as a whole. The LHA is also satisfied that the proposal would provide sufficient car parking for all user groups, consistent with the aspirations of SPD3.

56. There is currently parking for up to 8 cycles outside of the Homebase store. SPD3 also specifies the Council's cycle parking standards for new development. The SPD is clear that (unlike the approach to car parking) these are minimum standards and that a higher level of provision may be encouraged where appropriate. When applying these standards to the proposed development, the TA identifies a minimum requirement for 6 additional cycle spaces. In incorporating provision for 8 further cycle spaces, and in a covered cycle store to the front of the shop units, the proposal would satisfy policy expectations.

57. In terms of servicing, the TA confirms the intention to utilise the existing retail park service access which leads from Craven Road. Deliveries to the Homebase store are not anticipated to change in quantity, whilst one to three service vehicles per day would be expected to the new foodstore. It is explained that all deliveries would take place clear of the adopted highway and within the dedicated service yards, and thus the LHA has confirmed its acceptance.

58. In concluding the topic of highways, the proposed new egress unto George Richards Way is objected to by the LHA and TfGM due to the potential unacceptable risks posed to highway safety, and with it incumbent on the applicant to adequately demonstrate that such an impact would not occur. Whilst a revised egress design has recently been supplied which *may* present a solution, this has not been formally provided as a response to highways objections and it is not fully developed. On this basis, the proposal triggers a reason for refusal under paragraph 109 of the NPPF and it is also contrary to Policy L4 (which is consistent with the NPPF on the matter of highway safety).

Impact on Heritage Assets

59. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduces the term 'heritage assets' which are defined (within the glossary) as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions'. Such heritage assets can be 'designated' or 'non-designated'. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance defined as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.

60. Within the Core Strategy Policy R1 seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. However, Policy R1 is inconsistent with the current government guidance. This is because the policy does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests. In summary, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Full weight cannot, therefore, be afforded to Policy R1, and the tests of the NPPF remain to be applied in the determination of applications in treating this guidance as a material consideration.

61. That being the case, Policy R1's approach is in line with the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990, which are still engaged. This (at Section 66) requires decision-makers to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Therefore, whilst the terminology of the NPPF may reduce the weight that can be applied, Policy R1 nonetheless remains of some relevance given the statutory obligations.

62. There are a number of designated heritage assets within the vicinity of the application site. These comprise: a former canal warehouse on the south side of the Bridgewater Canal (Grade II listed); the former Lloyds bank building at nos. 139 to 141 Manchester Road (Grade II listed); and the Railway Inn public house, Manchester Road (Grade II listed). In addition, the Bridgewater Canal is recognised as a non-designated heritage asset, and with the bridge over the canal at Manchester Road (known as Broadheath Bridge) having the same non-designated status.

63. The application upon its submission was deemed insufficient in its assessment of the significance of these heritage assets, and in turn its

consideration of the impacts that would occur on this significance was also found to be lacking. It has been the impact of the proposal on the listed Railway Inn (and specifically its setting) which has been of most concern to the Council's Heritage Development officer. It is accepted that, in the case of the other identified heritage assets, the site is separated from them either by George Richards Way and/or by other retail warehouses (and thus their setting would be largely unaffected and any impact would be negligible).

64. However, the Railway Inn is in fact contained within the application boundary; it is positioned at the junction of George Richards Way and the A56 Manchester Road, at the south-eastern corner of Altrincham Retail Park. It is understood that the area of the application site originally formed the Broadheath railway station, goods shed and viaducts. However, it was demolished in the late 1980s, along with a terrace of shops to the north of the Railway Inn. The Altrincham Retail Park was constructed in the early 1990s. The Railway Inn was, however, retained. The listing description explains that the building is of mid-19th century origin although with later alterations. It is of red/purple brick with a pitched welsh slate roof and chimney stacks. Its street (A56) frontage is of two-storeys with three bays and an off-centred doorway. Its gabled elevation to George Richards Way is at an acute angle.

65. The importance of respecting the setting of a heritage asset is established by the statutory obligation referred to above, and it is also reflected in the policy objectives of the NPPF and the Core Strategy. A Historic England document *The Setting of Heritage Assets: Historic England Good Practice Advice in Planning* (2017) defines setting as: 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.' For the purposes of decision-taking, it is necessary to understand the extent to which setting contributes to the significance of a heritage asset. Setting is also described as being a separate term to curtilage. Whilst curtilage is a legal expression which refers to the extent of a property boundary, setting is chiefly a visual term and the way in which the host structure is experienced.

66. A revised and expanded Heritage Assessment refers to the fact that substantial demolition and redevelopment in recent decades has removed the listed building's historic context. 'The pub stands entirely isolated amongst a network of busy multi-lane roads/junctions and the large Altrincham Retail Park, resulting in its setting now entirely lost', it is stated. Following on from this, the assessment records that the contribution of setting to the asset's significance is low. Further to this, it is concluded in the assessment that the proposed development 'would not affect the setting of the Grade II Railway Inn.'

67. This conclusion – that there would be no impact on significance - is not

accepted by the Council's Heritage Development officer. From this perspective it is acknowledged that the current immediate setting of the listed pub is defined by the expanse of car park. However, the Railway Inn formed the end of a terrace, and whilst the remainder of that terrace has been demolished, several properties remain of adjoining terraces. The building is therefore part of a wider, fragmented street scene which includes these retained 19th century buildings both to the north and south along the western side of Manchester Road, it is concluded. Further to this, the current car park acts as an undeveloped buffer surrounding the pub. The form of the building, including its gables and roofscape as well as its principal elevation, are clearly appreciated when moving along Manchester Road in both northerly and southerly directions.

68. The new Heritage Assessment models the proposed development from only one arbitrary viewpoint (from a location looking north-east towards the site from the junction of Manchester Road, George Richards Way and Viaduct Road). A more thorough assessment would have included a broader range of views, including looking southwards, in order that the impact of the development on kinetic views could be appreciated (which is what would be experienced in practice), the Heritage Development officer has advised.

69. The application proposal involves a sizeable extension which would extend the retail warehouse terrace much closer to the A56. Whilst limited in scope, the modelled viewpoint serves to demonstrate the prominence of the proposed development, with its side (blank) elevation positioned within six metres of the Manchester Road footway. This is corroborated by a CGI image submitted with the package of plans/drawings. The associated buildings to the site's north would also be partially obscured from certain aspects. There has been some amendment to the treatment of the extension's eastern elevation, with some of the detailing from the front elevation now continuing. This includes a cladded trim to the upper element and dark grey cladded columns. This elevation would also include timber fencing to surround the garden centre. No shopfront glazing is incorporated. Whilst the revisions provide some improvement, there is still some concern that this is not an appropriate design response for such a noticeable corner of the development *and* which has heritage sensitivity. The suitability of the scheme in general design terms is covered in further detail in the subsequent section of this report.

70. As a consequence of scale, siting, form, appearance and materials, the result - it is considered - is an unsympathetic development in the context of the relationship with the Railway Inn. It would be observed within the setting of the listed building and it would reduce the visual connection between the public house and the adjacent 19th century buildings. As a consequence, the Heritage Development officer has concluded that the proposed development would be harmful to the significance of the listed building by virtue of the impact on its setting. The extent of harm has been described as 'moderate.'

71. As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage Development officer has confirmed that the reference to 'moderate' harm would translate to 'less than substantial' harm to significance as referred to by paragraph 196 of the NPPF. Where a development proposal would lead to less than substantial harm to significance, paragraph 196 continues that this harm should be weighed against the public benefits of the proposal. It should be reiterated, however, that Policy R1 does not explicitly allow for a development to result in any harm to heritage assets. The identification of 'moderate' or 'less than substantial' harm to the setting of the pub therefore amounts to a development plan policy conflict. That this approach is not consistent with the NPPF has, of course, previously been reported. However, even when relying upon the NPPF approach, paragraph 194 is clear that the harm arising requires a 'clear and convincing justification'. Furthermore, in accordance with the statutory presumption embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, significant weight and importance should be afforded to heritage harm in the planning balance.

72. The NPPG explains that 'public benefits' may follow from many developments and could be anything that delivers economic, social or environmental objectives as described by the NPPF. The applicant's submission refers to the benefits that this development would bring. It is acknowledged that the proposal represents investment by the joint applicants in the retail park and the wider area, and that this would support the objectives of the NPPF in utilising the planning system to help build a strong, responsive and competitive economy (paragraph 8). It is explained that the new Lidl store would provide approximately 40 new job opportunities, and with Lidl's employment arrangements typically supporting the hiring of local people. The positions would range from managerial to store assistants and cashiers. The proposal would also ensure the retention of jobs at the Homebase unit, it is explained, and with a recent letter provided on behalf of Homebase suggesting that 50 in-store jobs would be protected. These economic benefits are given weight, and particularly so in light of the current national economic uncertainty as a consequence of the Covid-19 pandemic. It is also recognised that the development would support some construction jobs, albeit it only for a temporary period, and that there could be potential for some wider economic benefits during construction associated with investment in local supply chains.

73. Further to this, it is acknowledged that the proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land within existing settlements and in promoting a more efficient use of land, particularly in sustainable locations. As previously reported, the accessibility credentials of the application site are considered to be reasonable such that some customer journeys to the site may be made in sustainable ways. The development would also enable the introduction of a new food retailer, not currently represented, to the local grocery market, and would provide for improved consumer choice and

competition.

74. The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. Whilst not an extensive list, it is evident that there is a collection of benefits that would arise and which would be welcomed, and particularly some economic-led gains. Harm of any grade to the significance of designated heritage asset is unwanted, although in this case the harm to significance that would be inflicted on the Railway Inn by virtue of the impact on setting is 'less than substantial.' Whilst the applicant's position that the historic context of the pub has been entirely removed is not accepted, equally on balance it is recognised that there has been *some* dilution in setting and that the character of the A56 corridor in this location is also influenced to some degree by highways infrastructure, busy traffic, and other modern warehouse and standalone commercial developments. From this position, and when applying the necessary judgement to the circumstances of this proposal, it is considered that the additional harm to setting - of a 'less than substantial' nature - would be sufficiently outweighed by the cumulative public benefits that are expected to arise.

75. Accordingly, it is concluded that the policy test at paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed. However, the proposal remains at odds with Policy R1 and there is also some variance with the statutory duty. These matters are returned to in due course as part of the concluding planning balance.

Design and Visual Amenity

76. The creation of high quality buildings and places is fundamental to what the planning process should achieve, according to the NPPF. Paragraph 124 explains that 'good design is a key aspect of sustainable development, it creates better places in which to live and work, and helps make development acceptable to communities.' Within the statutory development plan this objective is expressed by means of Policy L7 of the Core Strategy, with the accompanying text similarly noting that 'high quality design is a key element to making places better and delivering environmentally sustainable developments.' It has been concluded that Policy L7 is consistent with the NPPF and thus it is up-to-date for the purposes of decision-taking.

77. In October 2019 the Government published its National Design Guide. It is based on national planning policy, practice guidance and objectives for good design as covered in the NPPF. The document outlines the Government's priorities for well-designed places in the form of ten characteristics. The first such characteristic is 'context'. This is defined as 'the location of the development and the attributes of its immediate, local and regional surroundings.' A well-designed new development responds positively to the features of the site itself and the surroundings context beyond the site boundary, it is continued.

'Identity' is a further characteristic. 'The identity...of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them.' It continues that 'well-designed places have a positive and coherent identity that everyone can identify with.'

78. The site forms part of an existing retail park, which has a particular character which is reflective of its form and function and which is typical of such out-of-centre retail destinations. The location is characterised by relatively low-rise, flat-roof development which occupies large floorplates and which is fronted by surface-level car parking with onward highway connections. However, this part of the retail park is in the most prominent location; towards the frontage of the A56 and its junction with George Richards Way. The Grade II Railway Inn is positioned at this intersection. Equally, the retail park in this location is also influenced by the route of the A56, which is largely commercial in character, which accommodates road infrastructure and which can be congested at peak times. Beyond the listed pub, uninterrupted views of the site and the wider retail terrace are also available from George Richards Way across the existing open car park. Built form in the area is typically modern although there are pockets of other more historic fabric.

79. The proposed development would involve the extension of the existing warehouse terrace closer to the A56 on an area of current car park. New built form, of a lesser amount, would also be provided to the north towards Huxley Street. Efforts have been made to ensure that the proposed development would reflect the existing appearance and palette of materials present within the retail park. The existing Homebase unit is composed of blockwork cladding with a composite cladding trim at the upper level and with this composite cladding repeated to form a series of columns. The open area of the garden centre has similar column structures composed of blockwork. The west-facing elevation of the garden centre includes timber fencing. The entrance to the existing Homebase comprises an aluminium shopfront positioned towards the eastern end of the unit. The extension to the Homebase unit would take the form of the repositioned garden centre. It would be subordinate in height to the main unit, akin to the existing garden centre. It would have a blockwork plinth and with areas of glazing incorporated set within aluminium frames. The remainder of the unit would be updated through the provision of dark grey cladding columns, which would be repeated for the garden centre, and replacement cladding for the upper trim (also followed through for the garden centre).

80. The new Lidl store, in replacing the existing garden centre, would adopt a similar form and scale to the adjacent Homebase. It would feature a glazed entrance and adjacent curtainwall glazing on the south-facing elevation overlooking the car park. This would wraparound to encompass some of the west-facing elevation. It would also include dark grey cladding columns, to tie in with the adjacent unit, and a cladded upper trim (although of a greater depth).

81. In terms of hard landscaping, the proposal involves the provision of brick pavements at the store entrances to tie in with existing surface materials, and the re-tarmacking of the majority of the car park. New furniture is proposed outside of the units, including a trolley bay and cycle store.

82. What is proposed is functional in its appearance and has an identity that is consistent with the rest of the retail park and the wider surroundings including other commercial and retail developments on the A56 and to the south of George Richards Way. The new discount foodstore would largely take the place of existing built form and would nestle in between the refurbished Homebase and the remainder of the retail terrace, which is set back. It would mainly be observed in views from George Richards Way. However, the area of the new garden centre is more problematical in design terms. This element would be seen in the context of both George Richards Way and the well-trafficked A56 and would encroach into the setting of the Railway Inn. It is recognised, however, that some progress has made to deliver an improved appearance. Whilst the scale and position of the proposed extension has not altered, some changes have been made to its external treatment as it faces the highway. This includes the introduction of some column and upper level detailing, which would provide some variation to the elevation and which would serve to soften the way the development was perceived. The extent of applied timber fencing has also reduced. Conditions could also be imposed on any grant of planning permission to further ensure a level of design quality, for example to request full material specifications.

83. Overall, it is considered that the proposal would deliver a development with an identity which would cater for its users and which in many ways would be reflective of the characteristics of this area of Broadheath. However, from the previous commentary it is evident that the proposal has not taken full account of all aspects of context since some harmful impact to a heritage asset has been identified. Policy L7, consistent with the National Design Guide, also requires development to be appropriate to its surroundings. The elevational improvements have, however, moderated the strength of design objections and there is recognition that this is an environment with a varied character. With this in mind, whilst it is maintained that the proposal would not fully meet all design principles established by Policy L7, the extent of policy variance is not considered significant enough to trigger a policy conflict and to warrant a recommendation of refusal on design grounds. When taken as a whole, it is considered that the proposal constitutes a reasonable design response which has some positive elements of character and which generally satisfies the requirements of Policy L7, the NPPF and the National Design Guide. *Some* departure from policy and guidance, when having regard to local heritage, is however placed on record (consistent with previous conclusions) and this is a matter that will be returned to as part of the concluding planning balance.

Landscaping and Green Infrastructure

84. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 127). Policy L7 of the Trafford Core Strategy also refers to the importance of ensuring that new developments are appropriately landscaped. In addition to this requirement, there is a separate Core Strategy expectation (as articulated by Policy L8 and Policy R3, and complemented by SPD1: Planning Obligations) for development proposals to contribute on an appropriate scale to the provision of 'specific green infrastructure' (SGI), which includes tree planting and other forms of soft landscaping. The scale of provision should be tailored to the specifics of the proposal since the intention is that it would mitigate specific issues in that area, the SPD advises. This could include the effects of urban heat or of air and water pollution, or to address local ecological impacts. Policy R3 is regarded as being in step with the NPPF and thereby afforded full weight for decision-taking, whilst Policy L8 is generally consistent with the NPPF although lesser weight should be applied.

85. Existing soft landscaping at the site takes the form of a band of grass with some trees at intervals at the George Richards Way frontage, and similarly at the A56 boundary. There are also clusters of shrubs at the rear of the site which it is assumed were planted in parallel with the development of the retail park in order to provide some screening for the residential properties in this location.

86. The applicant's initial landscape proposals, as contained within an Arboricultural Impact Assessment and accompanying landscape scheme, involved the removal of 20 trees to facilitate the development. This included some trees within the car park, but also eight trees lost along the George Richards Way frontage (and only two retained). Only 17 trees were proposed to compensate for the trees removed. The Council's Tree officer was accepting of the removal of trees within the car park when noting that they had been planted in substandard conditions and are in poor shape anyway. However, the trees at the site's frontage, whilst not mature, are regarded as being in good health and vigour with full crowns and significant amenity potential in the longer term. In addition, whilst the proposal to plant heavy standard trees was welcomed in principle, concern was expressed that the supporting planting specifications would not provide favourable conditions to enable the new trees to flourish

87. A revised landscape proposal has since been submitted. Whilst it has not been possible to reduce the extent of tree lost at the site frontage, this scheme allows for more compensatory tree planting, including at the main vehicular entrance to the retail park from George Richards Way. One for one tree replacement is now proposed (20 new trees). In addition, this provides for the retention and enhancement of areas of low-level shrub and tree planting at Huxley Street to the rear (although some loss would still occur). Further adjustments have also been made to the planting specifications in order to ensure better planting establishment. These landscaping adjustments have

enabled the Tree officer to remove the objection, subject to conditions being imposed to ensure the improved soil/root/planting conditions, and to secure landscape implementation and maintenance in accordance with the revised scheme. Whilst it is noted that even the revised landscaping scheme does not allow for an overall uplift in tree planting, in accordance with the expectations of policies L8/ R3 and SPD1 (and thus there would be no landscape improvement in the short term), the Council's Tree officer has advised that there could be long term gain in tree cover provided that the new trees are well-planted (as indicated) and appropriately maintained. Conditions are therefore recommended to secure this. It is on this basis that it is concluded that the requirements of Policy L7 have been fulfilled and similarly in respect of the aspirations of policies L8/R3, and SPD1.

Residential Amenity

88. In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 127) advises that planning decisions should create places that provide a high standard of amenity. Policy L7 of the Core Strategy contains a similar requirement, and with it made clear that new development must not prejudice the amenities of neighbouring occupiers by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.

89. To the immediate north of the application site there are residential properties which could be impacted upon. These include the streets of Huxley Street, Princess Street and Sinderland Road. The existing service yard to the Homebase unit is located in close proximity to this area, surrounded by timber fencing. The application proposal involves the demolition of some of the existing retail unit in this area, at a pinch point close to the site's boundary. In addition, an area of low-level landscaping which serves to provide some screening to the unit's rear elevation is proposed to be largely removed. This work would create a second service yard, and thus the existing Homebase service yard would be utilised by Lidl and then the new service yard by Homebase.

90. When having regard to the separating distance to residential properties, the provision of replacement landscaping to provide some screening, and that some existing built form would be lost, there are no overriding concerns with regard to issues of overshadowing, overbearingness, or visual intrusion from the building extension itself. In addition, there would be no overlooking problems given the focus of glazing to the retail units on the principal car park-facing elevations.

91. However, a cautious approach has been taken in respect of the potential for *noise* impacts, primarily in the context of the proposed new foodstore use and the possibility of a very well-visited facility including by service vehicles as well as customers. The potential to impact upon Huxley Street residents in particular

has been the focus of concerns.

92. Deliveries to the retail park (including to the existing Homebase) are presently restricted by condition and are limited to 0730 to 2000 Monday to Saturday, and with no deliveries permitted on Sundays (although the application submission advises that, in reality, deliveries do not occur until after 0800 hours). The current hours of opening of the Homebase store are 0800 to 2000 Monday to Saturday, and 1000 to 1600 on Sundays. The application upon its submission sought 24 hour deliveries to the new Lidl unit throughout the week (Monday to Sunday).

93. First stage consultation with the Council's Nuisance team identified shortcomings with the content of the submitted noise assessment and it was concluded that a case had not been made that an intensification of use brought about by the addition of a new foodstore and a new service yard (potentially operating through the night) would not be detrimental to noise-sensitive receptors in the vicinity of the site. Noise complaints from neighbours are already received associated even with the Homebase unit, the consultation response advised.

94. Following a number of iterations and continued dialogue with the Nuisance team, the applicant's latest request, upon which a revised noise assessment has been based, proposes the following hours of activity for the new Lidl. No changes over current times are proposed for the Homebase:

- Deliveries between 0800 and 2200 hours Monday to Friday; and between 0800 and 2000 hours on Saturdays and Sundays; and
- Store opening of 0800 to 2200 hours Monday to Saturday (including Bank Holidays); and 1000 to 1600 hours on Sundays.

95. Therefore, more restricted hours of delivery to the Lidl unit have now been offered by the applicant when compared with the original proposal. However, the most recent noise assessment acknowledges that even under this scenario reasonable noise levels would still be exceeded at the nearest residential properties on Huxley Street (when stood outside). It therefore proposes the erection of an acoustic barrier at the perimeter of the service yard to provide some noise mitigation. It has been confirmed that this would take the form of a 4.1m high close-boarded timber fence which would be erected at the Huxley Street boundary, behind an existing area of landscaping and then close to the south-western corner of the garden of no. 8 Huxley Street. There is presently a lower fence (3 metres high) in this general location with razor wire atop and which is substandard in its appearance since it has weathered over time.

96. The residential amenity implications of the proposed fence itself have been examined, in terms of the potential for it to cause overshadowing or to have an overbearing effect. A fence at this height directly aligning the residential property's boundary would be of a concern, but in this case a separating distance

would be maintained. When having regard to the effects of the existing fence, and then the proposed fence's improved exterior (and with new planting proposed to further soften its appearance), it is concluded that there would be no significant adverse residential amenity effects brought about by the proposed noise mitigation.

97. That being the case, whilst the acoustic barrier is welcomed, the final consultation response from the Nuisance team is not supportive of the applicant's amended request. Even with the fence it is still considered necessary to impose even more restrictive delivery and opening hours in the interests of preventing undue noise and disturbance and to protect surrounding residents. In summary, conditions are recommended which would impose the following limits for the Lidl:

- Deliveries between 0800 and 2000 hours Monday to Saturday, and between 1000 and 1600 hours on Sundays; and
- Store opening of 0800 to 2200 hours Monday to Saturday (including Bank Holidays), and 1000 to 1600 hours on Sundays.

98. Further noise-related conditions are recommended to provide added amenity safeguards, including to request a Servicing Management Plan (to ensure that the delivery process is appropriately managed by the retailers), to request a Construction Environmental Management Plan (to ensure that potential environmental effects arising during the construction stage are mitigated), and to limit the noise levels from any fixed plant to be installed. Conditions to transfer the hours restrictions for Homebase to the new unit are also necessary.

99. The Nuisance team has also considered the applicant's submitted lighting report, 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.

100. Overall, and with a series of crucial conditions in place, it is concluded that the proposed development would not have a significant adverse impact on standards of residential amenity in the locality. It is considered that the requirements of Policy L7 and the NPPF on this topic have therefore been met.

Other Environmental Health Matters

101. The NPPF advises local planning authorities to ensure that planning decisions prevent both new and existing developments from contributing to, or being put at risk from, unacceptable levels of soil, air or water pollution or land instability (paragraph 170). Within the Core Strategy this objective is covered by Policy L5 (Climate Change), which states that development that has potential to cause adverse pollution (of air, water or ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place (and

with this aspect of Policy L5 regarded as being up-to-date).

102. Advice on these matters has been sought from the Council's Contaminated Land and Air Quality teams. Taking account of the submitted Geo-Environmental Desk Study which supports the application, the consultation response confirms that there are no overriding contamination concerns, although with a condition recommended to provide for further site investigative works and for subsequent remediation if necessary.

103. No consultee concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality, although there is an expectation that the submitted Construction Environmental Management Plan would include measures to control the emission of any dust and dirt from the demolition and construction processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles. Compliance with Policy L5 on these matters, together with the NPPF, has therefore been concluded.

Flooding and Drainage

104. The NPPF, at paragraph 148, is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It advises local planning authorities to direct development away from areas at highest risk of flooding by applying the sequential test and then, if necessary, the exception test. Major development should incorporate sustainable drainage systems to manage surface water run-off, paragraph 165 advises, unless there is clear evidence that this would be inappropriate. The accompanying NPPG establishes a hierarchy of sustainable drainage options which commences with drainage into the ground (infiltration).

105. The applicable policy in the Trafford Core Strategy is Policy L5. This also explains that development will be controlled in areas at risk of flooding, and it also supports the use of sustainable drainage measures. This aspect of Policy L5 is also regarded as being up-to-date.

106. The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA confirms that the site is located in Flood Zone 1, which means that it is exposed to the lowest annual probability of river or sea flooding (a less than 1 in 1,000 risk). As a result, there is no need for the sequential or exception tests to be applied.

107. The application is also supported by a Preliminary Drainage Strategy which similarly has been subject to LLFA assessment. This indicates that the site may be suitable for infiltrating surface water into the ground, although before

being confirmed this would need to be subject to further testing. The two-option strategy also allows for some storage attenuation on site. The LLFA is satisfied that the applicant has in place an outline scheme for effectively managing surface water which accords with the principles of the drainage hierarchy and which would ensure that, whichever option is selected, it would limit the run-off likely to be generated such that it would not increase the risk of surface water flooding. The site layout would not be affected if either scenario was selected, it is understood. A condition is recommended in order that the necessary ground testing work is carried out, and that the appropriate scheme is implemented, maintained and managed.

108. Overall, it is concluded that the proposal is compliant with the NPPF on the matter of flood risk and also meets the terms of Policy L5.

Ecological Impact

109. Planning policies and decisions should contribute to and enhance the natural and local environment, including by minimising impacts on - and providing net gains for – biodiversity, the NPPF is clear (paragraph 170). At the development plan level, Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable ecological impact (and with this policy regarded as being up-to-date).

110. The application submission includes a Preliminary Roost Assessment, which has been reviewed by the Greater Manchester Ecology Unit. The consultation response accepts that the building to be reworked and extended has negligible bat roosting potential, and thus the findings of the survey – that the proposed development would not impact upon local bat populations – is accepted. However, evidence of birds nesting on the building has been identified, the consultation response records, and with the application site containing both bird and invertebrate boxes. Therefore, conditions/informatives are recommended to restrict certain works to the period outside of the bird nesting season, and to request the provision of replacement box habitat. The proposal is therefore considered compliant with Policy R2 and the relevant provisions of the NPPF.

Crime Prevention and Security Measures

111. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. This is supported by Policy L7 of the Trafford Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime.

112. The application submission includes a Crime Impact Statement, which has been prepared in conjunction with the Greater Manchester Police (GMP) and with the GMP also acting as consultee in reviewing the document. The consultation response confirms acceptance with the submitted CIS, although with a condition requested to ensure that the recommendations contained within the document are adhered to. Overall, it is considered that the proposed development has been satisfactorily designed when having regard to the objective of minimising the potential for crime through design (and thereby meeting the requirements of Policy L7 and the NPPF on this matter).

Other Planning Considerations

113. In wrapping up any remaining matters (including issues that have been raised in the letters of representation which have not been addressed to date), it can be confirmed that it is no longer a requirement of national planning policy for applicants promoting new retail development to demonstrate a 'need' for the development proposed.

114. For the avoidance of doubt, the submitted plans do not allow for any customer entrances to the retail units from the north.

115. Pedestrian access to the retail park from the Huxley Street area to the north would still be available.

116. Any remaining issues raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

DEVELOPER CONTRIBUTIONS

117. The application proposal would appear to be subject to the Community Infrastructure Levy (as a supermarket in a location outside of a defined town centre).

118. The requirement to incorporate on-site specific green infrastructure, in accordance with SPD1: Planning Obligations and Policy R3/Policy L8, has been fulfilled, as previously explained.

PLANNING BALANCE AND CONCLUSION

119. The application site forms part of Altrincham Retail Park in the Broadheath area of Altrincham. It currently accommodates the existing Homebase store, its associated garden centre and car parking. The purpose of this full planning application is to extend and subdivide the existing Homebase to create two adjacent units. Unit 1 would comprise a new retail warehouse unit and garden centre for occupation by Homebase, and Unit 1a would comprise a discount

foodstore to be occupied by Lidl. The application also proposes a new left-out egress from the site, a new pedestrian access from George Richards Way, and related reconfiguration of the existing car park.

120. Section 38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.

121. The decision-taking structure to be applied in the determination of this application is that set out at paragraph 11c and paragraph 12 of the NPPF since this is not a proposal in which policies of 'most importance' have been deemed 'out of date', (which would otherwise result in paragraph 11d of the NPPF being engaged.)

122. The application site is in an out-of-centre location for the application of retail and main town centre planning policy. The applicant has submitted a retail assessment which has been reviewed by the Council's independent retail consultant. It has been concluded that the proposal would not result in a 'significant adverse impact' on town centres when having regard to the two strands of the impact test as set out in paragraph 89 of the NPPF. However, in relation to the sequential test (as referred to at paragraphs 86 and 87 of the NPPF), it has been found that this test is not met since it has not been demonstrated that the sequentially preferable Altair site in Altrincham is not available *and* is not suitable to accommodate a discount foodstore. The applicant's claims regarding the unsuitability of the Altair site in particular have not been verified. This site, which the applicant is contractually committed to, should be brought forward before any grant of planning permission for such a store at Altrincham Retail Park. Thus, the NPPF test is not passed. In failing in this regard, the proposal is contrary to Core Strategy Policy W2 having not satisfied 'the tests outlined in current Government guidance.' It is also at odds with saved Revised UDP Policy S11 which requires the sequential approach to site selection to be adopted.

123. The proposed development involves the provision of a new point of egress for customers when exiting the retail park car park onto George Richards Way. Concerns have been raised regarding the principle of this proposal by both the LHA and TfGM. The presence of this egress in close proximity to the major road junction of the A56/George Richards Way is likely to pose a highway safety risk to road users and to increase the potential for collisions. The applicant has been asked to provide additional information to evidence their position that no adverse impacts would occur, however the response is that that officers have all necessary information needed to support the application in highway terms. Overall, it is concluded that it has not been adequately proven by the applicant that the proposed egress would not have an unacceptable impact on highway safety. The stipulation at paragraph 109 of the NPPF, that such impacts should

not occur, has thereby not been satisfied. The proposed development is therefore contrary to this Government guidance and also to Policy L4 of the Core Strategy.

124. It has also been concluded that the proposed development would result in harm of a 'less than substantial' nature to the significance of the Grade II listed Railway Inn. However, the public benefits stemming from the proposal would sufficiently outweigh the harm arising, it is considered. These benefits are principally economic focussed although with it also recognised that the development is in accordance with planning principles associated with maximising the use of brownfield land and of locating development in sustainable locations. The proposed foodstore would also provide improved consumer choice. Some heritage harm would nonetheless arise and - as a consequence of this - the proposal also contravenes the requirements of Policy R1. Allied to this, the proposed would not deliver a form of development which would fulfil the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 by virtue of the impact on the listed building's setting.

125. Furthermore, whilst not sufficient to generate an independent design reason for refusal, it has been stated that the proposed development does not fully meet all expectations, as set out in Core Strategy Policy L7 and the National Design Guide, intended to ensure that a proposed new development would be fully respectful of a site's context, including local heritage.

126. The proposal has been found to be acceptable in all other respects including on matters of drainage and flood risk, landscaping, crime and security, and ecological impact. Several important conditions would be needed to ensure that the development would operate in a manner which would not be detrimental to residential amenity, specifically on the subject of noise and disturbance.

127. Whilst the proposal has been found to result in some benefits, as outlined above, it is evident that there is clear conflict with the development plan and with national policy. It is considered that there is no reason to take a decision other than in accordance with the development plan and relevant guidance. Therefore, the application is recommended for refusal on the grounds of its failure to comply with the NPPF and it also being contrary to policies S11, W2 and L4.

RECOMMENDATION: REFUSE for the following reasons:

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.

BB

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.

The purpose of this additional information report is to provide an update to the Planning and Development Management Committee in respect of matters that have arisen in the period since the original officers' report was prepared. Furthermore, some further clarity is provided, specifically on the topics of the principle of the development, on highways matters, and on the impact on heritage assets.

APPLICANT'S SUBMISSION

The applicant has made a number of new submissions. These are described below.

Firstly, responses received during a recent leaflet drop exercise, undertaken on the applicant's behalf and to residents in the area, have been submitted. This comprises 87 expressions of support on a pre-prepared note with space for additional comments. The additional comments include references to:

- The Homebase closing if the proposal is not given the go ahead;
- The jobs that would be protected and created;
- The convenience of having a Lidl store locally; and
- That investment in the retail park is long overdue.

Secondly, a briefing note has been submitted, which has also been sent to Members of the Planning and Development Management Committee. This explains that the development would unlock £3 million of investment in Altrincham, safeguard 50 jobs at Homebase, create around 40 new jobs at Lidl, and support around 100 opportunities during the construction process.

Thirdly, a letter which sets out Lidl's intentions to deliver new stores at both Altrincham Retail Park and as part of a revised Altair development.

Finally, the applicant has obtained and submitted Counsel's opinion regarding their proposal and in response to the officers' report. This followed an earlier Counsel's opinion which was provided to officers in May 2020. The legal advice recognises that the two recommended reasons for refusal, covering retail and highways matters, are expressed in the form that it has not been demonstrated by the applicant that the relevant tests and policy requirements have been passed. Relevant questions and issues generated by the legal advice are responded to below in the 'Observations' section.

It is significant that, of the recent submissions that the applicant has made, none address the outstanding queries on retail and highways matters, in respect of the suitability of a sequentially preferable site or of the highway safety impacts arising from the proposed development.

CONSULTATIONS

Trafford Council Waste Management – No objection

REPRESENTATIONS

There have been further representations received from residents, as follows:

In Support

Five further letters have been received. The key issues raised can be summarised as:

- The recommendation of refusal is disappointing;
- The retail park at Broadheath has been underdeveloped for a number of years;
- Without this proposal the Homebase unit would continue to struggle;
- A Lidl store in this location would be beneficial for residents living to the north (especially the elderly) since it would prevent the need to have to cross Atlantic Street;
- There is always plenty of parking where the Homebase is;
- This development would create more jobs and more choice;
- The Covid 19 crisis is likely to have a significant impact on the retail sector, which could result in more store closures at the retail park; and
- The proposed development represents a modern and well-designed scheme.

In Objection

Two further letters have been received, including from the Altrincham and Bowdon Civic Society. The key issues raised can be summarised as:

- A new food outlet in this area is not needed; they are already 6 or 7;
- Existing noise, odour, traffic and parking problems would all increase;
- The retail park suffers from a high level of crime;
- The applicant's submission incorrectly states the frequency of local trains;
- There has been a lack of consultation on this application;
- The recommendation of refusal is welcomed; and
- The recent support cards for the scheme were only sent to residents living further away.

OBSERVATIONS

The Principle of the Development

The Sequential Test

In responding to matters raised in the legal advice, consistent with independent retail advice received by officers, it is maintained that it is entirely reasonable in this

instance to approach the sequential test on the basis of a site for the proposed foodstore in isolation. This was how the applicant's first sequential assessment approached the issue and is considered reflective of a robust approach. To reiterate, it remains the case that the applicant has not demonstrated that there is a functional or commercial reason to consider the proposed foodstore and DIY unit as a whole, or why the Homebase element of the scheme could not come forward in isolation.

On the issue of the suitability of the Altair site, the applicant has not provided adequate information to demonstrate that this more central site cannot accommodate a development of a comparable scale and nature to the proposed Broadheath foodstore. Necessary details regarding the terms of the Altair contract, the floorspace proposed and the amount of car parking to serve the store remain outstanding.

On the subject of the availability of the Altair site and what might constitute a reasonable period of time for this site to become available, the position of officers is set out in the original report and the legal advice does not include any substantive information that alters this view. It is maintained that the applicant's suggested three to four year period for the delivery of a foodstore at Altair does not appear unusual or excessive, and it has not been evidenced that this is a particularly complex town centre site or scheme.

Overall, the previous conclusions apply: it has not been demonstrated that the application meets the requirements of the NPPF sequential test (as also covered in policies S11 and W2). Even where there is commitment to develop both sites, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site. The NPPF is clear that planning permission should be refused if an application fails to satisfy the sequential test.

The Impact Test

In the original officers' report, the conclusions regarding the 'impact' test, as set out in paragraph 89 of the NPPF (and in turn reflected in Policy W2 and Policy S11) were reported. In summary, it was stated that the proposed development passed both strands of the impact test, regarding impact on investment and impact on vitality and viability.

For the avoidance of doubt, some additional commentary is now provided regarding the impact test, and specifically the impact on vitality and viability and when having regard to *cumulative* impacts. In this respect, reference is made to an outstanding planning application (LPA ref. 100006/VAR/20) which, in summary, seeks the reoccupation of the former Aldi unit on George Richards Way for non-food Class A1 retail purposes. The submitted impact assessment for the Lidl/Homebase application does not include an assessment of cumulative impact, and indeed the proposal for the Aldi unit remains under consideration and is not an official retail commitment. Nonetheless, some further advice has been sought regarding cumulative impact from the Council's independent retail consultant, as summarised below.

The impacts arising from the Lidl store principally relate to the convenience goods (food) sector, whereas - conversely - the impacts arising from the proposal for the former Aldi unit principally relate to the comparison goods (non-food) sector. The Council's retail consultant is in the process of providing advice on the application which provides for the change of use of the former Aldi unit. Notwithstanding this, in view of the above, it is considered highly unlikely that – in a scenario where planning permission were granted for both – the combined convenience goods impact arising from dual implementation would give rise to a significant adverse impact which would merit refusal of the application. Accordingly, when factoring in this cumulative impact, it is considered that the proposed Lidl development satisfies the NPPF test of impact and is consistent with policies S11 and W2 on this basis.

Furthermore, for the avoidance of doubt, it is commented that the focus of impact in this case has been on Altrincham town centre, where the greatest levels of trade diversion have been anticipated. Lesser levels of impact have been assumed for other designated centres, including Sale town centre and other district centres.

Highways Matters

In responding to matters raised in the legal advice, further input has been sought from the LHA. Concerns regarding highway safety relate to left-lane and right-lane changing manoeuvres which can, and do, occur on approach to multi-lane junctions. It has to be assumed that not every driver using George Richards Way on approach to the A56 would be familiar with the road and junction layout. Accordingly, it is maintained that there is a risk of vehicle collision occurring. The applicant's position, that there would be no adverse highway safety impact, assumes that all drivers would behave responsibly on the highway, but no evidence has been provided to substantiate this position. Therefore, in the absence of necessary evidence to demonstrate no unacceptable impact on highway safety, the LHA's objection (and supported by TfGM) is maintained.

Some further clarity is now provided in relation to paragraphs 51 and 58 of the original officers' report. The application from the outset has included an inconsistency within the package of plans. The proposed site layout plan, prepared by the applicant's architect, has illustrated the east-bound carriageway of George Richards Way as a single lane. This, as a proposal, was not then reinforced by the highways technical drawings or the description of the applicant's highway proposals within the accompanying Transport Assessment and subsequent highway notes. This inconsistency was raised in consultation responses by the LHA and TfGM and was assumed to be a drawing error (on the proposed site layout plan).

In seeking to address the LHA's and TfGM's concerns regarding the proposed new egress onto George Richards Way, at a meeting in May 2020 the applicant's highway advisors raised the issue of introducing this part of George Richards Way as a single lane. The response from the LHA/TfGM to this suggestion was that this proposal would need to be fully worked up and submitted alongside all necessary supporting information in order to fully understand and assess its implications.

When a new site layout plan was recently submitted (for purposes unrelated to addressing highway concerns), it was wrongly assumed by the LHA that this took

forward on a base plan the suggestion of the May 2020 meeting (albeit the proposal remain undeveloped and was without the necessary supporting evidence). It would appear, however, that the concept of reducing George Richards Way down to a single lane has not in fact been proposed by the applicant, and the recently submitted site layout plan has merely carried over the original plan discrepancy. In accounting for the confusion, the applicant's desire for negotiations to cease and for the application to be presented for determination is again placed on record. A further revised site layout plan, submitted more recently, removes the plan discrepancy.

In returning therefore to paragraph 58 of the original officers' report, a revised egress design has *not* recently been supplied, and therefore the conclusions regarding highway safety - as made clear within the officers' report - relate to the applicant's longstanding egress proposals.

Impact on Heritage Assets

A revised paragraph 71 of the original officers' report is provided below:

As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage Development officer has confirmed that the reference to 'moderate' harm would translate to 'less than substantial' harm to significance as referred to by paragraph 196 of the NPPF. Where a development proposal would lead to less than substantial harm to significance, paragraph 196 continues that this harm should be weighed against the public benefits of the proposal. It should be reiterated, however, that Policy R1 does not explicitly allow for a development to result in any harm to heritage assets. The identification of 'moderate' or 'less than substantial' harm to the setting of the pub therefore amounts to a development plan policy conflict. That this approach is not consistent with the NPPF has, of course, previously been reported. However, even when relying upon the NPPF approach, paragraph 194 is clear that the harm arising requires a 'clear and convincing justification'. Furthermore, in accordance with the statutory presumption embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, significant weight and importance should be afforded to heritage harm.

A revised paragraph 74 of the original officers' report is provided below:

The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. Whilst not an extensive list, it is evident that there is a collection of benefits that would arise and which would be welcomed, and particularly some economic-led gains. In this case the harm to significance that would be inflicted on the Railway Inn by virtue of the impact on setting is 'less than substantial.' Whilst the applicant's position that the historic context of the pub has been entirely removed is not accepted, equally on balance it is recognised that there has been some dilution in setting and that the character of the A56 corridor in this location is also influenced to some degree by highways infrastructure, busy traffic, and other modern warehouse and standalone commercial developments. From this position, and when applying the necessary judgement to the circumstances of this proposal, it is considered that the additional harm to setting - of a 'less than

substantial' nature - would be sufficiently outweighed by the cumulative public benefits that are expected to arise.

A revised paragraph 75 of the original officers' report is provided below:

Great weight has been afforded to the heritage harm that would arise when having regard to the statutory duty. However, it is concluded that the policy test at paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed. However, the proposal remains at odds with Policy R1. This matter is returned to in due course as part of the concluding planning balance.

Other Considerations

It is maintained that a proportionate level of consultation on this application has been carried out, which has included letters to residents, formal consultee requests (statutory and non-statutory), site notices and a press advertisement. In addition, subsequent rounds of consultation have taken place to account for the submission of amended and additional information.

The Greater Manchester Police has been consulted on the application and is satisfied that the proposal has been appropriately designed when having regard to crime and security considerations, and with a condition recommended to ensure that measures identified in the Crime Impact Statement are implemented.

PLANNING BALANCE AND CONCLUSIONS

A revised paragraph 124 of the original officers' report is provided below:

It has also been concluded that the proposed development would result in harm of a 'less than substantial' nature to the significance of the Grade II listed Railway Inn. Great weight has been afforded to this harm when having regard to the statutory obligations of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, with reference to paragraph 196 of the NPPF, the public benefits stemming from the proposal would sufficiently outweigh the harm arising, it is considered. These benefits are principally economic focussed although with it also recognised that the development is in accordance with planning principles associated with maximising the use of brownfield land and of locating development in sustainable locations. The proposed foodstore would also provide improved consumer choice. Some heritage harm would nonetheless arise and - as a consequence of this - the proposal also contravenes the requirements of Policy R1.

It is fully acknowledged, as set out in the original officers' report, that the proposal carries a number of important benefits. These are repeated in the applicant's legal advice and also in the briefing note recently supplied and copied to Members. Appropriate weight to these benefits has been applied by officers as part of the planning balance. However, it is maintained that these benefits do not outweigh the adverse impacts arising (including when having regard to the development plan policy conflict *and* the NPPF conflict).

Accordingly, the conclusions as reported in the original officers' report are unchanged. The proposal is in conflict with policies of the statutory development plan and also of national planning guidance. Whilst the proposal has been found to result in some benefits, it is considered that there is no reason to take a decision other than in accordance with the development plan and relevant guidance. To reiterate, the application is recommended for refusal on the grounds of its failure to comply with the NPPF and it also being contrary to policies S11 (of the Revised Trafford UDP) and W2 and L4 (of the Core Strategy).

RECOMMENDATION

The recommended is unchanged, as repeated below:

REFUSE for the following reasons:

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.

F. APPENDIX F

WARD: Broadheath

103414/FUL/21

DEPARTURE: No

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.

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

APPLICANT: Lidl UK / Orchard Street Investment Management LLP

AGENT: Rapleys LLP / Montagu Evans

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

The application has been reported to the Planning and Development Management Committee due to six or more representations being received contrary to the Officer recommendation.

SITE

The application site comprises part of the existing Altrincham Retail Park located in the Broadheath area of Altrincham. Specifically, the site relates to the existing Homebase unit (known as Unit 1) and its adjacent garden centre which is located at the eastern end of the retail park towards the A56 Manchester Road. The site also includes the surface-level car park which serves the unit (as well as serving other retailers). The existing building is of typical construction and appearance incorporating a large floorplate with a flat roof. Whilst principally single-storey the building also accommodates an internal mezzanine. The garden centre includes both covered and open elements, all enclosed by walling. The unit's service yard is positioned to the north.

The Altrincham Retail Park is accessed from George Richards Way, situated to the south, which leads from the route of the A56. Other retailers within the wider retail terrace include Argos, Boots and Currys, and there is a further area of communal car parking adjacent to these units. There is also a standalone drive-thru unit.

Adjoining the site to the north are terraced residential properties. There are further residential uses to the site's east on the opposite side of the A56, interspersed with commercial units. 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.

BACKGROUND

The development proposal subject of this report comprises a revision to a previous application (ref. 98127/FUL/19) which was refused planning permission by the Planning and Development Management Committee in July 2020 in accordance with the officers' recommendation. There were two refusal reasons relating to: 1. The sequential test (relating to main town centre uses); and 2. Highways safety. In both cases the refusal reason was worded such that the applicant had not adequately demonstrated through the provision of requested evidence that the proposal was acceptable to the satisfaction of the Council and that the relevant policy tests could be passed.

An appeal has been submitted against this refusal. The appeal is to be heard at a public inquiry scheduled for June 2021 and the appealed application will be determined by an independent Planning Inspector.

In terms of the physical characteristics of the development now proposed, the key change is in relation to the detail surrounding a new vehicular egress onto George Richards Way. Additional evidence to support the applicant's proposal has also been provided.

PROPOSAL

The application, which is made in full, involves the extension, refurbishment and subdivision of the Homebase unit such that two Class E(a) retail units would be created (known as Unit 1A and Unit 1). The discount food retailer, Lidl, would be introduced into Unit 1A whilst Homebase would move to Unit 1. A replacement garden centre for Homebase, with both covered and open areas, is proposed adjacent to Unit 1 towards the site's eastern edge.

The reconfigured Unit 1A (for Lidl) would provide a gross internal area (GIA) of 1,858 square metres and a net sales area of 1,272 square metres. The Homebase unit (Unit 1) would reduce in size from 5,016 square metres GIA to 3,612 square metres GIA. The floorspace of the relocated Homebase garden centre would reduce from 1,295 square metres GIA to 1,231 square metres GIA. The proposed floor plans for the Homebase unit show an area of mezzanine floorspace.

The submitted plans/drawings illustrate that the new built form would largely replicate the existing design approach in terms of building scale and height, external treatment and materials, and positioning.

Vehicular access to the retail units (for customers) would continue to be taken from George Richards Way and then via a mini-roundabout which forms part of the internal road layout of the retail park. However, a new vehicular (left-turn only) egress is proposed onto George Richards Way eastbound between the retail park entrance and the junction of George Richards Way with the A56. The design includes a new central

reserve on George Richards Way, and the changes to the highway would be delivered via a Section 278 (Highways Act 1980) Agreement. This egress was a feature of the refused application and was the focus of the highways objection on highway safety grounds. Design amendments to the egress when compared with the last application include its positioning approximately 20 metres further west.

Access for service traffic would continue from Craven Road to the west of the retail park and with the route continuing past the adjacent retail terrace. The proposed Lidl unit would utilise the service yard currently used by Homebase whilst a new dedicated service yard for the reconfigured Homebase would be provided adjacent to Huxley Street.

The proposal, again, involves some reconfiguration of the car park to the front of the units, and with this different from the last application in accommodating an amended point of egress from within the car park. Two existing pedestrian accesses from George Richards Way are also proposed to be removed and with one replacement access provided.

Value Added

Amended plans have been submitted which show that existing low fencing to George Richards Way would be set back and that replacement tree planting would be positioned further into the car park. In addition, reduced hours of delivery to the proposed foodstore have been accepted by the applicant and, at the applicant's will, additional cycle parking has been incorporated.

DEVELOPMENT PLAN

For the purposes of this application the Development Plan in Trafford comprises:

- **The Trafford Core Strategy**, adopted 25 January 2012. The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council. It partially supersedes the Revised Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy;
- **The Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006. The majority of the policies contained in the revised Trafford UDP were saved in either September 2007 or December 2008 in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provided details as to how the Revised UDP is being replaced by the Trafford LDF; and
- **The Altrincham Town Centre Neighbourhood Business Plan**. This was made on 29 November 2017 and it since forms part of the Development Plan for Trafford. Its chief purpose is in relation to the determination of planning applications within the defined neighbourhood

area.

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design

L8 – Planning Obligations

W2 – Town Centres and Retail

R1 – Historic Environment

R3 – Green Infrastructure

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

S11 – Development Outside Established Centres

PROPOSALS MAP NOTATION

Retail Warehouse Park Development

SUPPLEMENTARY PLANNING GUIDANCE

SPD1 – Planning Obligations

SPD3 – Parking Standards and Design

SPG24 – Crime and Security

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The Ministry of Housing, Communities and Local Government published the current National Planning Policy Framework (NPPF) on 19 February 2019. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics in one place. It was first launched by the Government on 6 March 2014 although has since been subject to a number of updates, the most recent of which was made on 19 February 2019. The NPPG will be referred to as appropriate in the report.

GREATER MANCHESTER SPATIAL FRAMEWORK

The Greater Manchester Spatial Framework (GMSF) was a joint Development Plan Document being produced by the Greater Manchester districts. The first consultation draft of the GMSF was published on 31st October 2016, and a further period of consultation on the revised draft ended on 18th March 2019. The GMSF is now being progressed by nine GM districts as 'Places for Everyone' (PFE) and, once adopted, will be the overarching development plan for these districts, setting the framework for individual district Local Plans. PFE is not yet at Regulation 19 stage and so will normally be given limited weight as a material consideration. Where it is considered that a

different approach should be taken, this will be specifically identified in the report. If PFE/GMSF 2020 is not referenced in the report, it is either not relevant, or carries so little weight in this particular case that it can be disregarded.

RELEVANT PLANNING HISTORY

H/OUT/38342 – 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 new access road.

Approved, 07.10.94

H/ARM/39892 – 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 new access road (details of siting and means of access)

Approved, 04.01.95

H/ARM/39994 – Submission of reserved matters (siting and means of access) for demolition of existing buildings and structures and 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 spaces. Employment development and construction of new access road

Approved, 16.11.94

H/OUT/39995 – Demolition of existing buildings and structures and erection of extension to retail warehouse park approved in outline under ref. H38342 comprising non-food retail unit (39,400 sq. ft.)

Approved, 15.02.95

H40410 – Variation of condition attached to reserved matters approval ref. 39892 in order to permit outside storage to take place within garden centre

Approved, 29.03.95

H/ARM/41090 – 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 and servicing facilities following demolition of existing buildings (details of siting, means of access, design and external appearance following the grant of outline permission refs. H38342 and H39995)

Approved, 30.08.95

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, 26.07.19

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, 17.07.20, appeal

APPLICANT'S SUBMISSION

The applicant has submitted the following documents in support of the application (in addition to plans and drawings):

Planning and Retail Statement
Design and Access Statement
Heritage Statement
Transport Assessment
Framework Travel Plan
Noise Assessment
Flood Risk Assessment
Drainage Strategy
Arboricultural Impact Assessment
Crime Impact Statement
Geo-environment Assessment
Air Quality Assessment
Preliminary Bat Roost Assessment
Lighting Report

CONSULTATIONS

Altrincham Town Centre Business Forum – No response received

Cadent Gas – No objection, subject to informative (to advise the applicant of the presence of apparatus)

Electricity North West – No objection, subject to informative (to advise the applicant of adjacent operational land)

Environment Agency – No objection, subject to consultation with the Council's Contaminated Land team

Greater Manchester Archaeological Advisory Service – No objection

Greater Manchester Ecology Unit – No objection, subject to condition/informative (to ensure that works cease if bats were to be found, to request an updated bat survey dependent on the timing of works to the building, no works to trees during bird nesting season, and to request replacement bird and insect boxes)

Greater Manchester Police Design for Security – No objection, subject to condition (to ensure the development is implemented in accordance with the submitted Crime Impact Statement)

Trafford Council Heritage Development Officer – Objection raised on the grounds that harm to a designated heritage asset would be caused.

Trafford Council Lead Local Flood Authority – Response awaited

Trafford Council Local Highway Authority – No objection, subject to condition/informative (to confirm the specifications of the proposed egress, to restrict the use of the proposed egress, to maintain visibility splays, to request a Travel Plan and a Construction Environmental Management Plan, to secure motorcycle parking, to ensure the provision of the car parking spaces, and to advise of the need for a Section 278 agreement)

Trafford Council Pollution and Licensing (Air Quality) – No objection, subject to condition (to request the provision of electric vehicle charging infrastructure)

Trafford Council Pollution and Licensing (Contaminated Land) – No objection, subject to condition (to request a site investigation and risk assessment, and subsequent verification report)

Trafford Council Pollution and Licensing (Nuisance) – No objection, subject to condition (to limit the hours of store opening and delivery, to request a Construction Environmental Management Plan, to request a Delivery and Service Management Plan, to ensure that the proposed noise mitigation measures are implemented, to ensure that external lighting is installed in accordance with the lighting report, and to limit the noise level from fixed plant)

Trafford Council Tree Officer – No objection, subject to condition (to ensure the implementation of details specified in the landscaping plan and to secure subsequent landscape management)

Trafford Council Waste Management – No objection

Transport for Greater Manchester – Concerns raised regarding the proposed egress, as explained in the report

United Utilities – Response awaited

REPRESENTATIONS

In Support (1 in total)

One letter of support has been received. The key issues raised can be summarised

as:

- The existing DIY store looks tired and the large garden centre is underutilised;
- Homebase could face closure in its current form;
- The whole retail park is in need of a new focal point which the Lidl would provide; and
- There are empty parking spaces in this area of the retail park.

In Objection (8 in total)

Six letters of objection have been received from local residents. The key issues raised can be summarised as:

- There are queues of traffic caused by people trying to enter the retail park, especially at weekends, and this proposal would make it worse;
- The retail park causes backlogs of traffic along the A56 on both sides;
- Any recording of traffic volumes over the past year of lockdown is false;
- Parking on surrounding residential streets already occurs;
- Residents are already disrupted by deliveries to shops in the area;
- The residential quality of this area is slowly being destroyed by more commercial developments;
- Activities at the retail park should be focussed on George Richards Way and with no change in the Huxley Street area;
- The proposed service yard is close to residential properties and would cause excessive noise, disturbance and vibration;
- Unfamiliar drivers often mistakenly use Huxley Street when trying to access the retail park, and the surface of the highway has deteriorated as a result;
- The conclusions of the submitted Noise Impact Assessment are not agreed with;
- Air quality in the area is already poor and it is unacceptable to introduce more development and traffic and make it worse;
- There is no need for another foodstore in this area;
- There are Aldi, Asda and Waitrose stores nearby which already cover the full spectrum, plus smaller convenience stores;
- Lidl have a store in Wythenshawe and are planning one at Altair; both less than 10 minutes away;
- There is an empty unit on the retail park which Lidl could occupy;
- The plans indicate that planting at Huxley Street would be removed;
- Wildlife habitat would be destroyed; and
- The last application was refused and this one should be too.

A letter of objection has also been received from the Altrincham and Bowdon Civic Society. The key issues raised can be summarised as:

- The application submission does not consider the impact that the proposal would have on adjacent properties, surrounding residents and on traffic levels;
- The proposed new egress would encourage hazardous manoeuvres and is not

- necessary;
- Deliveries to the rear service area via Huxley Street would be disruptive to nearby residents and could not take place safely and satisfactorily; and
- No provision has been made for charging points for electric vehicles.

A letter of objection has also been received from Aldi Stores Ltd. The key issues raised can be summarised as:

- The applicant's retail policy case and justification appears to be identical to its last application which was refused;
- The application fails to demonstrate compliance with the sequential test;
- The Altair site was not a suitable and available site for the re-sited Aldi proposal in 2019;
- Disaggregation is appropriate when applying the sequential test to this application;
- The applicant has not put forward convincing evidence to demonstrate a difference between the application proposals and its store at Altair;
- A three to four year period is a reasonable timeframe when considering the availability of the Altair site;
- A retail impact assessment has not been submitted in support of the application despite their being a material change in circumstances brought about by the Covid-19 pandemic; and
- The Altair site should be prioritised for convenience retail investment instead of the out-of-centre application site.

OBSERVATIONS

The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
2. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development

- proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
3. Where a planning application conflicts with an up-to-date development plan, planning permission should not normally be granted, paragraph 12 of the NPPF explains.
 4. The Council's Core Strategy was adopted in January 2012, two months prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly consistent with much of the policy in the new 2019 NPPF, particularly where that policy is not substantially changed from the 2012 version.
 5. When having regard to the nature of this proposal and its key considerations, development plan policies concerning retail matters (Policy W2), highways impact (Policy L4), and heritage impact (Policy R1) have been central to its assessment. However, policies L4 and R1 in particular have been formally recognised as not being wholly consistent with NPPF guidance, specifically in relation to the key tests to be applied. In both cases, it has become standard practice to revert to the test in the NPPF, in treating it as a material consideration. Indeed, in representing up-to-date government planning policy, in instances where there is conflict between a development plan and the NPPF, greater weight should be given to the NPPF. The policy tests (for L4 and R1) themselves are explained in more detail in the relevant sections of this report, and likewise in respect of the weight to be afforded to the respective development plan policy. However, whilst both inconsistent with the NPPF *and* material to this proposal's assessment, it is concluded that these are not 'most important policies' which are 'out-of-date' in the manner envisaged by paragraph 11d of the NPPF. This is when taking account of the fact that policies L4 and R1 still contain policy requirements which are NPPF-compliant.
 6. Thus, paragraph 11c and paragraph 12 provide the decision-taking framework for this application.
 7. Whether other Core Strategy policies that are of relevance in determining this application are consistent with the NPPF is identified in each of the relevant sections of this report (and, subsequently, the appropriate weight to be applied).

The Principle of the Development

8. The NPPF, as supplemented by the NPPG, is clear that local planning authorities should adopt a 'town centre first' approach when assessing applications for 'main town centre uses'. This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and viability. Main town centre uses' are defined as: 'Retail development (including warehouse

clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development.’ Proposals for such uses which are not in an existing centre and not in accordance with an up-to-date development plan should be subject to two key tests: 1. the sequential test; and – where the amount of floorspace proposed is over 2,500 square metres gross or a locally set floorspace threshold – 2. the impact test.

9. With reference to the Proposals Map accompanying the statutory development plan, the application 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. This states that further development within Trafford’s out-of-centre retail parks should be limited to the sale of bulky comparison goods (non-food) only. Planning conditions are typically used to restrict the type of goods to be sold from such locations, and to prevent subdivision of the units. It has been concluded that Policy W2 is consistent with the NPPF and thus can be applied full weight for the purposes of decision-taking.
10. In general terms, it is considered that the existing Homebase unit and garden centre is consistent with this retail park allocation, and a re-positioned DIY store with garden centre would be the same. Such a conclusion cannot be reached, however, in respect of the proposed new foodstore. That being the case, it is accepted that the Proposals Map position is somewhat out-of-date. The function of the two retail parks in this part of Altrincham has evolved in recent years in reflecting wider changes within the retail warehouse sector. Thus, their use is already more diverse than that anticipated by Policy W2 (in including some more traditional ‘high street’ retail (non-food units) together with some leisure uses (including a gym and a ten pin bowling centre at the Atlantic Street Retail Park). In addition, in 2019 planning permission was granted for a new discount foodstore on the site of the former B&Q at Atlantic Street (ref. 96088/FUL/18). Now trading and occupied by Aldi Stores Ltd, this has replaced their previous, smaller unit which was located at Davenport Lane.
11. The ‘out-of-centre’ location of Altrincham Retail Park contrasts with the identification, by Policy W2, of Altrincham as the Borough’s ‘Principal Town Centre’, and of Sale, Stretford and Urmston as ‘Other Town Centres.’ District Centres and Local Centres are also referred to. Outside of these identified centres, Policy W2 explains that: ‘there will be a presumption against the development of retail...and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.’ These are the tests of ‘sequential’ and ‘impact’ as referred to in paragraph 8 of this report.
12. At this stage some reference is also given to Policy S11 of the Revised Trafford Unitary Development Plan (RT UDP), which precedes Policy W2. This remains saved in the absence of an adopted Land Allocations Development Plan

Document. When dealing with proposals for retail development not on land within town and district centres, Policy S11 confirms the requirement for a sequential approach to site selection to be adopted. The policy is also clear that the applicant will be required to demonstrate by means of an impact study that such development would not have a serious adverse effect on the vitality and viability of any town or district centre.

13. With this in mind, therefore, the applicant has submitted a retail statement which seeks to address the policy tests for out-of-centre retail development. The focus within the statement is the sequential test which was deemed to have not been passed in the last application. No issues were raised in respect of impact previously. The Council's independent retail planning consultants have again been appointed to audit the statement, and has also considered the representation submitted on behalf of Aldi.

The Sequential Test

14. Current government policy in relation to the sequential test is set out in paragraphs 86 and 87 of the NPPF, which requires its application in relation to all proposals for 'main town centre uses' that are neither in an existing centre, nor in accordance with an up-to-date plan. Paragraph 86 requires that: 'Main town centres 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' (emphasis added).
15. The advice received from the retail planning consultants has addressed the issue of 'disaggregation' as it is applied in relation to the sequential test (i.e. whether the constituent elements of a proposal can be sub-divided for the purpose of considering alternative sequentially preferable sites). In this situation, disaggregation would involve separating the proposed Lidl foodstore from the reconfigured DIY use. This matter is not specifically dealt with within the NPPF and it is recognised that there is no default planning policy requirement to disaggregate when undertaking the sequential test. However, whether disaggregation is appropriate is ultimately a matter of planning judgement that can be exercised depending on the circumstances *as they apply to each case*. Accordingly, it has been concluded that it is appropriate in this instance to consider the application proposal on the basis of whether the proposed Lidl foodstore in isolation could be accommodated. This same conclusion was reached in the last application. Indeed, it is noted that the applicant's own retail statement indicates that the consideration of sequentially superior sites on the basis of whether they could accommodate the foodstore on its own is indicative of a 'robust' approach. Notwithstanding this, it then seeks to make a case that disaggregation should not be required. This is because - it is claimed - the proposal, and the introduction of an adjacent foodstore, would allow Homebase to downsize its existing operation. However, in response it is maintained that the applicant has not provided any persuasive evidence to demonstrate that the smaller Homebase and the new Lidl

are commercially and/or functionally dependent, and that the only means of achieving Homebase's objective for a downsized store would be through the occupation of an additional adjacent unit by a discount foodstore operator. For the avoidance of doubt, in the event that it was concluded that disaggregation should not be applied to the circumstances of this case, it is accepted that there are no available or suitable sites in sequentially preferable locations to accommodate the proposal in its entirety. However, in the judgment of officers, disaggregation is appropriate in this case for the reasons set out above, and the sequential assessment should therefore consider whether there are any available and suitable sequentially preferable sites to accommodate the Lidl store.

16. There is agreement that the area of search for sequential alternative sites should encompass Altrincham town centre, and only one potential site has been put forward for consideration. This comprises land bounded by Oakfield Road, Thomas Street and Altrincham Interchange (commonly referred to as the 'Altair site'). The Council accepts that there are no other sites which merit consideration as part of the sequential test. This includes sites within the Altrincham Town Centre Neighbourhood Business Plan which can be discounted on the basis of unsuitability for a retail development of the proposed scale, and similarly in respect of sites that the Council has acquired with a view to redevelopment and reuse (the Grafton Centre and the Stamford Quarter). In addition, whilst it is noted that there are some other vacant units in Altrincham town centre, it is accepted that none are suitable to accommodate a foodstore proposal of this nature, which generally require some dedicated car parking. Very similar conclusions on the parameters of the sequential test were drawn last time around.
17. The extant planning permission for Altair does not include provision for a foodstore (with reference to outline permission ref 86661/VAR/15 and reserved matters permission ref. 86755/RES/15). However, the applicant has again confirmed that a contract has been signed between Lidl and Nikal (the Altair developer) for a discount foodstore to be provided as part of an amended future proposal. This agreement of terms between Lidl and Nikal gives an indication that the site is able, in principle, to accommodate a discount foodstore.
18. Paragraph 86 of the NPPF requires sequential alternative sites to be available or expected to become available within a reasonable period. The applicant's position is that the Altair site is not available now and it cannot be so in a reasonable timeframe. In response, it is recognised that the Altair site cannot immediately provide for the proposed use, albeit Nikal has clearly made it available to accommodate a foodstore development as part of a wider scheme, evidenced by the signing of contracts.
19. In considering what a 'reasonable period' may be for the purpose of the sequential test, the last guidance was provided by a Government publication from 2009 (Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach) which was superseded in March 2014. Given its date and

status, it has not been directly relied upon but nonetheless it is a helpful reference point. This indicated that whether it is appropriate to assess availability over three to five years or a longer timeframe largely depended on local circumstances. It also acknowledged that major town centre schemes could take between 10 to 15 years to deliver. The timeframe for the availability of alternative sequential sites has also, more recently, been debated as part of notable planning decisions. These have also recognised that out-of-centre locations are likely to be more straightforward, and quicker, to develop than many in-centre sites.

20. The applicant states that the delivery of a foodstore at Altair would take around three to four years (minimum) given the need to: prepare a planning application, submit and determine the application, discharge pre-commencement planning conditions, secure contractors, and deliver the scheme. However, in response, it is considered that the proposed programme simply accounts for basic requirements necessary to bring forward a development. In providing some guidance on what might be a reasonable period, the NPPG is clear that the scale and complexity of a proposal should be given due consideration, but the applicant's timetable does not indicate anything particularly onerous or complicated in the delivery of a revised Altair. To rule out sites simply on the basis that they need to go through the planning process runs the risk of available sequential alternative sites being limited to those that are already under construction or *currently* available. It is, of course, recognised that the Altair development has been beset by delays and that the original planning permission for a mixed use development dates back to 2008. It is further acknowledged that a similar three to four year period was suggested by the applicant in the context of the last application and that the programme has not moved on. However, these remain the timescales that have been stated by Lidl, presumably in conveying the terms agreed with Nikal and reflecting the current position. For the applicant to offer a more protracted timeframe would have assisted their availability case, and thus there is no real reason to dispute it.
21. Overall, it is the officers' judgement that the three to four year period suggested by the applicant for the provision of a foodstore at Altair is reflective of a reasonable timeframe. As a consequence, it is again concluded that the Altair site is *available* within a reasonable period, as envisaged by the NPPF, to accommodate the application proposal.
22. The applicant has confirmed that planning permission will be sought for an amended Altair scheme which will incorporate a 'metropolitan format' discount foodstore as an integral element of the overall development. A comparative table contained within the retail statement seeks to suggest that this format would provide an operation which would be sufficiently different to that which would be delivered at the retail park. Reference is given to the sales area of the Altair scheme being 15% smaller, having 40 metres less vertical shelving and it offering 70% self-serve checkouts in catering predominantly for basket shopping.

23. The applicant's case, that the two Lidl stores would be fundamentally different, has been very carefully considered, including in drawing on the new information that has been submitted relative to the last application (as described above). It is fully recognised that in order to bring forward a foodstore within a town centre environment, certain constraints may need to be overcome. However, from the evidence provided it is still considered that the format proposed at Altair reflects the ability of retailers to revise their model to trade from more central locations. Such variations in format, it is considered, are consistent with the requirements of paragraph 87 of the NPPF for applicants to '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.' Lidl's proposals for Altair would, in fact, support a broadly similar foodstore use in practice, it is considered (being of a comparable scale and with a similar range and type of goods).
24. In the context of the last application it was previously concluded that claims regarding the unsuitability of the Altair site had not been fully evidenced by the applicant. However, for the purposes of this application, it is considered that investigations on the matter of suitability have been taken as far as they need to in order to form a sound and reasonable view. It is thus considered that Altair is also a *suitable* site to accommodate the proposed foodstore operation.
25. Therefore, in concluding on the sequential test, available evidence indicates that a more centrally located site is *available* and also *suitable* to accommodate the foodstore element of the application proposal. As a result, the planning application fails to accord with the NPPF sequential test. It is also contrary to Policy W2 and Policy S11 on that basis.
26. Finally, it is recognised that the applicant has sought to provide assurance that Lidl is contractually obliged and committed to bringing forward both the Altair and Broadheath schemes. However, even where there is commitment to develop both sites, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site. This is a matter that is returned to as part of the planning balance.

The Impact Test

27. The NPPF's paragraph 89 sets out the impact test for applications for retail and leisure development that are located outside town centres and which are not in accordance with an up-to-date development plan. It requires applications for such development, which are over 2,500 square metres (or a locally set threshold), to include an assessment of:
 - The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - The impact of the proposal on town centre vitality and viability, including

local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

28. Paragraph 90 of the NPPF confirms that: 'Where an application...is likely to have a significant adverse impact on one or more of the considerations [in paragraph 89] it should be refused.'
29. This Council does not presently have a local impact testing threshold, and it is acknowledged that the floorspace proposed falls below the 2,500 square metre figure in the NPPF. Nonetheless, the likely impacts arising from the proposed development were comprehensively reviewed in the context of the last application, with the applicant submitting a retail impact assessment and the Council's retail consultants carrying out sensitivity testing. The applicant has not revisited the impact test and instead has relied on the position previously reached by the Council in determining the previous application. This conclusion was that there was no evidence of a 'significant adverse impact' on in-centre investment or on the vitality and viability of existing centres. The up-to-date advice from the Council's retail consultant is consistent with these conclusions; it is still considered that the impacts arising from the proposal on existing centres would be limited. A summary of the justification for this position (as updated) is provided below, with the first strand of the impact test covered first.
30. Policy W2 refers to Altair as the main development opportunity within Altrincham town centre, and it is also identified and promoted in the Neighbourhood Business Plan. There is no doubt that the Altair development has suffered from a series of hold ups. However, Lidl has confirmed that it is contractually committed to a revised Altair development. It is considered that the Altair development comprises 'planned investment' for the purpose of the NPPF test.
31. It is fully appreciated that Altair is a very significant and much delayed scheme. Whilst the Covid-19 pandemic is resulting in challenging economic conditions, there is no evidence to suggest that the grant of this planning permission to enable Lidl to operate from Altrincham Retail Park would in itself prejudice the delivery of Altair. Significantly, it is noted that those behind the Altair planning investment (Nikal) have again not expressed any concerns, and the contractual obligations between the applicant and Nikal support this position.
32. It is known that there are currently other proposed investments being considered in Altrincham town centre. This includes the Council's intentions to bring forward the revitalisation of the Stamford Quarter (with Bruntwood as development partner). An initial vision for the area has recently been published and a public consultation exercise is due to launch. However, significantly, the early stage masterplan does not support the inclusion of a discount foodstore of the type proposed. In respect of the Grafton Centre, also acquired by the Council, proposals for a similar joint venture redevelopment have stalled, and any future investment plans are embryonic such that it is not considered to constitute 'planned investment' of the

form that the NPPF seeks to protect.

33. As such, it is considered that there is – again - no case for a ‘significant adverse impact’ on town centre investment to be put forward. It is therefore concluded that the application proposal accords with the requirements of the first strand of the NPPF impact test.
34. In turning to the second strand, the review and sensitivity test of the applicant’s last quantitative retail impact exercise concluded that the proposed foodstore would not prejudice the trading position of any grocery store within or around Altrincham town centre. The NPPG advises that ‘The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.’ Whilst it remains the case that the retail impact assessment has not been revisited, the applicant’s approach is considered acceptable in this instance given the relatively low impacts associated with the proposal as previously established. Significantly, as with the last application, no representations have been submitted which would indicate that any town centre retailers may close.
35. The NPPG sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that ‘...a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances’ and that ‘...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact’.
36. Altrincham town centre’s health has been varied in recent years. Up until relatively recently it was the subject of an exceptionally high vacancy rate and had lost a clear role and function. However, it has been reinvigorated in recent years as a consequence of public and private investment. The new Altrincham Market Hall, and the unique food and beverage offer that has developed around it, as had the most transformative effect, along with wider public realm improvements. As a consequence, the Trafford Retail and Leisure Study 2019 finds the town centre to be ‘highly vital and viable.’
37. Notwithstanding this, Altrincham town centre is still susceptible to wider market pressures, with the Debenhams store closing in January 2020. There is also concern about the general impact of the Covid-19 pandemic on all town centres, and there is the prospect of a long-term shift in shopping habits. However, the current challenging market conditions are likely to be of greatest consequence to the comparison goods and leisure sectors, and it is considered that the convenience goods function of the town centre is more resilient and less susceptible to such pressures. Even so, the aspirations for the Stamford Quarter are reflective of an underlying confidence in the town centre as a whole.
38. As a result, whilst it is recognised that Altrincham town centre’s vitality and viability

is more precarious than was envisaged two years ago, it is not considered that the impacts arising from the Lidl foodstore proposal would materially impact on the trading position of its grocery operators, and thus its vitality and viability would not be undermined in a way which could be assigned to the Lidl proposal. As a consequence, it is concluded that the proposal also complies with the requirements of the second strand of the NPPF impact test regarding vitality and viability. It is also compliant with Policy W2 and Policy S11 in this respect.

Conclusions on the Principle of the Development

39. It has been outlined that there are two key tests in the NPPF which apply to an application of this nature: the sequential test and the impact test. The conclusion of officers, as supported by the appointed consultant, is that there is unlikely to be a 'significant adverse impact' on any town centre within Trafford as a result of the application proposal. However, in turning to the sequential test, the requirements of this test have not been met. This is because the sequentially superior Altair site has been found to be available and suitable for the foodstore development proposed. Paragraph 90 of the NPPF advises that in such circumstances an application should be refused. In failing to meet this NPPF test, the proposal also contravenes the provisions of Policy W2 and Policy S11 in so far as they relate to the sequential test.

Highways Matters

40. The NPPF explains that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability objectives. Accordingly, it advises that planning decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development proposals that generate significant amounts of movement should be supported by a Transport Statement/Transport Assessment, it continues. However, development should only be prevented or refused on transport grounds if there would be an 'unacceptable impact on highway safety', or 'the residual cumulative impacts on the road network would be severe', it advises (paragraph 109). Policy L4 of the Trafford Core Strategy is the relevant policy at development plan level. This is clear that planning permission will not be granted for new development that is likely to have a 'significant adverse impact' on the safe and efficient operation of the strategic road network (SRN), and the primary and local highway network. It has been concluded that the *severe* reference within the NPPF is a more stringent test for residual cumulative impacts, and thus Policy L4 (on the issue of traffic impact) is considered to be out-of-date for the purposes of decision-taking. However, in relation to the last application, it was the issue of highway safety (rather than traffic impact) that was the focus of concerns (when having regard to the applicant's vehicular access proposals), and this continues to be the case. The strength of concerns previously led to a recommendation to refuse that application on highways grounds, which was endorsed by the Planning

and Development Management Committee. The refusal reason referred to the applicant having not adequately demonstrated that the proposed new egress onto George Richards Way would be safe.

41. The highway implications of the proposed development, in totality, have again been carefully considered by the local highway authority (LHA), and with Transport for Greater Manchester (TfGM) also providing an important advisory role. Pre-application discussions have also taken place with the aim of removing objections in the context of the applicant's continuing objective to provide the egress. The applicant's submitted Transport Assessment (TA) sets out the transport implications of the proposed development and it identifies what steps have been taken since the previous refusal to address concerns. This TA has been the focus of review.
42. A single access (for customers) currently serves the retail park, situated off George Richards Way and which is signalled controlled. It leads to a mini-roundabout. Whilst the proposal involves the utilisation of this existing access for entering the retail park, a new point of egress is proposed off George Richards Way. This would provide a 'left-turn only' option which would lead vehicles towards the A56 eastbound. It would be positioned between the existing retail park access and the George Richards Way/A56 junction. However, customers to the proposed foodstore and downsized Homebase could also continue to use the existing retail park egress arrangements. The proposed egress would not be signalled controlled. Rather, during the inter-peak, exiting customers would join George Richards Way when gaps in traffic appear, whilst they would merge with traffic during peak periods when queues would build up beyond the proposed egress, it has been explained. The egress works would also involve a new central reserve, some footway realignment and carriageway widening. To the east of the egress a new pedestrian access is also proposed to provide a connection from the car park to the George Richards Way footway.
43. It was explained in the context of the last application and officer report that objections had been raised from the outset, by both the LHA and TfGM, regarding the principle of this egress. A key concern was the nearness to the A56 major, signalised junction; a distance of only some 80 metres. The proposed egress would be in proximity to the existing George Richards Way left turn lane to the A56 and in the weaving length of vehicles changing lanes to exit George Richards Way and travel onwards. The consultees raised the very real prospect of vehicle conflict occurring with drivers attempting to exit the retail park via the proposed egress when it is unsafe to do so and at a time when other drivers would be preparing to change lanes on approach to the A56.
44. Notwithstanding these 'in principle' objections, efforts were made to work with the applicant to explore potential solutions last time around. Some extra evidence was provided and some design adjustments were made, which were welcomed. However, other requested evidence to support the applicant's contrary position -

that the LHA/TfGM concerns were unjustified – was not provided. The resultant position was a conclusion that the new egress would present a risk to highway users and that it had not been adequately evidenced that this risk would not be ‘unacceptable’.

45. However, there have been some significant and material changes, both to the evidence base and to the specifications of the proposed egress, relative to the last application. In terms of supporting evidence, this has included video recordings of vehicular movements along George Richards Way, the provision of LinSig models of signalised junctions in this location, a suite of swept path analyses which has included vehicle tracking speeds, and the submission of personal injury collision data. In turning to design adjustments, this has included an amended location for the egress; further to the west (by approximately 20 metres), further from the George Richards Way junction with the A56, further from the left-turn diverge and the weaving (lane changing area), and further from the signal stop lines. Other changes have included a reduction in the upwards gradient of the egress from the car park, some carriageway realignment at George Richards Way to achieve wider lanes, and an altered design for the central reserve (which would now be shorter in length and of a standardised configuration, would avoid the nearby pedestrian crossing area and would not have extended guardrails). A further design adjustment has been negotiated during the course of the application process involving the setting back of an existing knee rail fence and of replacement tree planting in the area of the egress in order to maintain appropriate visibility splays. In totality this package of material - of new information and of design modifications - has been crucial for the LHA in enabling it to move to an altered position.
46. It is commented, however, that it remains the LHA’s position that the applicant has not demonstrated a requirement for the new egress. The LHA has stated that the applicant’s submission does not indicate that there is a traffic capacity issue with the existing arrangement which would necessitate the introduction of a further egress. The present arrangement operates satisfactorily and would continue to do so; the new egress (despite the progress made) could still create a highway safety problem – to some degree - where none currently exists, the LHA has concluded. With this in mind, the overall conclusion of the LHA is that it still does not fully support the provision of the proposed egress in this location. However, it is now of the view that the applicant’s revised submission, and when having regard to the extra supporting evidence provided, would not give rise to an impact on highway safety which could be deemed ‘unacceptable’. This is the wording of the policy, at paragraph 109 of the NPPF, and relevant case law and planning decisions at a national level have established that the threshold for demonstrating failure of the test is high. Accordingly, when having regard to the specifics of this application, and unlike the last submission which was materially different, it is concluded that a reason for refusal on *unacceptable highway safety* grounds is not justified this time around; it would be unlikely to be sustained at appeal, the LHA has advised.

47. This is a conclusion that has been carefully considered by the LHA and has been made in the context of some continuing concerns expressed by TfGM. In addition to questioning the rationale for the proposed egress, from TfGM's position, further design adjustments would be sought, including to reduce George Richards Way down to one-lane eastbound. Whilst the LHA is in agreement that this may offer some further improvement, by reducing the number of lanes that drivers exiting the egress would need to observe, this further adjustment – it is not considered essential over and above the applicant's present proposal. Whilst recognising the concerns of TfGM and placing them on record, officers have ultimately been guided by the comments of the LHA as statutory consultee. It should also be commented that the subsequent Section 278 process would encompass a detailed examination and review of the egress design and specification by the LHA, leading to further refinements should they be deemed necessary. As part of this the suitability of other design suggestions by TfGM could be explored.
48. The consultation response of the LHA is clear, however, that the ability to remove their objection is dependent on the imposition of a series of important conditions concerning the use, design and maintenance of the egress. This includes a condition to ensure that the detailed design of the egress (as part of S278 discussions) is progressed in accordance with the specifications in the TA regarding its location, gradient and width of the adjacent traffic lanes, and a condition to ensure that the necessary visibility splay at the egress would be retained through careful landscape management. A further condition is requested to restrict the size and type of vehicles who could use the new egress. In explanation, the submitted tracking diagrams indicate that the egress manoeuvres of a 7.5 tonnes box van (or larger) could be problematical in striking the kerb and straddling two lanes. The provision of a 2.15 metre (7ft) height restriction barrier at the egress (together with advisory signage) would limit its use to smaller vehicles (those of a UK standard car size, including SUVs) who could undertake the necessary movements from the car park to George Richards Way comfortably.
49. In terms of other highway matters considered by the LHA/TfGM, in the last application they were found to be acceptable; the same conclusion has been reached now. The TA provides an overview of the accessibility of the application site by non-car modes. It is explained that all roads within the vicinity of the site have footways typically of at least 2 metres in width and with pedestrian crossing facilities over busy roads. The footway along the southern side of George Richards Way is designated as a shared footway/cycleway, it is explained, and with some cycle parking provided within the retail park. The A56 is a bus corridor and with the nearest bus stop located close to the existing Homebase and which is used by a number of services on routes between Altrincham town centre, the Trafford Centre and Manchester city centre. There is a further bus stop located on George Richards Way. However, notwithstanding the existence of public transport and that there is the prospect of some walk-in/cycle custom, given the nature and function of retail parks (including the availability of free and convenient car parking) and the way in which food shopping is undertaken, it is to be expected

that the majority of customers would arrive by motor vehicle.

50. The submitted TA estimates the potential increase in vehicle trips associated with the proposed development. This is based on traffic surveys undertaken in 2016; whilst this evidence may seem dated it has been agreed with the LHA that it would not be reasonable nor fitting to have obtained new survey evidence based on low traffic levels experienced during the Covid-19 pandemic (and when many of the units at the retail park have been closed or subject to different opening/trading patterns). Furthermore, whilst the applicant's proposal is predicated on the Homebase unit reducing in size, the TA assumes that the number of vehicular trips associated with it would not change. It is for these reasons that the 2016 data contained within the TA is considered to be robust. The TA predicts that the proposed development would generate 147 two-way trips during the weekday peak and 232 two-way trips during the Saturday peak. However, not all of these trips would be new to the network (some would, for example, be undertaken as linked trips by customers already visiting the retail park), it is explained. The TA then considers the effects of this traffic increase on local roads. This includes at key signalised junctions adjacent to the site, including at each 'arm'. The TA identifies that, with the proposed development in place, there would be no operational issues at any junction under all modelled scenarios (which account for peak periods). Whilst vehicular queue length in certain locations may increase, the TA does not identify the increase to be significant. Overall, when placing the anticipated uplift in traffic in the context of the existing baseline environment, the TA records that there would be no *material* change in traffic conditions. This is a position that is accepted by the LHA, and thus it is again concluded that the general increase in traffic attributable to this development could be absorbed by the local highway network and without giving rise to a 'significant adverse' or 'severe' impact.
51. The retail park as a whole currently provides parking for up to 790 cars. Survey data provided within the TA - when based on the two busiest days of the week (including a Saturday) and collected prior to the pandemic - indicates a maximum occupancy level of 47% across the two car parks. 96 car parking spaces would be lost through this proposal, thereby reducing the number of spaces to 694. However, within this, the number of dedicated disabled and parent with child spaces would increase (by 4 and 10 spaces respectively). The TA estimates that the new discount foodstore would generate a demand for up to 84 spaces on a Saturday. This would provide a total demand across the full retail park of 429 spaces, the TA explains, amounting to just over 60% of the total capacity.
52. One of the objectives of Policy L4 is to ensure that new developments provide adequate levels of car parking. SPD3: *Parking Standards and Design* sets out the Council's maximum standards for parking provision across a broad range of uses. The use of maximum, rather than minimum, standards is intended to discourage excessive parking provision which could otherwise promote car use. The SPD identifies that, in this location, 1 parking space for every 14 square

metres of Class A1 food retail (gross) floorspace is the maximum requirement. For Class A1 non-food retail uses, the equivalent figure is 1 parking space for every 20 square metres of (gross) floorspace, and 1 space for every 40 square metres of Class A1 retail warehouse/bulky goods (gross) floorspace. The precise application of these standards to this proposal is difficult, however, given that this is not a standalone retail development served by one dedicated car park. Rather this is an existing retail park environment with a number of different component parts which fall into different categories within SPD3, and with the full car park available to all retail park customers, who may choose to visit different units as part of the same trip. The LHA has confirmed that it is confident with the TA's findings in respect of existing car park capacity, which are corroborated by on-site observations. Overall, and when noting that Lidl/Homebase customers would have access to other spaces across the retail park, the LHA has again concluded that the proposed parking arrangements would be adequate to cater for the demands of the development and of the retail park as a whole. The LHA is also satisfied that the proposal would provide sufficient car parking for all user groups, consistent with the aspirations of SPD3.

53. There is currently parking for up to 8 cycles (4 stands) outside of the Homebase store, which would be retained. However, 14 spaces (7 stands) to the south-west of the existing unit would be removed. These would be replaced, however, by a total of 24 spaces (12 stands) in three different locations across the site (including within a covered cycle store). The LHA has confirmed its acceptance with these proposals, which would exceed the minimum standards required by SPD3. The application does not, however, allow for any motorcycle parking, and the LHA has advised that this should be secured via condition.
54. In terms of servicing, the TA confirms the intention to utilise the existing retail park service access which leads from Craven Road. Deliveries to the Homebase store are not anticipated to change in quantity, whilst one to three service vehicles per day would be expected to the new foodstore. It is explained that all deliveries would take place clear of the adopted highway and within the dedicated service yards, and thus the LHA has confirmed its acceptance.
55. The LHA has suggested some further conditions, including to request a Construction and Environmental Management Plan. Its purpose, amongst other matters, would be to ensure that there were satisfactory car parking and access/egress arrangements in place for customers during the construction period.
56. In concluding on the topic of highways, this application relative to the last application presents a materially different proposal - supported by further evidence – in respect of the new vehicular egress onto George Richards Way. Whilst the LHA remains not fully supportive of the egress (a view shared by TfGM) the LHA considers that its previous acute concerns have in part been addressed. Whilst there may remain some residual highway risk, this is not considered to be of a level which may be classed by the decision-taker as 'unacceptable'. The proposal

is therefore no longer considered to be in conflict with paragraph 109 of the NPPF or Policy L4 on the subject of highway safety. A satisfactory conclusion has again been reached on all other highways issues, including traffic impact.

Impact on Heritage Assets

57. Protecting and enhancing the historic environment is an important component of the NPPF. The document introduces the term 'heritage assets' which are defined (within the glossary) as: 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions'. Such heritage assets can be 'designated' or 'non-designated'. It is the conservation of heritage assets in a manner appropriate to their 'significance' which is the focus of the NPPF, and with this significance defined as: 'the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting'.
58. Within the Core Strategy Policy R1 seeks to ensure that the Borough's heritage assets are safeguarded for the future, where possible enhanced, and that change is appropriately managed and tested for its impact on the historic environment. However, Policy R1 is inconsistent with the current government guidance. This is because the policy does not reflect the NPPF's categories of 'substantial' and 'less than substantial' harm and their corresponding tests. In summary, these NPPF tests provide an opportunity for an applicant to demonstrate that there would be public benefits arising from a proposal which may outweigh heritage harm. Full weight cannot, therefore, be afforded to Policy R1, and the tests of the NPPF remain to be applied in the determination of applications in treating this guidance as a material consideration.
59. That being the case, Policy R1's approach is in line with the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990, which are still engaged. This (at Section 66) requires decision-makers to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Therefore, whilst the terminology of the NPPF may reduce the weight that can be applied, Policy R1 nonetheless remains of some relevance given the statutory obligations.
60. There are a number of designated heritage assets within the vicinity of the application site. These comprise: a former canal warehouse on the south side of the Bridgewater Canal (Grade II listed); the former Lloyds bank building at nos. 139 to 141 Manchester Road (Grade II listed); and the Railway Inn public house, Manchester Road (Grade II listed). In addition, the Bridgewater Canal is recognised as a non-designated heritage asset, and with the bridge over the canal at Manchester Road (known as Broadheath Bridge) having the same non-designated status.

61. The application submission includes a Heritage Statement, submitted in accordance with paragraph 189 of the NPPF, which sought to describe the significance of affected heritage assets and the impacts that would arise. It is the impact of the proposal on the listed Railway Inn (and specifically its setting) which is the focus of the assessment and which has been of concern to the Council's Heritage Development officer during the consideration of this and the last application. It has been accepted that, in the case of the other identified heritage assets, the site is separated from them either by George Richards Way and/or by other retail warehouses (and thus their setting would be largely unaffected and any impact would be negligible).
62. However, the Railway Inn is in fact contained within the application boundary; it is positioned at the junction of George Richards Way and the A56 Manchester Road, at the south-eastern corner of Altrincham Retail Park. It is understood that the area of the application site originally formed the Broadheath railway station, goods shed and viaducts. However, it was demolished in the late 1980s, along with a terrace of shops to the north of the Railway Inn. The Altrincham Retail Park was constructed in the early 1990s. The Railway Inn was, however, retained. The listing description explains that the building is of mid-19th century origin although with later alterations. It is of red/purple brick with a pitched welsh slate roof and chimney stacks. Its street (A56) frontage is of two-storeys with three bays and an off-centred doorway. Its gabled elevation to George Richards Way is at an acute angle. The building has recently suffered fire damage.
63. The importance of respecting the setting of a heritage asset is established by the statutory obligation referred to above, and it is also reflected in the policy objectives of the NPPF and the Core Strategy. A Historic England document *The Setting of Heritage Assets: Historic England Good Practice Advice in Planning* (2017) defines setting as: 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.' For the purposes of decision-taking, it is necessary to understand the extent to which setting contributes to the significance of a heritage asset. Setting is also described as being a separate term to curtilage. Whilst curtilage is a legal expression which refers to the extent of a property boundary, setting is chiefly a visual term and the way in which the host structure is experienced.
64. The applicant's Heritage Statement refers to the fact that substantial demolition and redevelopment in recent decades has removed the listed building's historic context. 'The pub stands entirely isolated amongst a network of busy multi-lane roads/junctions and the large Altrincham Retail Park, resulting in its setting now entirely lost', it is stated. Following on from this, the assessment records that the contribution of setting to the asset's significance is low. Further to this, it is concluded in the assessment that the proposed development 'would not affect the

setting of the Grade II Railway Inn.’

65. This conclusion – that there would be no impact on significance - is not accepted by the Council’s Heritage Development officer (akin to the position on the last application, and with no changes in scheme design or siting in the interim). From this perspective it is again acknowledged that the current immediate setting of the listed pub is defined by the expanse of car park. However, the Railway Inn formed the end of a terrace, and whilst the remainder of that terrace has been demolished, several properties remain of adjoining terraces. The building is therefore part of a wider, fragmented street scene which includes these retained 19th century buildings both to the north and south along the western side of Manchester Road, it is concluded. Further to this, the current car park acts as an undeveloped buffer surrounding the pub. The form of the building, including its gables and roofscape as well as its principal elevation, are clearly appreciated when moving along Manchester Road in both northerly and southerly directions.
66. The Heritage Statement models the proposed development from only two arbitrary viewpoints (from a location looking north-east towards the site from the junction of Manchester Road, George Richards Way and Viaduct Road, and then a more distant view also north-eastwards). A more thorough assessment would have included a broader range of views, including looking southwards, in order that the impact of the development on kinetic views could be appreciated (which is what would be experienced in practice), the Heritage Development officer has advised.
67. The application proposal involves a sizeable extension which would extend the retail warehouse terrace much closer to the A56. Whilst limited in scope, the first modelled viewpoint serves to demonstrate the prominence of the proposed development, with its side (blank) elevation positioned within six metres of the Manchester Road footway. This is corroborated by a CGI image submitted with the package of plans/drawings. The associated buildings to the site’s north would also be partially obscured from certain aspects. It is acknowledged that this proposal continues forward some positive design adjustments that were secured during the last application. For instance, the extension’s proposed eastern elevation includes some of the detailing from the front elevation, including a cladded trim to the upper element and dark grey cladded columns. This elevation would also include timber fencing to surround the garden centre. No shopfront glazing is incorporated. However, overall, there remain continuing concerns that this is not an appropriate design response for such a noticeable corner of the development *and* which has heritage sensitivity. The suitability of the scheme in general design terms is covered in further detail in the subsequent section of this report.
68. As a consequence of scale, siting, form, appearance and materials, the result - it is again considered - is an unsympathetic development in the context of the relationship with the Railway Inn. It would be observed within the setting of the listed building and it would reduce the visual connection between the public house

and the adjacent 19th century buildings. As a consequence, the Heritage Development officer has once more concluded that the proposed development would be harmful to the significance of the listed building by virtue of the impact on its setting. The extent of harm has been described as ‘moderate.’

69. As previously advised, the NPPF acknowledges that there can be levels of harm to the significance of a designated heritage asset. The Heritage Development officer has confirmed that the reference to ‘moderate’ harm would translate to ‘less than substantial’ harm to significance as referred to by paragraph 196 of the NPPF. Where a development proposal would lead to less than substantial harm to significance, paragraph 196 continues that this harm should be weighed against the public benefits of the proposal. It should be reiterated, however, that Policy R1 does not explicitly allow for a development to result in any harm to heritage assets. The identification of ‘moderate’ or ‘less than substantial’ harm to the setting of the pub therefore amounts to a development plan policy conflict. That this approach is not consistent with the NPPF has, of course, previously been reported. However, even when relying upon the NPPF approach, paragraph 194 is clear that the harm arising requires a ‘clear and convincing justification’. Furthermore, in accordance with the statutory presumption embodied in the Planning (Listed Buildings and Conservation Areas) Act 1990, significant weight and importance should be afforded to heritage harm.
70. The NPPG explains that ‘public benefits’ may follow from many developments and could be anything that delivers economic, social or environmental objectives as described by the NPPF. The applicant’s submission refers to the benefits that this development would bring. It is acknowledged that the proposal represents investment by the joint applicants in the retail park and the wider area, and that this would support the objectives of the NPPF in utilising the planning system to help build a strong, responsive and competitive economy (paragraph 8). It is explained that the new Lidl store would provide approximately 40 new job opportunities, and with Lidl’s employment arrangements typically supporting the hiring of local people. The positions would range from managerial to store assistants and cashiers. The proposal would also ensure the retention of jobs at the Homebase unit, and with the applicant’s submission suggesting that 50 in-store jobs would be protected. These economic benefits are given weight, and particularly so in light of the current national economic uncertainty as a consequence of the Covid-19 pandemic. It is also recognised that the development would support some construction jobs, albeit it only for a temporary period, and that there could be potential for some wider economic benefits during construction associated with investment in local supply chains.
71. Further to this, it is acknowledged that the proposed development would enable the introduction of a new food retailer, not currently represented, to the local grocery market, and would provide for improved consumer choice and competition. In doing so it would also ensure the retention of trade within the local area which may otherwise be lost to existing Lidl stores further afield.

72. The exercise of balancing harm to heritage assets against public benefits is a matter of planning judgement. From the summary above, it is evident that there is a collection of benefits that would arise and which would be welcomed, and particularly some economic-led gains. In this case the harm to significance that would be inflicted on the Railway Inn by virtue of the impact on setting is 'less than substantial.' Whilst the applicant's position that the historic context of the pub has been entirely removed is not accepted, equally on balance it is recognised that there has been some dilution in setting and that the character of the A56 corridor in this location is also influenced to some degree by highways infrastructure, busy traffic, and other modern warehouse and standalone commercial developments. From this position, and when applying the necessary judgement to the circumstances of this proposal, it is considered that the additional harm to setting - of a 'less than substantial' nature - would be sufficiently outweighed by the cumulative public benefits that are expected to arise.
73. Great weight has been afforded to the heritage harm that would arise when having regard to the statutory duty. However, it is concluded that the policy test at paragraph 196 of the NPPF has been fulfilled and that the heritage harm would be outweighed. However, the proposal remains at odds with Policy R1. This matter is returned to in due course as part of the concluding planning balance.

Design and Visual Amenity

74. The creation of high quality buildings and places is fundamental to what the planning process should achieve, according to the NPPF. Paragraph 124 explains that 'good design is a key aspect of sustainable development, it creates better places in which to live and work, and helps make development acceptable to communities.' Within the statutory development plan this objective is expressed by means of Policy L7 of the Core Strategy, with the accompanying text similarly noting that 'high quality design is a key element to making places better and delivering environmentally sustainable developments.' It has been concluded that Policy L7 is consistent with the NPPF and thus it is up-to-date for the purposes of decision-taking.
75. In October 2019 the Government published its National Design Guide. It is based on national planning policy, practice guidance and objectives for good design as covered in the NPPF. The document outlines the Government's priorities for well-designed places in the form of ten characteristics. The first such characteristic is 'context'. This is defined as 'the location of the development and the attributes of its immediate, local and regional surroundings.' A well-designed new development responds positively to the features of the site itself and the surroundings context beyond the site boundary, it is continued. 'Identity' is a further characteristic. 'The identity...of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them.' It continues that 'well-designed places have a positive

and coherent identity that everyone can identify with.'

76. The site forms part of an existing retail park, which has a particular character reflective of its form and function and typical of such out-of-centre retail destinations. The location is characterised by relatively low-rise, flat-roof development which occupies large floorplates and which is fronted by surface-level car parking with onward highway connections. However, this part of the retail park is in the most prominent location; towards the frontage of the A56 and its junction with George Richards Way. The Grade II Railway Inn is positioned at this intersection. Equally, the retail park in this location is also influenced by the route of the A56, which is largely commercial in character, which accommodates road infrastructure and which can be congested at peak times. Beyond the listed pub, uninterrupted views of the site and the wider retail terrace are also available from George Richards Way across the existing open car park. Built form in the area is typically modern although there are pockets of other more historic fabric.
77. The proposed development would involve the extension of the existing warehouse terrace closer to the A56 on an area of current car park. New built form, of a lesser amount, would also be provided to the north towards Huxley Street. Efforts have been made to ensure that the proposed development would reflect the existing appearance and palette of materials present within the retail park. The existing Homebase unit is composed of blockwork cladding with a composite cladding trim at the upper level and with this composite cladding repeated to form a series of columns. The open area of the garden centre has similar column structures composed of blockwork. The west-facing elevation of the garden centre includes timber fencing. The entrance to the existing Homebase comprises an aluminium shopfront positioned towards the eastern end of the unit. The extension to the Homebase unit would take the form of the repositioned garden centre. It would be subordinate in height to the main unit, akin to the existing garden centre. It would have a blockwork plinth and with areas of glazing incorporated set within aluminium frames. The remainder of the unit would be updated through the provision of dark grey cladding columns, which would be repeated for the garden centre, and replacement cladding for the upper trim (also followed through for the garden centre).
78. The new Lidl store, in replacing the existing garden centre, would adopt a similar form and scale to the adjacent Homebase. It would feature a glazed entrance and adjacent curtainwall glazing on the south-facing elevation overlooking the car park. This would wraparound to encompass some of the west-facing elevation. It would also include dark grey cladding columns, to tie in with the adjacent unit, and a cladded upper trim (although of a greater depth).
79. In terms of hard landscaping, the proposal involves the provision of brick paviours at the store entrances to tie in with existing surface materials, and the re-tarmacking of the majority of the car park. New furniture is proposed outside of the units, including a trolley bay and cycle store.

80. What is proposed is functional in its appearance and has an identity that is consistent with the rest of the retail park and the wider surroundings including other commercial and retail developments on the A56 and to the south of George Richards Way. The new discount foodstore would largely take the place of existing built form and would nestle in between the refurbished Homebase and the remainder of the retail terrace, which is set back. It would mainly be observed in views from George Richards Way. However, the area of the new garden centre is more problematical in design terms. This element would be seen in the context of both George Richards Way and the well-trafficked A56 and would encroach into the setting of the Railway Inn. It is recognised, however, that some design evolution that was negotiated during the course of the last application - specifically in order to deliver an improved appearance in this location - has again been carried forward. Whilst the scale and position of the proposed extension has never altered, some changes have been made over time to its external treatment as it faces the highway. This has included the introduction of some column and upper level detailing, which would provide some variation to the elevation and which would serve to soften the way the development was perceived. The extent of applied timber fencing has also been reduced. Conditions could also be imposed on any grant of planning permission to further ensure a level of design quality, for example to request full material specifications.
81. Overall, it is considered that the proposal would deliver a development with an identity which would cater for its users and which in many ways would be reflective of the characteristics of this area of Broadheath. However, from the previous commentary it is evident that the proposal has not taken full account of all aspects of context since some harmful impact to a heritage asset has been identified. Policy L7, consistent with the National Design Guide, also requires development to be appropriate to its surroundings. The elevational improvements have, however, moderated the strength of design objections and there is recognition that this is an environment with a varied character. With this in mind, whilst it is maintained that the proposal would not fully meet all design principles established by Policy L7, the extent of policy variance is not considered significant enough to trigger a policy conflict and to warrant a recommendation of refusal on design grounds. When taken as a whole, it is considered that the proposal constitutes a reasonable design response which has some positive elements of character and which generally satisfies the requirements of Policy L7, the NPPF and the National Design Guide. *Some* departure from policy and guidance, when having regard to local heritage, is however placed on record (consistent with previous conclusions) and this is a matter that will be returned to as part of the concluding planning balance.

Landscaping and Green Infrastructure

82. The NPPF is clear that the creation of well-designed places is also dependent on the incorporation of appropriate and effective landscaping (paragraph 127). Policy

L7 of the Trafford Core Strategy also refers to the importance of ensuring that new developments are appropriately landscaped. In addition to this requirement, there is a separate Core Strategy expectation (as articulated by Policy L8 and Policy R3, and complemented by SPD1: Planning Obligations) for development proposals to contribute on an appropriate scale to the provision of 'specific green infrastructure' (SGI), which includes tree planting and other forms of soft landscaping. The scale of provision should be tailored to the specifics of the proposal since the intention is that it would mitigate specific issues in that area, the SPD advises. This could include the effects of urban heat or of air and water pollution, or to address local ecological impacts. Policy R3 is regarded as being in step with the NPPF and thereby afforded full weight for decision-taking, whilst Policy L8 is generally consistent with the NPPF although lesser weight should be applied.

83. Existing soft landscaping at the site takes the form of a band of grass with some trees at intervals at the George Richards Way frontage, and similarly at the A56 boundary. There are also clusters of shrubs at the rear of the site which it is assumed were planted in parallel with the development of the retail park in order to provide some screening for the residential properties in this location. There are further trees in the car park.
84. There were discussions in the context of the last application regarding proposals to fell trees within the site to facilitate the new egress, replacement pedestrian access and car park reconfiguration works. The Council's Tree officer was accepting of the removal of trees within the car park when noting that they had been planted in substandard conditions and are in poor shape anyway. However, the trees at the site's frontage, whilst not mature, were regarded as being in good health and vigour with full crowns and significant amenity potential in the longer term. In addition, whilst the proposal to plant heavy standard trees was welcomed in principle, concern was expressed that the supporting planting specifications would not provide favourable conditions to enable the new trees to flourish. Whilst the extent of trees proposed to be felled in this location was not reduced, revised landscape proposals were submitted which allowed for more replacement planting to ensure one for one provision. In addition, further adjustments were made to the planting specifications in order to ensure better planting establishment.
85. The current application carries forward these positive adjustments, and with it similarly proposing replacement tree planting along the George Richards Way frontage, and with the number of trees (and their maturity) sufficiently compensating for those lost. Conditions are recommended, however, to ensure the improved soil/root/planting conditions, and to secure landscape implementation and maintenance. Whilst it is noted that the proposed landscaping scheme does not, as with the last application, allow for an overall uplift in tree planting, in accordance with the expectations of policies L8/ R3 and SPD1 (and thus there would be no landscape improvement in the short term), the Council's Tree officer has advised that there could be long term gain in tree cover provided that the new trees are well-planted (as indicated) and appropriately maintained. It is on this

basis that it is concluded that the requirements of Policy L7 have been fulfilled and similarly in respect of the aspirations of policies L8/R3, and SPD1.

Residential Amenity

86. In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 127) advises that planning decisions should create places that provide a high standard of amenity. Policy L7 of the Core Strategy contains a similar requirement, and with it made clear that new development must not prejudice the amenities of neighbouring occupiers by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.
87. To the immediate north of the application site there are residential properties which could be impacted upon. These include the streets of Huxley Street, Princess Street and Sinderland Road. The existing service yard to the Homebase unit is located in close proximity to this area, surrounded by timber fencing. The application proposal involves the demolition of some of the existing retail unit in this area, at a pinch point close to the site's boundary. In addition, an area of low-level landscaping which serves to provide some screening to the unit's rear elevation is proposed to be largely removed. This work would create a second service yard, and thus the existing Homebase service yard would be utilised by Lidl and then the new service yard by Homebase. The earlier application proposed the same arrangement.
88. When having regard to the separating distance to residential properties, the provision of replacement landscaping to provide some screening, and that some existing built form would be lost, there are no overriding concerns with regard to issues of overshadowing, overbearing impact, or visual intrusion from the building extension itself. In addition, there would be no overlooking problems given the focus of glazing to the retail units on the principal car park-facing elevations.
89. However, as with the last application, a cautious approach has been taken in respect of the potential for *noise* impacts, primarily in the context of the proposed new foodstore use and the possibility of a very well-visited facility including by service vehicles as well as customers. The potential to impact upon Huxley Street residents in particular has again been the focus of concerns.
90. Deliveries to the retail park (including to the existing Homebase) are presently restricted by condition and are limited to 0730 to 2000 Monday to Saturday, and with no deliveries permitted on Sundays (although the application submission advises that, in reality, deliveries do not occur until after 0800 hours). The current hours of opening of the Homebase store are 0900 to 1800 Monday to Saturday, and 1000 to 1600 on Sundays. More extensive opening hours were in place prior to the pandemic (Monday to Saturday 0800 to 2000) and it is understood that these broader hours may be reintroduced.

91. Under the remit of the last application there were protracted discussions with the Council's Pollution and Licencing (Nuisance) team, specifically on the topic of noise breakout from servicing activities and in the context of the applicant's then request for 24 hour deliveries to the new Lidl unit, seven days a week. It was concluded that the intensification of use brought about by the addition of a new foodstore and a new service yard potentially operating through the night would be detrimental to noise-sensitive receptors in the vicinity of the site. Reduced delivery hours for the Lidl were subsequently offered by the applicant, comprising a 0800 start on each day, and ceasing at 2200 Monday to Friday, and 2000 Saturday to Sunday. These reduced hours were again put forward as part of this new application.
92. However, even under this scenario, the submitted Noise Impact Assessment acknowledges that reasonable noise levels arises from delivery processes would still be exceeded at the nearest residential properties on Huxley Street (when stood outside). It therefore proposes (as with the last application) the erection of an acoustic barrier at the perimeter of the service yard to provide some noise mitigation. This would take the form of a 4.1m high close-boarded timber fence which would be erected at the Huxley Street boundary, behind an existing area of landscaping and then close to the south-western corner of the garden of no. 8 Huxley Street. There is presently a lower fence (3 metres high) in this general location with razor wire atop and which is substandard in its appearance since it has weathered over time.
93. The residential amenity implications of the proposed fence itself have been examined, in terms of the potential for it to cause overshadowing or to have an overbearing effect. A fence at this height directly aligning the residential property's boundary would be of a concern, but in this case a separating distance would be maintained. When having regard to the effects of the existing fence, and then the proposed fence's improved exterior (and with new planting proposed to further soften its appearance), it is concluded that there would be no significant adverse residential amenity effects brought about by the proposed noise mitigation.
94. Whilst the acoustic barrier is again welcomed by the Nuisance team, even with it in place it is still considered necessary to impose more restrictive delivery hours in the interests of preventing undue noise and disturbance and to protect surrounding residents. In summary, conditions are recommended which would impose the following limits for the Lidl (and which have subsequently been accepted by the applicant):
- Deliveries between 0800 and 2000 hours Monday to Saturday, and between 1000 and 1600 hours on Sundays; and
 - Store opening of 0800 to 2200 hours Monday to Saturday (including Bank Holidays), and 1000 to 1600 hours on Sundays.

95. Further noise-related conditions are again recommended to provide added amenity safeguards, including to request a Delivery and Service Management Plan (to ensure that the delivery process is appropriately managed by the retailers), to request a Construction Environmental Management Plan (to ensure that potential environmental effects arising during the construction stage are mitigated), and to limit the noise levels from any fixed plant to be installed. Conditions to transfer the hours restrictions for Homebase to the new unit are also considered necessary (regarding both opening and deliveries).
96. The Nuisance team has also reviewed the applicant's submitted lighting report, 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.
97. Overall, and with a series of crucial conditions in place, it is concluded that the proposed development would not have a significant adverse impact on standards of residential amenity in the locality. It is considered that the requirements of Policy L7 and the NPPF on this topic have therefore been met.

Other Environmental Health Matters

98. The NPPF advises local planning authorities to ensure that planning decisions prevent both new and existing developments from contributing to, or being put at risk from, unacceptable levels of soil, air or water pollution or land instability (paragraph 170). Within the Core Strategy this objective is covered by Policy L5 (Climate Change), which states that development that has potential to cause adverse pollution (of air, water or ground) will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place (and with this aspect of Policy L5 regarded as being up-to-date).
99. Advice on these matters has been sought from the Council's Contaminated Land and Air Quality teams, and also from the Environment Agency (EA). Taking account of the submitted Geo-Environmental Desk Study which supports the application, the consultation response from the Contaminated Land team confirms that there are no overriding contamination concerns, although with a condition recommended to provide for further site investigative works and for subsequent remediation if necessary. The EA's response on the application defers to the position of Contaminated Land.
100. No consultee concerns have been raised regarding the potential for the development to lead to a deterioration in levels of air quality (when having regard to the submitted Air Quality Assessment), although there is an expectation that the submitted Construction Environmental Management Plan would include measures to control the emission of any dust and dirt from the demolition and construction

processes. There is also a requirement for low emission vehicle charging infrastructure to be installed within the development (to be conditioned), which could help to promote the uptake of low emission vehicles. Compliance with Policy L5 on these matters, together with the NPPF, has therefore been concluded.

Flooding and Drainage

101. The NPPF, at paragraph 148, is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It advises local planning authorities to direct development away from areas at highest risk of flooding by applying the sequential test and then, if necessary, the exception test. Major development should incorporate sustainable drainage systems to manage surface water run-off, paragraph 165 advises, unless there is clear evidence that this would be inappropriate. The accompanying NPPG establishes a hierarchy of sustainable drainage options which commences with drainage into the ground (infiltration).
102. The applicable policy in the Trafford Core Strategy is Policy L5. This also explains that development will be controlled in areas at risk of flooding, and it also supports the use of sustainable drainage measures. This aspect of Policy L5 is also regarded as being up-to-date.
103. The application is accompanied by a Flood Risk Assessment (FRA) which has been reviewed by the Lead Local Flood Authority (LLFA). The FRA confirms that the site is located in Flood Zone 1, which means that it is exposed to the lowest annual probability of river or sea flooding (a less than 1 in 1,000 risk). As a result, there is no need for the sequential or exception tests to be applied.
104. The application is also supported by an Outline Drainage Strategy which similarly has been subject to LLFA assessment along with United Utilities. Drainage layouts have also more recently been submitted, which are subject to continuing review. In the context of the last application it was concluded that the applicant had in place an outline scheme for effectively managing surface water from and within the site, and with a condition recommended to secure it. It was thereby concluded that the earlier proposal was compliant with the NPPF on the matter of flood risk and also met the terms of Policy L5. It is anticipated that presently outstanding consultation responses will confirm this to be the case for the current application. However, the position will be confirmed in an Additional Information Report.

Ecological Impact

105. Planning policies and decisions should contribute to and enhance the natural and local environment, including by minimising impacts on - and providing net gains for - biodiversity, the NPPF is clear (paragraph 170). At the development plan level,

Core Strategy Policy R2 similarly seeks to ensure that new development would not have an unacceptable ecological impact (and with this policy regarded as being up-to-date).

106. The application submission includes a Preliminary Roost Assessment, which has been reviewed by the Greater Manchester Ecology Unit. The consultation response accepts that the building to be reworked and extended has negligible bat roosting potential, and thus the findings of the survey – that the proposed development would not impact upon local bat populations – is accepted. That being the case, the consultation response acknowledges that the submitted assessment is now somewhat dated, and that a review would be warranted in the event that works to the building were delayed beyond April 2022. In addition, the consultation response refers to there being evidence of birds nesting on the building, and with the application site containing both bird and invertebrate boxes. Therefore, conditions/informatives are recommended to request an updated bat survey dependent on when works take place, to ensure works cease in the event that bats or roosts are found, to restrict certain works to the period outside of the bird nesting season (unless a nest survey has been undertaken), and to request the provision of replacement box habitat. The proposal is therefore considered compliant with Policy R2 and the relevant provisions of the NPPF.

Crime Prevention and Security Measures

107. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development proposals create places that are safe, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience. This is supported by Policy L7 of the Trafford Core Strategy which requires applicants to demonstrate that a proposed development would help to create a safe environment and reduce the potential for crime.
108. The application submission includes a Crime Impact Statement, which has been prepared in conjunction with the Greater Manchester Police (GMP) and with the GMP also acting as consultee in reviewing the document. The consultation response confirms acceptance with the submitted CIS, although with a condition requested to ensure that the recommendations contained within the document are adhered to. Overall, it is considered that the proposed development has been satisfactorily designed when having regard to the objective of minimising the potential for crime through design (and thereby meeting the requirements of Policy L7 and the NPPF on this matter).

Other Planning Considerations

109. In wrapping up any remaining matters (including issues that have been raised in the letters of representation which have not been addressed to date), it can be confirmed that it is no longer a requirement of national planning policy for applicants promoting new retail development to demonstrate a 'need' for the

development proposed.

110. For the avoidance of doubt, vehicular access to the service yards would continue to be taken from Craven Road to the west and not from Huxley Street.
111. Consultation responses from Cadent Gas and from Electricity North West draw the applicant's attention to the site's proximity to operational equipment and for the need for caution to be exercised during implementation.
112. Any remaining issues raised in representations which have not been specifically identified have nonetheless been duly examined but are not considered determinative.

DEVELOPER CONTRIBUTIONS

113. The application proposal would appear to be subject to the Community Infrastructure Levy (as a supermarket in a location outside of a defined town centre).
114. The requirement to incorporate on-site specific green infrastructure, in accordance with SPD1: Planning Obligations and Policy R3/Policy L8, has been fulfilled, as previously explained.

PLANNING BALANCE AND CONCLUSION

115. The application site forms part of Altrincham Retail Park. It currently accommodates the existing Homebase store, its associated garden centre and car parking. The purpose of this full planning application is to extend and subdivide the existing Homebase to create two adjacent units. Unit 1 would comprise a new retail warehouse unit and garden centre for occupation by Homebase, and Unit 1A would comprise a discount foodstore to be occupied by Lidl. A similar proposal was refused by the Planning and Development Management Committee last year, on highway safety and sequential test (retail) grounds. There is an appeal pending.
116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision-taking. The NPPF is an important material consideration.
117. The decision-taking structure to be applied in the determination of this application is that set out at paragraph 11c and paragraph 12 of the NPPF since this is not a proposal in which policies of 'most importance' have been deemed 'out of date', (which would otherwise result in paragraph 11d of the NPPF being engaged.)
118. The application site is in an out-of-centre location for the application of retail and

main town centre planning policy. The applicant has submitted a retail statement which has been reviewed by the Council's independent retail consultant. It has been concluded that the proposal would not result in a 'significant adverse impact' on town centres when having regard to the two strands of the impact test as set out in paragraph 89 of the NPPF. However, in relation to the sequential test (as referred to at paragraphs 86 and 87 of the NPPF), it has been found that the sequentially preferable Altair site in Altrincham is suitable and available to accommodate a broadly comparable foodstore. Thus, the NPPF test at paragraph 90 is not passed. In failing in this regard, the proposal is contrary to Core Strategy Policy W2 having not satisfied 'the tests outlined in current Government guidance.' It is also at odds with saved RT UDP Policy S11 which requires the sequential approach to site selection to be adopted. A similar policy conflict was identified in the last application.

119. The proposed development involves the provision of a new point of egress for customers when exiting the retail park car park onto George Richards Way. The refusal of the last application on highway safety grounds was as a consequence of this new egress feature. It was concluded by the LHA that its presence in close proximity to the major road junction of the A56/George Richards Way was likely to pose a highway safety risk to road users and to increase the potential for collisions, and the applicant had not provided additional information to evidence its position that no unacceptable safety impacts would occur. However, this proposal is materially different; there have been changes to the characteristics of the egress, including its repositioning some 20 metres further westwards and away from the A56 junction, and also a package of further supporting evidence contained within the TA. Whilst the LHA does not fully support the egress proposals and is of the view that the existing access/egress arrangements operate satisfactorily, the adjustments made and information supplied has substantively reduced their concerns to the extent that it is no longer considered that 'unacceptable' highway safety impacts would occur. That being the case, there may be some residual safety risk. However, unlike the last application, there is no sustainable reason to refuse the application under paragraph 109 of the NPPF, and the proposal is also no longer at odds with Policy L4.
120. It has also been concluded that the proposed development would result in harm of a 'less than substantial' nature to the significance of the Grade II listed Railway Inn. However, the public benefits stemming from the proposal would sufficiently outweigh the harm arising, it is considered. Some heritage harm would nonetheless arise and - as a consequence of this - the proposal also contravenes the requirements of Policy R1. Furthermore, whilst not sufficient to generate an independent design reason for refusal, it has been stated that the proposed development does not fully meet all expectations, as set out in Policy L7 and the National Design Guide, intended to ensure that a proposed new development would be fully respectful of a site's context, including local heritage.
121. The NPPF at paragraph 90 is clear that where an application fails to satisfy the

sequential test it should be refused. Failure to comply with Policy W2 and Policy S11 of the development plan, which are also directed at the sequential test, would also support a refusal of planning permission. However, relevant and recent case law (see *Asda Stores Ltd v Leeds City Council & Anor* [2019] and *Asda Stores Ltd v Leeds City Council & Anor* [2021]) has held that paragraph 90 does not mandate a refusal as a matter of policy, and also that it does not give rise to a 'presumption to refuse' similar to the 'tilted balance' evident at paragraph 11 of the NPPF. Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act – and irrespective of conclusions surrounding paragraph 90 and policies W2 and S11 - the decision-taker is still required to consider other material considerations arising from a planning proposal and to undertake a balancing exercise in reaching its decision. In this respect, careful consideration has been given to the particulars of this application and to the consequences of the sequential test being described as failed.

122. Indeed, the situation is unusual in that Lidl, as joint applicant, has influence over both the application proposal and the emerging development at the sequentially preferable Altair site. This departs from the more typical scenario in which the more central site could be under the control of a third party who has legitimate concerns that the approval of an out-of-centre competing development could prejudice their town centre scheme. It is to be recalled that no issue has been taken in respect of the test of impact, and no objections have been received on the part of Lidl's delivery partner at Altair (Nikal). Lidl has stated within its application submission that it is contractually committed to both Altrincham sites, and there is no evidence to the contrary. The timings of the two schemes are different, however. The Altair unit is not expected to be ready for occupation for at least 3 to 4 years, whilst the retail park foodstore could be open and trading within 12 months from a grant of planning permission (and with the applicant stating that it would be happy to accept a reduced, one year time limit for the implementation of any permission at the retail park). It is fully recognised that the purpose of the sequential test is to guide main town centre uses towards town centre locations first. Approval of the application proposal would be contrary to the logical sequence of development underpinned by the sequential test. Furthermore, despite the applicant's assurances and references to contracts, there is some acknowledgement that there can be no firm guarantee that the Lidl at Altair will come about, within the expected timeframe on indeed at all. The retail market, and Lidl's corporate priorities, could well change. However, Lidl's firm expressions of commitment to Altrincham as part of its submission are taken at face value, and thus there is sufficient confidence at this stage that two stores would be delivered.
123. In the earlier discussions regarding heritage impact, an overview of the public benefits accruing to the application proposal was provided. These were principally economic focussed and were afforded weight, especially when having regard to the current economic climate. They included investment in the retail park and its locality, and the creation of new (permanent) jobs at the foodstore and

the preservation of existing jobs at Homebase. There would also be some temporary construction employment and the potential for investment in local supply chains during this period. Added to this would be improved consumer choice and competition in the local grocery market, and the retention of retail expenditure in the local area. The effect, in practice, of preventing a new Lidl foodstore at the application site until such time as the Lidl at Altair is advanced would in fact be to delay the aforementioned benefits for the locality for the three to four year period (minimum) that has been stated.

124. Notwithstanding there being no mandatory requirement to refuse planning permission under the terms of paragraph 90, nonetheless it is considered that a clear failure to comply with the sequential test should be afforded appropriate weight. However, what this 'appropriate weight' entails in this case should have regard to what is likely to occur in practice and the nature and extent of the likely resulting harm. Further, the cited benefits of the development would be deferred and with no evidence that the Altair foodstore would be jeopardised in a manner attributable to the approval of this application. These are considered to be important material considerations to be factored into the decision-taking process.
125. In applying a balance to this proposal as a whole, 'less than substantial' harm to a designated heritage asset has been identified, together with a breach of Policy R1. In addition, whilst not sufficient to generate an independent design reason for refusal, it has been stated that the proposed development does not fully meet all design expectations. There is also then the harm arising from the failure of the sequential test (contrary to development plan policies), and the *possibility* (presently undefined) that the Altair Lidl may not happen as a consequence of this out-of-centre development. However, unlike the position in respect of the last application, there are no acute highway safety concerns associated with the new egress arrangements. Whilst some residual risks have been highlighted, there is no recommendation of refusal on highway grounds in accordance with the NPPF at paragraph 109 and Policy L4. The change in highways position is considered significant, not only in itself, but also for the purposes of the planning balance.
126. Further to the benefits described above, it is also recognised that the proposal is consistent with NPPF principles supporting the utilisation of suitable brownfield land within existing settlements and in promoting a more efficient use of land, particularly in sustainable locations. As previously reported, the accessibility credentials of the application site are considered to be reasonable such that some customer journeys to the site may be made in sustainable ways (and with the over provision of cycle parking noted).
127. Overall, in drawing final conclusions, whilst paragraph 90 of the NPPF advises that planning permission should be refused if the sequential test is failed (and similarly in respect of policies W2 and S11), it is considered that there are good reasons to depart from it. This is when having regard to the likely outcome of the application of the sequential test specific to this case, and also in considering the collection of

benefits which are considered sufficient to outweigh the scheme's harms. These are considered to amount to material considerations under the terms of Section 38(6) which would displace the conflict with individual development plan policies and with a test of the NPPF. It is recommended, therefore, that planning permission is granted for the revised application.

RECOMMENDATION:

GRANT subject to the following conditions:-

1. The development must be begun not later than one year beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and with a shortened time period for implementation imposed to assist in the delivery of development having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:

- Site location plan (ref. 14366-99 D)
- Proposed site layout plan (ref. 14366-105 J)
- Proposed ground floor plan (ref. 14366-106 F)
- Proposed first floor plan (ref. 14366-107 B)
- Proposed roof plan (ref. 14366-108 B)
- Proposed section plan (ref. 14366-111 A)
- Proposed elevations (ref. 14366-109 E)
- Proposed elevations large format (ref. 14366-112 A)
- Existing and proposed elevations comparison (ref. 14366-113 A)
- Proposed hard landscaping (ref. 14366-116 E)
- Proposed boundary treatments (ref. 14366-115 H)
- Proposed street scene (ref. 14366-114 C)
- Proposed street scene 2 (ref. 14366-117 C)
- Proposed CGI 1 (ref. 14366 Altrincham CGI 01A)
- Proposed CGI 2 (ref. 14366 Altrincham CGI 02)
- Proposed soft landscaping (ref. V14366 L01 L)

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. No above-ground construction works shall take place until samples and full specifications of materials to be used externally on the development hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. No works relating to new hard landscaping shall take place until full details of hard landscape works for the approved development have been submitted to and approved in writing by the local planning authority. The submitted details (which shall include the type, siting, design, dimensions and materials) shall cover: hard surfacing, boundary treatments/means of enclosure (including acoustic fencing), refuse or other storage units (including cycle storage), trolley bays/shelters, bollards, and seating furniture. Development shall be carried out in full accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and of respecting surrounding heritage assets, having regard to Policy L7 and Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5. No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 L) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

6. If, for the lifetime of the development, any trees or shrubs planted or retained in accordance with the approved soft landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs of a similar size and species shall be planted in the next planting season.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The unit identified as Unit 1A hereby approved shall be used as a discount convenience foodstore (Use Class E(a)) and for no other purpose (including any other purpose in Class E). The gross internal floor area of the discount foodstore shall be limited to 1,858 square metres, of which no more than 1,272 square metres shall be used for net retail sales. Thereafter there shall be:
- i. No internal subdivision of the unit;
 - ii. No formation of mezzanine floors;
 - iii. No more than 20% of the net retail floorspace shall be used for Use Class E(a) comparison goods retailing; and
 - iv. No sale or provision of pharmaceutical products available by prescription only, post office, dry cleaning, financial services, fresh fish, hot food, cheese and meat counter(s), home delivery/click and collect, photographic shop, mobile phone shop, or café/restaurant.

The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The unit identified as Unit 1 hereby approved shall be used as a non-food DIY unit (Use Class E(a)) and for no other purpose (including any other purpose in Use Class E). The gross internal floor area of the DIY unit shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. Thereafter there shall be:
- i. No internal subdivision of the unit;
 - ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and
 - iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F).

Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants' products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings.

The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The new left-turn only egress onto the highway of George Richards Way shall be provided in the location shown on plan ref. SCP/190052/SK08/Rev C (contained within the Transport Assessment prepared by SCP, dated 11.11.20 and referenced SCP/190052/TA/0). The associated highway works shall provide, for each traffic lane, a minimum unobstructed lane width of not less than 3 metres (in accordance with plan ref. SCP/190052/SK08/Rev C). The maximum gradient of the egress shall not exceed 1:20 (5%).

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The new egress onto George Richards Way shall not be brought into use unless and until details of a 2.15 metre vehicle height restriction barrier to be installed at the egress have been submitted to and approved in writing by the local planning authority. The submitted details shall include the design and specification of the barrier, and details of advance signage and/or markings within the car park and at the barrier. The approved details shall be implemented in full prior to the egress being brought into use and shall be retained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

11. The new egress onto George Richards Way shall not be brought into use unless and until an unobstructed minimum visibility splay of 2.4 metres x 43 metres is provided, and that visibility splay shall be retained and maintained at all times thereafter.

Reason: In the interests of highway safety, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 J, intended to serve that unit, have been laid out and are available for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and that the site can be satisfactorily serviced, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until details of parking facilities for motorcycles have been submitted to and approved in writing by the local planning authority. The details shall include the type, quantity and location of the motorcycle parking facility. The approved motorcycle parking facilities shall

be installed before the first occupation of the respective component and shall be retained at all times thereafter.

Reason: To ensure that an adequate level and variety of parking options are provided, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

14. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Travel Plan relating to that unit, which shall include measurable targets for reducing car travel, has been submitted to and approved in writing by the local planning authority. On or before the first occupation of the respective component, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing from the date of first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. The new foodstore use hereby approved (operating within Unit 1A) shall not be open to customers other than between the hours of 0800 and 2200 Monday to Saturday, and between the hours of 1000 and 1600 hours on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0800 and 2000 Monday to Saturdays and outside the hours of 1000 and 1600 on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. The DIY store and garden centre (Unit 1) shall not be open to customers other than between the hours of 0800 and 2000 Monday to Saturday, and between the hours of 1000 and 1600 on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0730 and 2000 Monday to Saturday. There shall be no deliveries or refuse/recycling collections on Sundays.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably expect to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 H). Prior to the

development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Thereafter the development shall be maintained in full accordance with the approved details.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

18. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Servicing and Delivery Management Plan relating to that unit, which shall demonstrate that the practices of servicing, deliveries and refuse collections shall be satisfactorily and safely managed, has been submitted to and approved in writing by the local planning authority. Servicing, deliveries and refuse collections shall thereafter take place in accordance with the approved plans.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall address, but not be limited to, the following matters:
 - i. Suitable hours of construction and demolition activity;
 - ii. The parking of vehicles of site operatives (all within the site);
 - iii. Loading and unloading of plant and materials including times of access/egress;
 - iv. The location of the site compound;
 - v. Temporary access/egress and car parking arrangements for customers and visitors to the retail park;
 - vi. Storage of plant and materials used in constructing the development;
 - vii. The erection and maintenance of security hoardings;
 - viii. Wheel washing facilities and measures to keep the highway clean;
 - ix. Measures to control the emission of dirt and dust during demolition/construction processes;
 - x. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site);
 - xi. Measures to prevent disturbance to adjacent property from any noise and vibration arising from demolition/construction activities, including from any piling works;

- xii. Details regarding how any asbestos materials shall be identified and treated or disposed of in a manner that would not cause any undue risk; and
- xiii. Measures for dealing with any complaints.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby residential properties and users of the highway, having regard to Policy L4 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

- 20. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be compliant with BS 4142:2014 'Rating industrial noise affecting mixed residential and industrial areas.'

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

- 21. No external lighting shall be installed at the site other than in accordance with the submitted External Lighting Proposal (prepared by Synergy Building Services, dated 26.11.20, Issue 2) and the proposed external lighting plan (ref. 5585, LTG-02 P2).

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

- 22. No above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.

Reason: In the interests of sustainability and reducing air pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

- 23. No above ground construction works shall take place unless and until a site investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The assessment, which shall develop the findings

of the submitted Preliminary Environmental Risk Assessment (prepared by Groundtech Consulting, dated April 2019, ref. 19038/740), shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall include:

- i. A survey of the extent, scale and nature of any contamination;
- ii. An assessment of the potential risks to human health, property (existing or proposed), crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters, surface waters, ecological systems, archaeological sites, and ancient monuments;
- iii. Where unacceptable risks are identified, an appraisal of remedial options and a proposal for the preferred option(s) to form a remediation strategy for the site;
- iv. A remediation strategy (where required) giving full details of the remediation measures required and how they shall be implemented; and
- v. A subsequent verification plan (where required) providing details of the data that shall be collected in order to demonstrate that the works set out in the remediation strategy have been completed and identifying any requirements for longer term monitoring of any pollutant linkages, requirements for maintenance, and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the development hereby approved is first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner).

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

24. The development hereby approved shall not be brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), unless and until a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that site remediation criteria have been met. It shall also include a plan, where required, for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The longer-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the safe development of the site in the interest of future site uses and to prevent pollution of the environment, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development hereby approved shall be constructed in accordance with the recommendations contained within Section 4 of the submitted Crime Impact Statement (dated 09.10.19, referenced 2019/0651/CIS/01 version A). Thereafter the development shall be maintained in accordance with these recommendations.

Reason: In the interests of crime prevention and the enhancement of community safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No clearance of trees and shrubs, or removal of bird boxes, in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance or removal shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

27. Prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a scheme for the provision of replacement bird boxes and invertebrate boxes installed within the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the type, specifications and dimensions of the feature to be installed, the quantities of each feature, and the proposed location. The approved details shall be installed prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner) and shall be retained thereafter.

Reason: To safeguard and enhance the biodiversity value of the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

28. In the event that the works of extension and sub-division to the existing Unit 1 have not commenced by 1st April 2022, this building shall be re-assessed for its bat roosting potential. A report of this assessment shall be submitted to and approved in writing by the local planning authority prior to the works of extension and sub-division taking place. This report shall include a detailed mitigation strategy in the event that bats or their roosts are found. The mitigation strategy shall be implemented as approved.

Reason: In order to protect any protected species that may be present on the site, having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

BB

103414/FUL/21 - Unit 1, Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

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.

The purpose of this Additional Information Report is to provide an update to the Planning and Development Management Committee in respect of matters that have arisen in the period since the original officers' report was prepared.

CONSULTATIONS

Trafford Council Lead Local Flood Authority – No objection, subject to condition (to ensure compliance with the Flood Risk Assessment/Preliminary Drainage Strategy)

United Utilities – Some outstanding queries remain regarding surface water drainage

REPRESENTATIONS

In Objection

One further letter of objection has been received from a local resident. The key issues raised can be summarised as:

- Residents would be disturbed by noise and vibrations during the construction stage;
- This would continue once the development was open due to deliveries; and
- Another supermarket in this area is not needed.

In addition, a further objection letter has been received from a previous objector (also a local resident). The key issues raised can be summarised as:

- The development would increase the number of heavy goods vehicles in this area which is already heavily congested;
- It would generate pollution, both from noise and emissions;
- The rear extension to our house is only 11 metres from the gateway;
- The delivery yard is not large enough, and as such they would have to reverse in or out with warning noises;
- This could create dangerous vibration;
- The air condition and chiller units would add to the noise;
- Late night deliveries would be disruptive;
- Our quality of life would be impaired; and
- There would be a negative impact on wildlife and on vegetation in the area.

It is considered that the original officer report adequately responds to all these points.

In addition, a further letter of objection has been received from a food retailer (Tesco Stores Ltd). The total number of objectors is now 10. The key issues raised can be summarised as:

- There is a continued fundamental breach of the sequential test;
- There would be significant adverse impact to town centre investment;
- There would be harm to a town centre which is in a precarious state;
- There is a continuing risk to highway safety;
- There would be significant harm to an important heritage asset;
- The proposed design is of poor quality;
- There would be harm to residential amenity through delivery noise;
- The proposed boundary fence to the service yard would be overbearing;
- There are no meaningful material considerations that might be supportive of this development and which would carry weight in decision-making; and
- In these circumstances planning permission should be refused.

It is considered that the officer report responds to all of these points. However, some further clarity is provided below on the matter of the principle of the development and also the conclusions and planning balance.

OBSERVATIONS

The Principle of the Development

The original officer report identified that the application proposal has been found to fail the sequential test at paragraph 86 of the NPPF (thus contrary to development plan policies W2 and S11 as well as the NPPF). However, the unusual situation in respect of this proposal is reiterated in that the applicant (Lidl) also has an interest in the sequentially preferable Altair site. From the information that has been offered, officers have sufficient confidence at this stage that Lidl is contractually committed to Altair and would deliver both stores in practice. The three to four year delivery timeframe (minimum) for a foodstore at Altair (as put forward by the applicant) is considered, by officers, to be reflective of a reasonable period. A more protracted programme, if that were to occur at a future date, may impact on conclusions surrounding the availability of the Altair site as a sequentially preferable location in any event. However, this is not the case on the basis of the information before officers, it is emphasised.

Whilst the sequential test is failed, no 'significant adverse impact' – on town centre investment or on town centre vitality and viability – as referred to in paragraph 89 of the NPPF has been found. The fact that the developers behind the delivery of Altair (Nikal) have not objected to the application proposal on the grounds that it would prejudice this town centre scheme is considered to be helpful in informing any sensible judgement about whether 'significant adverse impacts' on planned town centre investment would arise. Accordingly, it is maintained that there is no compelling evidence that a grant of planning permission for the application proposal would prejudice Altair. With regard to the impact on wider town centre health, the original officer report does indeed identify that Altrincham town centre's vitality and viability is 'more precarious than was envisaged two years ago' (at the time that the Trafford Retail Study found the centre to be 'highly vital and viable'). However, this wording is

reflective of the uncertainty surrounding the national pandemic and it is maintained that Altrincham is, fundamentally, a centre in good health with a strong and solid catchment population. Altrincham continues to attract developer interest. This is exemplified by the recent masterplan proposals for the Stamford Quarter, which are to be advanced by the joint venture partnership between the Council and Bruntwood. Furthermore, it is emphasised that the proposal, it has been found, would chiefly impact upon the grocery retail sector, but with relatively modest impacts on foodstores within and adjacent to the town centre, and with no evidence (including via representations) that any such retailer would close.

Flooding and Drainage

It was reported in the original officer report that there were some outstanding issues surrounding surface water drainage at that time, and that final consultation responses from the Lead Local Flood Authority (LLFA) and United Utilities (UU) were still outstanding as the consultees reviewed additional information. The situation is now confirmed.

As with the last application, the preliminary drainage strategy indicates that the site may be suitable for infiltrating surface water into the ground, although before being confirmed this would need to be subject to some further testing. The applicant's two option strategy (if infiltration was found not to be wholly suitable) also allows for some storage attenuation on site. The LLFA is, again, satisfied that the applicant has in place an outline scheme for effectively managing surface water which accords with the principles of the drainage hierarchy and which would ensure that, whichever option is selected, it would limit the run-off likely to be generated such that it would not increase the risk of surface water flooding. The site layout would not be affected if either scenario were selected, it is understood. A condition is recommended in order that the necessary ground testing work is carried out, and that the appropriate scheme is implemented, maintained and managed.

It is placed on record, however, that the consultation response from UU continues to raise some outstanding queries. However, officers have been principally guided by the LLFA as statutory consultee on issues of surface water drainage, and with the LLFA now raising no objection following the provision of additional information. The LLFA has since advised that its recommended condition as referred to above would address some of UU's requirements, whilst others are deemed unnecessary when having regard to the specifics of this proposal. In any event, a separate, new condition is put forward to cover UU's request for foul and surface water to be drained on separate systems, and an informative is also suggested to cover the fact that UU has assets/infrastructure within and close to the site boundary which would need to be protected.

Overall, it is concluded that the proposal is compliant with the NPPF on the matter of flood risk and also meets the terms of Policy L5.

Other Environmental Health Matters

It was commented in the original officer report that consultation with the Council's Pollution and Licencing team on the subject of air quality had identified that the

submitted plans had made no allowance for low emission vehicle charging infrastructure. In order to remedy this, a condition was suggested to request the submission of a scheme which made such provision, and its subsequent implementation. In the interim, amended plans have been submitted which allocate two spaces for low emission vehicles to park to be charged outside of the Homebase store. Whilst the applicant's commitment to providing such infrastructure is welcomed, it is still considered necessary to impose a condition (with an amended wording) to request full details of the type of infrastructure to be installed, to allow for continued discussions (including with Pollution and Licencing) regarding the quantity of provision, and to secure a timetable for installation.

PLANNING BALANCE AND CONCLUSION

In the interests of clarity, some commentary is provided within this report regarding whether the proposed development would be contrary to the development plan when taken as a whole.

The original officer report drew conclusions chiefly on the subject of whether there were breaches with individual policies; indeed, conflict was found in relation to Policy W2 of the Core Strategy and saved Policy S11 of the Revised Trafford Unitary Development Plan (on the subject of the sequential test). Some conflict with Core Strategy Policy R1 was also identified given the acknowledged harm to a heritage asset, although with lesser weight afforded to this policy given its inconsistency with the NPPF. The key thrust of policies W2 and S11 is to reinforce the 'town centre first' approach in the siting of main town centre uses in order that town centres remain the focus of retail, commercial and leisure activity. Policy W2 follows on from Strategic Objective SO4 of the Core Strategy which seeks to 'revitalise town centres' and to maintain a clear hierarchy of vibrant, diverse and distinct shopping centres across the Borough. Policy R1 is also preceded by a Strategic Objective (SO8) which seeks to 'protect the historic built environment.'

The presumption in favour of new retail development (and other main town centre uses) in town centre locations reflects a long-standing policy approach and one which is central to the development plan in relation to such uses. The application proposal for out-of-centre retail development is, by its very nature, at odds with this locational objective. As a proposal which fails the sequential test, and thus is contrary to policies W2 and S11 (and does not support SO4), it is only reasonable to conclude that the proposed development would be contrary to the development plan when taken as a whole. This conclusion is reinforced given the position regarding Policy R1 and SO8. That being the case, there are no additional development plan policies, not previously considered, which would be individually breached, and the harm remains one which is focussed on the lack of compliance with the sequential test. On the issue of Policy R1 and SO8, it is reiterated that one of their principle objectives is out of step with the NPPF which infers that heritage harm may possibly be outweighed by public benefits (and with this found to be the case in respect of this application).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the clarity provided above regarding the development plan as a whole, it is maintained that this conflict and the

conflict with the individual policies would be outweighed by the material considerations as identified in the original officer report. This refers to the likely outcome of the application of the sequential test specific to this case, and also the collection of benefits which are considered sufficient to outweigh the scheme's harms.

Finally, in responding to some commentary within the representation submitted on behalf of Tesco Stores Ltd regarding the planning balance contained within the original officer report, it is noted that the representation seeks to criticise the conclusions of officers by suggesting that certain levels of weight should or shouldn't be assigned to certain considerations. However, Members are reminded that the weight to be afforded to such considerations is a matter for the decision-taker (subject to no irrationality). The original officer report and this report – it is considered – adequately set out the relevant considerations applicable to this proposal and draw a rational conclusion as reflected in the recommendation.

RECOMMENDATION: GRANT subject to the following conditions:

The recommendation is unchanged from the original report but some altered wording is provided for some previous conditions to: reflect the provision of some information regarding electric vehicle charging points (which has necessitated a number of plan revisions); and to provide a net floorspace figure for the reconfigured Homebase store. In addition, two new conditions are recommended to account for the consultation responses of the LLFA and UU.

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:

- Site location plan (ref. 14366-99 D)
- Proposed site layout plan (ref. 14366-105 K)
- Proposed ground floor plan (ref. 14366-106 F)
- Proposed first floor plan (ref. 14366-107 B)
- Proposed roof plan (ref. 14366-108 B)
- Proposed section plan (ref. 14366-111 A)
- Proposed elevations (ref. 14366-109 E)
- Proposed elevations large format (ref. 14366-112 A)
- Existing and proposed elevations comparison (ref. 14366-113 A)
- Proposed hard landscaping (ref. 14366-116 F)
- Proposed boundary treatments (ref. 14366-115 J)
- Proposed street scene (ref. 14366-114 C)
- Proposed street scene 2 (ref. 14366-117 C)
- Proposed CGI 1 (ref. 14366 Altrincham CGI 01A)
- Proposed CGI 2 (ref. 14366 Altrincham CGI 02)
- Proposed soft landscaping (ref. V14366 L01 M)

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 5

No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 M) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

Reason: In order to ensure that the development is satisfactorily landscaped, having regard to Policy L7 and Policy R3 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 8

The unit identified as Unit 1 hereby approved shall be used as a non-food DIY unit (Use Class E(a)) and for no other purpose (including any other purpose in Use Class E). The gross internal floor area of the DIY unit shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. The net retail sales floorspace of Unit 1, including the garden centre, shall be limited to 4,394 square metres. Thereafter there shall be:

- i. No internal subdivision of the unit;
- ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and
- iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F).

Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants' products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings. The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.

Reason: To reflect the basis on which the application has been assessed and to protect the vitality and viability of nearby town centres, having regard to Policy W2 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 12

The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 K, intended to serve that unit, have been laid out and are available for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.

Reason: To ensure that an adequate level of car and cycle parking is provided and that the site can be satisfactorily serviced, having regard to Policy L4 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 17

The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 J). Prior to the development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Thereafter the development shall be maintained in full accordance with the approved details.

Reason: To ensure that the residential amenities that surrounding occupiers can reasonably be expected to enjoy are adequately protected, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Condition 22

Notwithstanding the approved plans, no above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.

Reason: In the interests of sustainability and reducing air pollution, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

New condition - 29

The development hereby permitted shall be designed, constructed and operated in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy (prepared by LK Group on behalf of Bell Munro Consulting Ltd, dated November 2020, ref. FRA 19 1049 R2) as superseded, in part, by one of the following submitted drainage plans (prepared by Bell Munro Consulting Ltd, refs. J6377/SK001 160321 A (Option A) and J6377/SK001 160321 B (Option B)) which shall be tested, selected and implemented in accordance with the drainage hierarchy (as set out in the National Planning Practice Guidance or any subsequent equivalent guidance). The development shall also include the following mitigation measures as detailed within the submitted Flood Risk Assessment and Outline Drainage Strategy and the drainage plans as referenced above:

- i Provision of 239.4m³ of soakaway or 58.52m³ attenuation flood storage (subject to onsite BRE365 tests) on the site to a 1 in 100 flood event plus climate change (standard); and
- ii The limiting of surface water run-off generated by a 1 in 100 flood event plus climate change (critical storm) in order that surface water run-off shall not exceed 76.85l/s and shall not increase the risk of flooding off site.

Reason: To secure a satisfactory and safe system of drainage and to prevent the risk of flooding, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

New Condition - 30

The development hereby approved shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory and safe system of drainage and to prevent pollution of the water environment, having regard to Policy L5 and Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

G. APPENDIX G



**In the High Court of Justice
Queen's Bench Division
Planning Court**

CO/1796/2021

In the matter of an application for judicial review

THE QUEEN

on the application of
THE QUEEN

on the application of

TESCO STORES LIMITED

Claimant

-and-

TRAFFORD COUNCIL

Defendant

-and-

(1) ORCHARD INVESTMENT MANAGEMENT LLP
(2) LIDL GREAT BRITAIN LIMITED

Interested Parties

Notification of the Judge's decision on the application for permission to apply for judicial review (CPR 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the Acknowledgements of Service filed by the Defendant and the Interested Parties

ORDER by Neil Cameron QC sitting as a Deputy High Court Judge

1. The application for permission to apply for judicial review is refused.
2. The costs of preparing the Defendant's Acknowledgement of Service are to be paid by the Claimant to the Defendant, summarily assessed in the sum of £2,493, and the costs of the Interested Parties in preparing an Acknowledgement of Service are to be paid by the Claimant to the Interested Parties in a sum to be assessed if not agreed.
3. Paragraph 2 above is a final costs order unless within 14 days of the date of this Order the Claimant files with the Court and serves on the Defendant a notice of objection setting out the reasons why they should not be required to pay costs (either as required by the costs order, or at all). If the Claimant files and serves notice of objection, the Defendant may, within 14 days of the date they are served, file and serve submissions in response. The Claimant may, within 7 days of the

date on which the Defendant's response is served, file and serve submissions in reply.

4. The directions at paragraph 3 apply whether or not the Claimant seeks reconsideration of the decision to refuse permission to apply for judicial review.
 - (a) If an application for reconsideration is made, the Judge who hears that application will consider the written representations filed pursuant to paragraph 4 above together with such further oral submissions as may be permitted, and decide what costs order if any, should be made.
 - (b) If no application for reconsideration is made or if an application is made but withdrawn, the written representations filed pursuant to paragraph 4 above will be referred to a Judge and what order for costs if any, should be made will be decided without further hearing.
5. If the Claimant request that the decision refusing permission be reconsidered at a hearing (pursuant to CPR 54.12(3)) the case is to be transferred to the Administrative Court in Manchester for administration and hearing in Manchester.

Reasons

1. Ground 1:
 - a. The Defendant's previous decision to refuse to grant planning permission on an earlier planning application was a material consideration to be taken into account when determining the instant planning application. The Defendant in determining the instant planning application was under an obligation to have regard to consistency and give reasons for departing from the previous decision (***North Wiltshire Council v. Secretary of State*** (1993) 65 P & CR 137 at page 145).
 - b. The officer's report ("OR") referred to the previous application. The OR distinguished the previous application from the instant application, in particular in relation the highway proposals (including in the OR Background section and at OR 45 and 119).
 - c. The Planning Balance and Conclusions section of the OR explain why the Defendant decided to grant planning permission notwithstanding failure to comply with the sequential test and development plan policies.
 - d. The OR, when considered as a whole, directed members to the previous application and the reasons for departing from it. There was no failure to take into account a material consideration. There was no requirement to make express reference to the need for consistency in decision making. There were multiple references to the previous or 'last' application and it was clear that the grant of planning permission on the instant application would be inconsistent with the approach taken on the previous application.
2. Ground 2: The Defendant did not have regard to an immaterial consideration (that Lidl's proposal for the Altair Site would inevitably come forward), or fail to have regard to the evidential basis for the contention that a Lidl store would come forward at Altair. The OR

makes the factual basis for the analysis plain, including at OR122 when it is said that "...there can be no firm guarantee that the Lidl at Altair will come about...". There was no requirement to make further investigations in relation to the contractual commitment.

3. Ground 3: the reasons for departing from the previous decision are set out in the OR, in particular at OR45 and 119.

Signed



Dated 15/07/21

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent / Handed to

either the Claimant, and the Defendant [and the Interested Party]
or the Claimant's, and the Defendant's [and the Interested Party's] solicitors

Date: 15/07/2021

Solicitors: BRYAN CAVE LEIGHTON PAISNER LLP
Ref No: STRE/20TP034.000859

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed Form 86B within 7 days of the service of this order.

A fee is payable on submission of Form 86B. **For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>.**

Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out.

The form to make an application for remission of a court fee can be obtained from the gov.uk website at <https://www.gov.uk/get-help-with-court-fees>

H. APPENDIX H

Proposed Lidl, Unit 1, George Richards Way, Altrincham

Appraisal of Retail and Town Centre Issues

on behalf of Trafford Council

September 2019

Contact

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Job reference no: 34397

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1.0 Introduction

Instruction

- 1.1 Trafford Council (hereafter referred to as 'the Council') has instructed Nexus Planning to provide advice in respect of planning application reference 98127/FUL/19. The application seeks planning permission for the extension, refurbishment, subdivision and reconfiguration of the existing Homebase store at Unit 1, George Richards Way at Altrincham Retail Park.
- 1.2 The application was submitted by the joint applicant of Lidl UK and Orchard Street Investment Management LLP, and was validated on 5 August 2019. It is accompanied by a number of supporting documents, including a Planning and Retail Statement (dated July 2019), prepared by Rapleys. The purpose of this appraisal report is to consider the merits of the application in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').
- 1.3 In drafting this report, we have reviewed representations received from interested parties, including the objection letter of 9 September 2019 submitted by Avison Young on behalf of its client, Aldi Stores Limited.

Proposal and Application Site

- 1.4 The application site comprises approximately 1.8 hectares of previously developed land and is bounded by: Huxley Street and residential properties to the north; Manchester Road to the east; George Richards Way to the south; and, car parking at Altrincham Retail Park to the west. The application site is situated just over a kilometre to the north of Altrincham town centre¹. As such, the site is clearly 'out of centre' for the application of retail and main town centre planning policy.
- 1.5 The application site currently accommodates the existing Homebase store, its associated garden centre and car parking. The applicant identifies, at paragraph 1.2 of the Planning and Retail Statement, that:

'The purpose of the application is to extend and sub-divide the existing Homebase retail unit, to create two retail units. Unit 1 will comprise a retail warehouse unit and associated garden centre for occupation

¹ As defined with reference to the main shopping frontages and mixed use frontages defined by Plan 6 of the Altrincham Town Centre Neighbourhood Business Plan ('made' in November 2017)

by Homebase and Unit 1A will comprise a discount convenience foodstore for occupation by Lidl. This application also proposes a new left-out egress from the site, a new pedestrian access from George Richards Way, and related reconfiguration of the existing car park.'

- 1.6 The floorspace proposed by the application is summarised by Table 3.1 of the submitted Planning and Retail Statement. In order to confirm our understanding of the application, we provide Rapleys' Table 3.1 below as our Table 1.1.

Table 1.1: Proposed Retail Accommodation as Identified by Table 3.1 of Rapleys' Planning and Retail Statement

Area	Existing Homebase (sq.m)	Proposed Homebase (sq.m)	Lidl (sq.m)	Total Proposed (sq.m)	Difference (sq.m)
Ground Floor	3,664	2,833	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

- 1.7 The new Homebase unit would have a total gross floorspace of 3,612 sq.m, with a further 1,231 sq.m comprising an outdoor garden centre. We are unaware of any clarification in respect of the net sales area associated with the new DIY store and it would be helpful for Rapleys to confirm this. However, it is accepted that the new DIY store would be unlikely to have a greater sales area than the existing.
- 1.8 Paragraph 3.4 confirms that the proposed Homebase operation will be consistent with the existing, focusing on a product range that will include '**...paint and decorating equipment, kitchens and bathrooms, garden and outdoor products, lighting and electrical, furniture and home storage, and other products associated with the DIY retail market.**'
- 1.9 Paragraph 3.10 of the applicant's Planning and Retail Statement indicates that the proposed Lidl foodstore would have a net sales area of 1,272 sq.m, of which 80% (or 1,018 sq.m) would be dedicated to the sale of convenience goods and 20% (or 254 sq.m) would be dedicated to the sale of comparison goods.

Structure of Our Report

- 1.10 In the above context, our appraisal focuses on the proposal's compliance with retail and town centre planning policy as set out by the statutory development plan and by the NPPF. All other planning

policy matters and other material considerations fall outside the scope of our instruction and it will be necessary for the Council to take appropriate account of such matters in its determination of the application.

1.11 Our report is therefore structured as follows:

- Section 2 sets out the retail and town centre planning policy of relevance to the application proposal;
- Section 3 considers the compliance of the proposal in respect of the sequential approach to development;
- Section 4 considers the applicant's approach in assessing the impacts arising from the proposal; and
- Section 5 provides our conclusions in respect of the compliance of the application proposal with retail and town centre policy, and our recommendations in respect of the Council's consideration of the application.

2.0 Planning Policy Context

2.1 We identify below the principal applicable planning policies of relevance to retail and town centre matters.

National Planning Policy Framework

2.2 The most recent iteration of the National Planning Policy Framework ('the NPPF') was published in February 2019. It emphasises the Government's commitment to securing economic growth and building a strong, responsive and competitive economy. With regard to the assessment of proposals for main town centre development, the revised NPPF provides two principal national policy tests relating to the sequential approach to development and to impact.

2.3 In respect of the first of the two tests, paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan.

2.4 Paragraph 86 goes on to state that:

'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.'

2.5 Paragraph 87 then identifies 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. 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.'

2.6 Paragraph 89 of the NPPF sets out a twin impact test, stating that:

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

- a) **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- b) **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).'**

2.7 Paragraph 90 indicates 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 above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.

Adopted Development Plan

2.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:

'...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

2.9 The statutory development plan for Trafford comprises the 'saved' policies of the Revised Trafford UDP (adopted June 2006), read together with the Trafford Core Strategy (adopted January 2012). The Altrincham Town Centre Neighbourhood Business Plan (which was 'made' in November 2017) also forms part of the development plan and is of relevance in this instance.

2.10 We outline key retail and town centre planning policies below.

Revised Trafford UDP

2.11 UDP Policy S11 relates to development outside established centres and remains saved² in the absence of an adopted Trafford Local Allocations Development Plan Document. Policy S11 indicates that proposals for retail development not on land within town and district centres, will not be permitted unless all of the following criteria apply:

- there is a demonstrable need for further retail development locally that cannot be met by existing provision in the Borough;

² As confirmed by Appendix 5 of the adopted Trafford Local Plan Core Strategy

- 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;
- the scheme would be highly accessible by a choice of means of transport allowing for the minimisation of car use;
- the development would not lead to the sporadic siting of comparison goods shopping units along a road corridor;
- there is no realistic chance of the site being developed for any other use for which it may be allocated specifically in this Plan; and
- the development meets the requirements of other proposals in the Plan, notably Proposals D1 and D2.

2.12 Policy S11 then goes on to indicate that, in all cases, it will be necessary to demonstrate by means of an impact study, that development would not have a serious adverse effect on the vitality and viability of any town or district centre within or outside Trafford.

2.13 In considering Policy S11, it is important to note that Proposals D1 and D2 have not been saved. As such, there is only a need to apply the requirements of the first five bullet points set out above (along with the need for an impact assessment) to the application.

Trafford Core Strategy

2.14 The principal Core Strategy policy of relevance to the application proposal is Policy W2, which relates generally to town centre and retail matters.

2.15 Policy W2 identifies that Altrincham, as the main town centre in the Borough, will be the focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. The policy sets out a range of developments that could be located within Altrincham town centre (some of which have now been secured).

2.16 Policy W2.3 identifies that:

'The main development opportunity within Altrincham Town Centre is Altair which is a high quality, high density multi-storey mixed-use development on a 3 hectare brownfield site immediately to the east of the Altrincham transport interchange. The mixed-use development is expected to deliver:

- **Retail, café, bar and restaurant accommodation (15,000 sq.m);**
- **Commercial office accommodation (8,500 sq.m);**
- **Hotel accommodation (7,700 sq.m);**
- **Ice Rink and other leisure development (11,600 sq.m);**
- **Residential apartment accommodation (150 units) comprising a mix of sizes and tenures;**
- **Hospital and healthcare facility;**
- **New areas of public realm; and**
- **Improvements to pedestrian linkages to the rest of the town centre, in particular a new pedestrian bridge link between the development and the Interchange.'**

2.17 Policy W2.12 goes on to identify that, outside of the centres, there will be a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.

2.18 Policy W2.14 states that:

'Proposals to expand any of the three existing retail warehouse parks (White City, Trafford and Altrincham) should be justified against the tests set out in national guidance. Further development within the retail warehouse parks should be limited to the sale of bulky comparison goods only.' (Our emphasis.)

[Altrincham Town Centre Neighbourhood Business Plan](#)

2.19 The Altrincham Town Centre Neighbourhood Business Plan seeks to support a focused retail core in order to create a fully occupied and competitive heart of the town centre.

2.20 In this context, Policy 'R' relates to new retail development and indicates that new retail developments will be restricted to those areas of the town centre designated as Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages on Plan 6 of the Neighbourhood Business Plan.

2.21 Policy 4.3.2 of the supporting text that accompanies Policy 'R' indicates that the Neighbourhood Plan strongly supports the Government's 'town centres first' strategy. Paragraph 4.3.4 of the supporting text indicates that the Neighbourhood Plan opposes any new retail development outside of Altrincham's Main (Primary) Shopping and Ground Floor Mixed Use Active Frontages.

2.22 In addition, the Neighbourhood Business Plan allocates six sites as having potential for redevelopment, including Allocations D, E and F, which are considered suitable to accommodate a range of main town

centre uses³ (Allocation D has since been built out). In addition, the Neighbourhood Business Plan recognises the Altair development site, which benefits from planning permission for residential, offices, car parking and leisure uses, including leisure based retail.

2.23 Whilst none of the allocations seeks to accommodate substantial convenience goods retailing, supporting text at paragraph 4.2.7 identifies that:

‘The Plan also recognises the importance of the town centre attracting one or more small or medium size convenience stores in response to the growing desire to shift from the one-stop out-of-centre facilities to convenience at the local level, with positive effects on the role of the high street.’

Overview in Respect of Relevant Retail and Town Centre Planning Policy

2.24 UDP Policy S11 predates the publication of the NPPF and its policy requirements differ from that set out at NPPF paragraphs 85 to 90. In addition, the more recent Core Strategy Policy W2.12 identifies that, outside of the centres, there will be a presumption against the development of retail, leisure and other town centre-type uses except where it can be demonstrated that such development satisfies the tests outlined in current Government Guidance.

2.25 As a consequence of the above, we consider it appropriate to consider first the proposal’s compliance with the sequential and impacts tests as articulated by paragraphs 86, 87 and 89 of the NPPF, before then returning to the matter of the development plan in the concluding section of our appraisal.

³ Allocations A, B and C are identified as being principally residential opportunities

3.0 The Sequential Test

Requirements of the NPPF and Planning Practice Guidance

- 3.1 Paragraph 86 of the NPPF sets out the order of preference in applying the sequential approach. The first preference is for main town centre uses development to locate in town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered. Paragraph 87 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.2 Additional guidance on the application of the sequential approach is provided by the Town Centres and Retail Planning Practice Guidance ('the Town Centres PPG'), which was published on 22 July 2019.
- 3.3 Paragraph 011 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 3.4 In this instance, the application site is out of centre. As such, there is a need to consider in and edge of centre sites, and the potential offered by well connected out of centre sites.
- 3.5 In reviewing sequential alternative sites, it is first necessary to consider parameters of relevance to the application of the test. As such, we consider the appropriate area of search for the test below, before then reviewing the matter of 'disaggregation' and the minimum requirement in terms of the scale of alternative sites or premises.

Area of Search

3.6 Rapleys considers the area of search for sequential alternative sites at paragraphs 6.7 to 6.9 of its Planning and Retail Statement.

3.7 Paragraph 6.7 states that:

'Typically, any centre located within the catchment area of a proposed store should be assessed for sequentially preferable sites. As set out in Section 5 of this statement, Lidl stores serve a relatively compact catchment area that provides a local shopping facility. The Lidl locational strategy is based on stores in urban area that serve an area that normally broadly equates up to a 5 minute drive-time of the site. However, through previous discussions with Trafford Borough Council in regard to the Lidl store at Chester Road, Stretford (planning permission ref. 92714/FUL/17), a 'primary catchment area' of 5 minutes was adopted and then a further 'secondary catchment area' encompassing a 7 minute drive-time. In light of these previous discussions, a similar approach has been adopted here.'

3.8 In our view, it is helpful to review the catchment area of the proposed store with reference to:

- i) local geography and congestion; and
- ii) the location of competing stores.

3.9 In respect of the first matter, we are aware that the A56 (which effectively acts as the principal north to south distributor road to and from the site) is generally rather congested. In addition, most of the highways leading in easterly or westerly directions from the site are relatively minor residential streets, thus inhibiting the extent of the seven-minute drivetime identified by Rapleys. As a consequence of the above, there are certain areas that one might expect to be within the catchment area of the store that are not within the identified seven-minute drivetime. These areas include Oldfield Brow to the south-west of the application site, residential areas surrounding Timperley tram stop, and parts of southern and eastern Altrincham.

3.10 This leads to the second matter identified above. In some areas located outside of the defined seven-minute catchment, there is no existing provision capable of accommodating main food shopping trips that is more conveniently located than Altrincham Retail Park. Whilst the Sainsbury's and Tesco Extra within the wider Altrincham town centre boundary have a locational advantage in meeting the needs of residents of central and southern Altrincham, such residents already have to travel to Altrincham

Retail Park area if they wish to access a discount foodstore (in the form of the Aldi currently situated at Davenport Lane).

- 3.11 It is notable that Table 5 of Appendix 6 of Rapleys' Planning and Retail Statement identifies that the seven-minute drivetime would account for 80% of the proposed store's turnover. This in itself indicates that the proposed foodstore would be able to draw a notable proportion of its expenditure from beyond a seven-minute drivetime.
- 3.12 Given the above, we believe that Altrincham town centre falls within the catchment area of the proposal and that, in practice, there would be substantial overlap between the catchment of existing and future grocery operators in Altrincham town centre and the proposed operation at Altrincham Retail Park. Therefore, we are firmly of the view that Altrincham town centre falls within the area of search for the purpose of the sequential test.

Disaggregation

- 3.13 The matter of 'disaggregation' (i.e. the need to consider whether constituent elements of a proposal should be sub-divided to be accommodated on separate sites) is not addressed within the NPPF. Notwithstanding this, Secretary of State decisions⁴ issued subsequent to the publication of the original iteration of the NPPF in have indicated that there is no general 'default' national policy requirement that necessitates the disaggregation of a proposal in all circumstances.
- 3.14 However, we note the Inspector's comments in reporting on the recovered appeal for a planning application to provide large-scale main town centre uses at Tollgate in Stanway, Essex (PINS reference APP/A1530/W/16/3147039). The Tollgate Inspector's report indicates that, in some circumstances, there will be a need to consider the matter of disaggregation as part of the sequential test.
- 3.15 Whilst the prevailing circumstances at Tollgate are not replicated by this application proposal, we believe that it is appropriate to consider the Broadheath proposal on the basis of whether the proposed discount foodstore could be accommodated on a sequentially superior site. This is because the DIY store is already in situ at the Altrincham Retail Park site and the principal purpose of the application is to provide for the introduction of the foodstore use.

⁴ Notably the 'Rushden Lakes' (PINS reference APP/G2815/V/12/2190175) and 'Braintree' (PINS reference APP/Z1510/A/14/2219101) decisions

- 3.16 Whilst paragraph 6.14 of the submitted Planning and Retail Statement seeks to argue that the DIY store is an **'essential component'** of the proposal, the current operation could continue to trade irrespective of whether the site is reconfigured to include a foodstore. Indeed, if a planning application came forward that just provided for the reconfiguration of the Homebase DIY store in isolation, then it would be somewhat illogical for such a proposal to be the subject of the sequential test (given that it would provide for the same broad use as existing).
- 3.17 As such, we believe that the appropriate approach, which is reflective of the flexibility required by paragraph 87 of the NPPF, is to consider the ability for the foodstore to be sited at a more central location. We note that this is how Rapleys has actually approached its consideration of sequential alternative sites, identifying (at paragraph 6.15 of its Planning and Retail Statement) that it is representative of a **'robust'** approach.

Other General Operational Requirements

- 3.18 It is accepted that any sequential alternative site should have some visual prominence and provide access to nearby car parking. Paragraph 6.15 of Rapleys' Planning and Retail Statement also identifies that only sequential alternative sites above 0.6 hectares should merit consideration on the basis that this reflects Lidl's proven business model.
- 3.19 In this regard, it is important to note that the Courts have found that an individual operator's particular requirements are generally not of relevance to the application of the sequential test. In considering proposals for a discount foodstore in Mansfield (*Aldergate v Mansfield District Council & Anor [2016] EWHC 1670 (Admin)*), Ouseley J concludes (at paragraph 35 of the Judgment) that:
- 'In my judgment, "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. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. 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.'**
- 3.20 As such, it is very clear that any sequential alternative site must be capable of accommodating the broad use proposed and not the particular store format favoured by a particular operator. Notwithstanding this, we accept that retailers that would occupy a store of the type proposed in

practice have relatively similar requirements and we therefore believe that it is appropriate to approach the sequential test on the basis that an alternative site will likely need to be around 0.5 hectares in size in order to offer genuine potential.

3.21 We consider the sequential test on this basis below.

Sequential Alternative Sites

3.22 Rapleys identifies a single site which merits consideration as part of the sequential test, this being land bounded by Oakfield Road, Thomas Street and Altrincham Interchange (commonly referred to as the 'Altair' site). The Altair site is a short distance from the primary and mixed-use frontages identified by Plan 6 of the Altrincham Town Centre Neighbourhood Business Plan. As such, we consider Altair to be a very well located edge of centre site in retail planning policy terms. Its location is sequentially preferable to Altrincham Retail Park.

3.23 At the outset, we confirm that we are unaware of any other site in the Altrincham area that merits consideration as part of the sequential test. Site E of the Altrincham Town Centre Neighbourhood Business Plan is allocated for non-retail uses and Site F is not suited to foodstore development by virtue of its size, shape and access. As such, we do not believe that either is suitable to accommodate the proposed foodstore.

3.24 The table provided at paragraph 6.18 of Planning and Retail Statement provides Rapleys' consideration of the Altair site's potential. It states that:

'The site is being taken forward by Nikal Developments. Outline planning permission was approved in 2014 for a residential-led mixed use scheme with other key uses comprising office and leisure. Reserved matters for both Phases 1 and 2 have also now approved with development planned to start in June 2019. Under the current planning permission, no additional retail space is being proposed. However Lidl has an active requirements for a store for central Altrincham and are in advanced discussions with Nikal to revise the scheme to accommodate a Lidl foodstore. Subject to terms being agreed with Nikal, this is likely to be advanced shortly. Therefore a Lidl foodstore will be taken forward on this site separately to the proposed Broadheath store, fulfilling the central Altrincham requirement. This commitment to the Town Centre would be in addition to the proposed new store at Altrincham Retail Park, demonstrating that the two sites have different catchments, and that Lidl has an identifies need for both stores. Lidl's requirements list is shown in Appendix 9.'

- 3.25 In considering the above, we reiterate that the Altair site needs to be judged in terms of its general suitability to accommodate a foodstore and not with specific reference to Lidl's requirements. Notwithstanding this, we note that the Lidl requirements list provided by Rapleys identifies a single requirement in the immediate area for 'Manchester – Altrincham'. In addition, this requirement is not subject to any further qualification in terms of the exact area; the requirement is simply for a store in Altrincham.
- 3.26 As we set out above, we believe that Altrincham town centre falls within the catchment area of the application proposal. In such circumstances, we believe that the purpose of the sequential test is to secure the development of the sequentially preferable site before less central opportunities are considered. From Rapleys' own submission, it appears clear that the Altair site is both available and suitable to accommodate a foodstore that can serve the Altrincham area. We do not believe that the suggestion that both sites could come forward is reflective of the requirements of the test. Indeed, such an argument is more directly relevant to the NPPF impact test, which seeks to ensure that there will be no significant adverse prejudicial impact on town centre investment.
- 3.27 We are aware that the Planning Inspectorate has previously clarified that the sequential test has a temporal, as well as spatial, dimension. In particular, we note the appeal decision in respect of a proposal to provide a foodstore on land off Pershore Road, Stirchley in Birmingham (PINS reference APP/P4605/A/12/2187738). In the Stirchley case, planning permission already existed for a foodstore of broadly comparable scale at a sequentially preferable site (at Hazelwell Lane) within Stirchley's primary shopping area.
- 3.28 At Stirchley, it was the appellant's case that both the consented and proposed foodstores would come forward in practice. The Inspector considers this matter at paragraph 34 of his report, which states that:
- '...the Appellants argue that, given adequate available expenditure and acceptable impact, there is no reason why development of the proposal should await the sequentially preferable site at Hazelwell Lane. Fundamental to this approach is the idea that the proper application of the sequential test is spatial rather than temporal. However, the NPPF clearly states, at paragraph 27, that where an application fails to satisfy the sequential test, it should be refused.'**
- 3.29 The Inspector goes on to conclude at paragraph 40 that:

‘Overall, I find that, the Hazelwell Lane site is sequentially preferable to the appeal site. There is no persuasive evidence to suggest that there would be sufficient expenditure capacity for both sites to proceed successfully. Nor, if there were, that development of the appeal site should precede development of the Hazelwell Lane site.’ (Our emphasis.)

3.30 The Sturchley decision is widely referred to in considering the proper application of the sequential test and, whilst it predates the current iteration of the NPPF and the Town Centres and Retail Planning Practice Guidance, we believe that the principles that underpin it remain of relevance.

3.31 As a consequence of the above, it is our view that the Altair site is:

- within the relevant catchment area;
- available for foodstore redevelopment within a reasonable period, based on Rapleys’ own submission⁵;
- suitable to accommodate a foodstore, given Rapleys’ statement⁶ that discussions are now ‘advanced’ in respect of securing a foodstore development as part of the scheme; and
- required to come forward for development before sequentially inferior sites are considered, in accordance with paragraphs 86 and 86 of the NPPF.

Conclusion in Respect of the Sequential Test

3.32 As set out above, we believe that the appropriate, flexible approach to the sequential test is to consider alternatives sites on the basis of whether they are able to accommodate the foodstore, which is effectively comprises the new use proposed by the planning application. The relocation of the foodstore element of the proposal to a sequentially preferable site would still allow a DIY operation to continue to trade from the application site, thus providing for a beneficial outcome in retail planning policy terms (i.e. retention of an out of centre DIY store and implementation of an edge of centre foodstore). We do not believe that the applicant has provided any persuasive justification that supports a different approach.

3.33 As a consequence of the above and based on the information submitted by the applicant, we believe that the application fails to accord with the requirements of the NPPF sequential test.

⁵ Paragraph 6.18 of the Planning and Retail Statement

⁶ Ibid

4.0 The Impact Test

Requirements of the NPPF and the Ensuring the Vitality of Town Centres PPG

- 4.1 Paragraphs 89 and 90 of the NPPF state that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from development.
- 4.2 It should be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.
- 4.3 In this context, the two key impact tests identified by paragraph 89 of the revised NPPF are considered below. The tests relate to:
- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).
- 4.4 UDP Policy S11 indicates that, in all cases, it will be necessary to demonstrate by means of an impact study that development would not have a serious adverse effect on the vitality and viability of any town or district centre within or outside Trafford. As such, we believe that the matter of impact is of relevance to the application proposal.
- 4.5 We first review the impact of the proposal on town centre vitality and viability, before then going on to consider the impact on existing, committed and planned public and private sector investment. At the outset, we accept that the proposal would largely serve a different market to both Sale town centre and Timperley district centre, and that the impacts arising at these centres would not likely be of material consequence as a result. As such, the review that follows is principally focused on impacts arising at Altrincham town centre.

The Impact of the Proposal on Town Centre Vitality and Viability, Including Local Consumer Choice and Trade in the Town Centre and Wider Area

- 4.6 The applicant's approach to trade diversion impact is set out at paragraphs 6.22 to 6.82 of the submitted Planning and Retail Statement. Paragraph 6.26 indicates that, as the reconfiguration of Homebase's requirement would not increase the turnover of this store, the assessment focuses solely on the new foodstore element of the proposal.
- 4.7 We consider the principal inputs and assumptions relied upon by Rapleys in its assessment, before then providing our conclusions in respect of the matter of trade diversion impact.

Assessment Period

- 4.8 Rapleys undertakes its impact assessment at the test year of 2024. Paragraph 017 of the Town Centres PPG specifically directs that the design year for impact testing should be the year that the proposal has achieved a 'mature' trading pattern. It states that this is conventionally taken to be the second full calendar year of trading after the opening of a new retail development.
- 4.9 In this regard, paragraph 6.53 of the applicant's Planning and Retail Statement indicates that the proposal could be trading within six months of the grant of planning permission, i.e. by 2020. This would suggest that the second full calendar year of trading is 2022.

Baseline Position

- 4.10 Table 6 of Appendix 6 of the Planning and Retail Statement provides Rapleys' assessment of the turnover of existing stores at 2024. The turnover of stores has been calculated with reference to a number of varied sources, namely:
- 'benchmark' turnovers, which have been arrived at either with reference to Mintel Retail Rankings figures or through utilisation of unspecified '**Rapleys assumptions**'⁷;
 - the Retail Impact Assessment submitted in support of the Tesco Extra at Old Trafford, which dates from nearly ten years ago; and
 - planning documents submitted in association with the planning applications for the Aldi, Asda and Waitrose supermarket proposals in Altrincham.

⁷ As referred to as Footnote 1 of Table 6 of Appendix 6

- 4.11 It is therefore evident from the above, that the baseline evidence generally fails to relate to local circumstances or is based on evidence that is so dated that it cannot identify the trading performance of stores in an accurate manner. As such, we do not believe that Rapley's Table 6 is capable of acting as an appropriate basis for its consideration of trade diversion impact.
- 4.12 Nexus Planning has recently completed the Trafford Retail and Leisure Study on behalf of the Council. The Study draws upon the findings of an October 2018 household shopper survey to identify the turnover of foodstores across the Borough (and beyond). We understand that the Retail and Leisure Study should shortly be available to Rapleys in order to allow for an appropriate assessment of the trade diversion impacts arising from the proposal.
- 4.13 We accept that the focus for the trade diversion exercise should be convenience goods expenditure and that the comparison goods turnover of the foodstore is unlikely to be an issue (subject to convenience goods impacts being acceptable).

Turnover of the Application Proposal

- 4.14 Rapleys estimates the turnover of the proposal on the basis of a Mintel company average sales density. Whilst no price base is specified for the applied sales density of £10,367 per sq.m, it is broadly similar to our understanding of Lidl's average convenience goods trading performance. As such, subject to confirmation of the relevant price base, Rapleys' assumed convenience goods turnover for the proposed Lidl store of £10.5m may well be appropriate.

Commitments

- 4.15 The retail impact assessment fails to take into consideration the additional floorspace that will be brought forward through the relocation of the existing Aldi foodstore to Atlantic Street. This planning permission (reference 96088/FUL/18) should be incorporated within any revised assessment.

Assumed Patterns of Trade Diversion

- 4.16 Given the fundamental issue in respect of the baseline position adopted by Rapleys at Table 6 of Appendix 6 of its Planning and Retail Statement, it is not appropriate to review its assumed patterns of trade diversion in detail (given that these would change in any event, should the applicant decide to address our comments through a revised submission). However, it is accepted that application

proposal will trade most directly against competing facilities that are broadly comparable in respect of both their offer and proximity to the application site. As such, it is accepted that a significant proportion of the turnover of the application proposal will likely be diverted from the nearby Aldi and Asda foodstores.

- 4.17 Notwithstanding the above, we note that Rapleys fails to consider the origin of 20% of the identified turnover of the proposed foodstore on the basis that this reflects 'inflow' from outside a seven-minute drivetime. Any such inflow will typically arise from custom that is already in Altrincham (through people working, visiting or simply passing through the area). As a consequence, such expenditure will generally be available to competing foodstores in the area and will be passing through their tills. As such, all of the convenience goods turnover of the proposed foodstore should be accounted for in undertaking the retail impact assessment.

The Impact of the Proposal on Town Centre Vitality and Viability, Including Local Consumer Choice and Trade in the Town Centre and Wider Area

- 4.18 Given our reservations in respect of the trade diversion assessment undertaken by Rapleys, we believe that it will be advantageous to allow the applicant the opportunity to respond before forming our view on the proposal's compliance with both aspects of the impact test.
- 4.19 However, in respect of the other part of the impact test (i.e. the requirement that proposed development should not result in a significant adverse impact upon in-centre investment), the Altair development is again of relevance.
- 4.20 In this regard, we note that paragraph 6.29 of the submitted Planning and Retail Statement refers to the Altair development in the context of the sequential test and concludes that:

'The current Altair scheme is a residential-led missed use scheme with other key uses comprising office and leisure. Whilst the current configuration of the scheme doesn't propose any significant retail floorspace, Lidl are in advanced discussions with Nikal to revise the scheme to accommodate a Lidl foodstore. This is because Lidl has a separate, active requirement for a new store in central Altrincham. Subject to terms being agreed with Nikal, a revised planning application is likely to be submitted shortly. If Lidl take occupation at the site, this would represent a key commitment to Altrincham Town Centre, and demonstrate that Lidl has identified a need for two stores to serve both catchment areas.'

4.21 We are aware that – after many years of delay – enabling works have recently commenced at the Altair site. However, given Rapleys’ indication that the applicant intends to revise the planning permission to incorporate a foodstore, there would appear to be some potential for the Broadheath application proposal to impact on the delivery of Altair in practice.

4.22 As such, given that the Planning and Retail Statement is dated July 2019, we believe that it is appropriate for Rapleys to provide an up to date position in respect of:

- contractual progress in securing Lidl as part of the Altair scheme;
- the timetable for submission of a revised planning application; and
- confirmation directly from Lidl as proposed operator that it will trade from both sites in practice.

Conclusion in Respect of the NPPF Impact Test

4.23 As we set out above, we believe that the submitted trade diversion assessment is fundamentally flawed, such that we are currently unable to form a view in respect of the proposal’s impact on the general vitality and viability of Altrincham town centre. We recommend that Rapleys refers to the recently completed Trafford Retail and Leisure Study in order to appropriately establish the performance of existing retail destinations at base year and to undertake a meaningful impact assessment. We would be happy to assist Rapleys directly in advising on the use of this evidence base in order to reach agreement on any potential matters of contention.

4.24 In terms of the first part of the paragraph 89 NPPF impact test – relating to impact on in-centre investment – we believe that it would be helpful for Rapleys to provide clarification in respect of the up to date position.

4.25 As a consequence, we reserve judgment on the proposal’s compliance with the impact test in advance of Rapleys’ response to our appraisal.

5.0 Summary and Recommendations

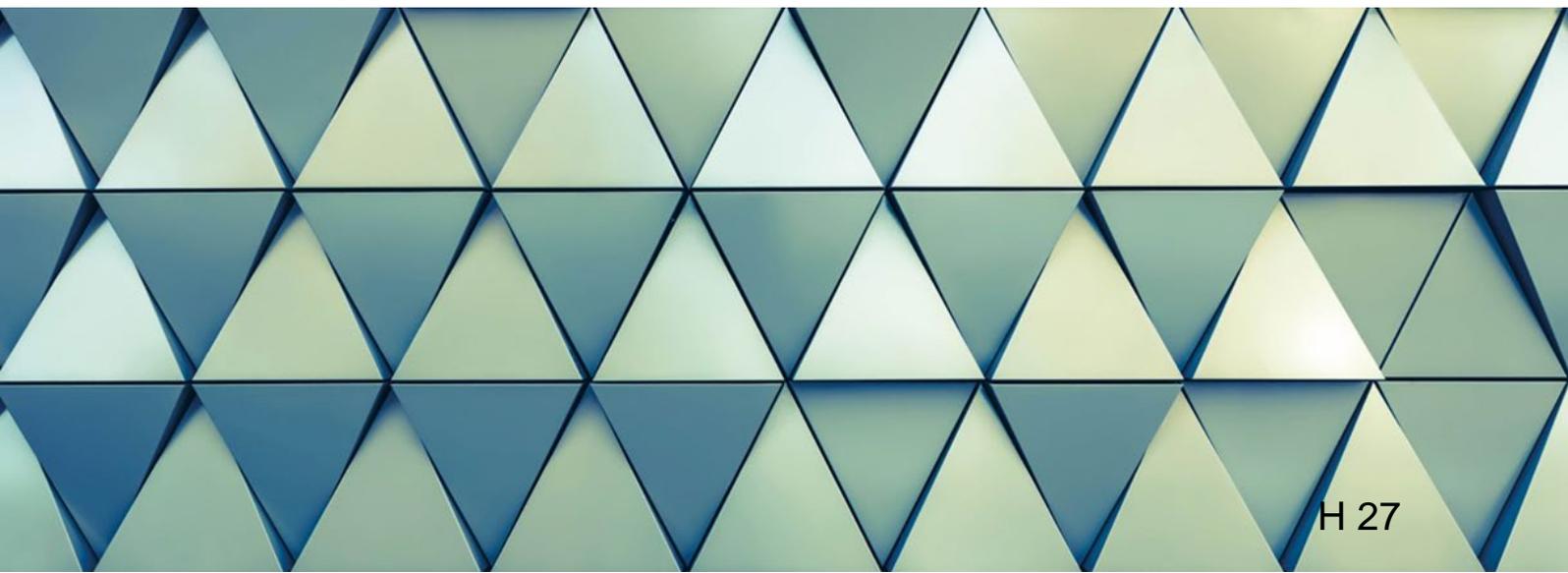
- 5.1 Planning application reference 98127/FUL/19 seeks full planning permission for the extension, refurbishment, subdivision and reconfiguration of the existing Homebase store at Unit 1, George Richards Way at Altrincham Retail Park. The planning application provides for the development of a new foodstore alongside the reconfigured Homebase store.
- 5.2 The proposal is located over a kilometre to the north of Altrincham town centre and is out of centre for the purpose of retail planning policy.
- 5.3 The NPPF indicates that planning applications for retail and leisure uses that are neither in an existing centre nor in accordance with an up to date development plan can be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- 5.4 In respect of the sequential approach to development, the proposed foodstore comprises the 'new' use introduced to the site. Based on the applicant's submission, we consider that a reasonable approach is to consider the sequential test on the basis that the foodstore could be disaggregated from the remainder of the proposal (i.e. the reconfigured DIY store) in order to be sited more centrally. We note that Rapleys has considered sequential alternative sites on the same grounds, and confirms that this is representative of a 'robust' approach.
- 5.5 We believe that the Altair site in Altrincham town centre (which is bounded by Oakfield Road, Thomas Street and Altrincham Interchange) falls within the catchment area of the application proposal, and that there would be overlap between the markets served by Altair and Broadheath foodstores in practice. Rapleys has considered the site but has discounted it from the sequential assessment on the basis that Lidl is to agree terms to bring forward a foodstore at Altair (and would operate the two Altrincham stores in practice).
- 5.6 In our view, the proper application of the NPPF sequential test requires the development of the sequentially preferable site in advance of the less central site.

- 5.7 This is consistent with the decision reached in respect of a proposal to provide a foodstore on land at Pershore Road in Stirchley in Birmingham (PINS reference APP/P4605/A/12/2187738). The Stirchley decision is widely referred to in demonstrating how the sequential test should be applied in practice.
- 5.8 As a consequence of the above and based on the applicant's submission, we believe that the Altair site is both available and suitable to accommodate a foodstore development. From the information provided, we find that the application fails to accord with the requirements of the NPPF sequential test.
- 5.9 In addition, we have identified fundamental issues in respect of the applicant's approach in seeking to demonstrate compliance with the NPPF impact test. In particular, we consider the submitted trade diversion impact assessment to be flawed on the basis that it:
- does not correspond to the most appropriate assessment year (which we believe should be 2022);
 - fails to appropriately identify the pre-impact turnover of foodstores; and
 - fails to account for the Aldi relocation commitment at Altantic Street in Broadheath.
- 5.10 In terms of the potential for the application proposal to impact on planned investment in Altrincham town centre, we request that the applicant provides additional information to clarify progress made in securing investment at Altair and the form that this investment will take in practice. Most particularly, it will be helpful to confirm whether contracts been exchanged to commit Lidl to operating a foodstore from Altair, subject to the grant of planning permission.
- 5.11 Given the outstanding issues in respect of retail and town centre planning policy matters, we recommend that Rapleys is given the opportunity to respond to this appraisal report before we provide our final recommendations. As such, we believe that it will be appropriate to consider the proposal's compliance with relevant development plan policy on receipt of any further information that the applicant may wish to submit.

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Appraisal of Retail and Town Centre Issues – Supplementary Report

on behalf of Trafford Council

May 2020

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1.0 Introduction

Our Previous Advice and the Purpose of this Report

- 1.1 Trafford Council (hereafter referred to as 'the Council') has instructed Nexus Planning to provide retail planning advice in respect of planning application reference 98127/FUL/19. The application seeks planning permission for the extension, refurbishment, subdivision and reconfiguration of the existing Homebase store at Unit 1, George Richards Way at Altrincham Retail Park. We provided our initial advice in respect of the application proposal's compliance with retail and town centre planning policy in the form of our Appraisal of Retail and Town Centres Issues Report, issued in October 2019.
- 1.2 Our initial advice found that:
- based on the information submitted by the applicant, it is reasonable to approach the sequential test on the basis that the proposed foodstore use could be 'disaggregated' from the DIY store use, which is already in situ at the Retail Park;
 - the Altair site in Altrincham town centre appears to be both available within a reasonable timeframe and suitable to accommodate the foodstore use (allowing for appropriate flexibility); and
 - the submitted Retail Impact Assessment is flawed, such that we were unable to form a view in respect of the application proposal's compliance with both strands of the retail impact test.
- 1.3 In the above context, this Supplementary Report responds to further information subsequently provided by Rapleys in support of the application proposal. Rapleys' additional evidence is principally comprised of its supplementary Retail Impact Assessment response letter of 24 December 2019 and its supplementary Sequential Assessment 15 January 2020 (read together with subsequent clarification emails). In addition, Lidl wrote to the Council on 1 May 2020 to clarify its intention to trade from two stores in Altrincham (the application site and at the proposed Altair development), and we have also had sight of this letter in formulating our advice. We have also considered relevant third party representations.
- 1.4 The focus of this report is to provide additional commentary on the matters set out above at paragraph 1.2 and to provide the Council with recommendations in respect of retail and town centre planning policy to assist it in the determination of the application. As such, this response should be

read in conjunction with our original October 2019 Appraisal report, which provides an overview of policy of principal relevance and the broad manner in which the sequential and impact tests should be applied.

Structure of this Report

1.5 In the above context, our further advice is structured as follows:

- Section 2 provides our updated advice in respect of the sequential test, with particular reference to the matter of disaggregation and the availability and suitability of the Altair site;
- Section 3 consider the new evidence provided in respect of retail impact; and
- Section 4 summarises our overall conclusions in respect of the proposal's compliance with retail and town centre planning policy.

2.0 The NPPF Sequential Test

Rapleys' Additional Submission of 15 January 2020

2.1 Rapleys additional submission of January 2020 responds to Nexus Planning's October 2019 Appraisal report and also to representations made by Avison Young on behalf of Aldi. The principal issues relate to the matter of disaggregation, and the availability and suitability of the Altair site. We deal with each of these in turn below. Whilst we are aware that some relatively large units are currently available in Altrincham town centre, we are satisfied that none is suitable to accommodate a foodstore proposal of this nature, which will generally require some convenient car parking to service it¹.

The Principle of Disaggregation

2.2 In brief summary, our October 2019 Appraisal report found that:

- i) there is no explicit general default national planning policy requirement that necessitates a need for the disaggregation of constituent parts of a planning application for main town centre uses *in every case*, but that
- ii) the 'Stanway'² Secretary of State recovered appeal Inspector's report identified that there will be circumstances where disaggregation may be merited.

2.3 To be clear, it is not our view that the particular circumstances evident at Stanway apply in the case of this particular planning application. Indeed, it is readily apparent that they do not. Instead, Stanway is helpful in establishing *as a general point of principle* that there will be some circumstances where the determining authority may determine that it is appropriate to disaggregate a proposal when considering compliance with the sequential test. This will be dependent on the circumstances applicable to each particular case.

2.4 We are aware that this general principle has recently been tested in the courts in relation to a retail-led mixed-use planning application³ at an edge of centre site in Peterlee, Country Durham.

2.5 In the case at Peterlee, the grant of planning permission for the proposed development was the subject

¹ We are informed that the proposed Altair Lidl store would be served by basement car parking

² PINS reference APP/A1530/W/16/2147039

³ Local planning authority reference DM/18/03002/FPA

of a legal challenge by the owner of the adjacent town centre shopping mall, with one of the grounds being that the determining authority did not give proper consideration to the prospect of disaggregation of component uses in applying the sequential test.

2.6 In the High Court Judgment⁴ which considered the claimant's application for permission to proceed with its judicial review claim, HHJ Klein effectively finds at paragraph 23 that, whether or not disaggregation has a role in the application of the sequential test at Peterlee is a *matter of planning judgment*.

2.7 The position was subsequently tested in the Court of Appeal⁵, with Lewison LJ's Order identifying that the Officer's report for the Peterlee application:

'...set out two propositions (a) that there was no general requirement for disaggregation and (b) there was no persuasive argument for disaggregating the particular scheme. The first proposition was a correct summary of the policy. The second was an exercise of planning judgment.'

2.8 It would appear that Lewison LJ finds this to be an appropriate procedural approach. We append the High Court Judgment and Court of Appeal Order to this advice.

2.9 Our consideration of the Broadheath application proposal (as set out in our October 2019 report) is consistent with the above approach.

2.10 Our analysis similarly recognises that there is no general policy requirement which explicitly requires disaggregation, but, as a consequence of the prevailing circumstances, it is appropriate to consider whether the proposed foodstore could be disaggregated from the DIY use in practice. In this regard, we recognise that the DIY use is already trading on the site, albeit the application proposal provides for the existing unit's reconfiguration.

2.11 We reiterate that we have reached this view because the principal consequence of the application in land use terms is to support the introduction of the foodstore use.

2.12 Paragraphs 3.16 and 3.17 of our October 2019 Appraisal report found that:

'..if a planning application came forward that just provided for the reconfiguration of the Homebase DIY

⁴ Salford Estates v Durham County Council & Anor [2019], Claim No: CO/1664/2019

⁵ Salford Estates v Durham County Council & Anor [2019], Claim No: C1/2019/1847

store in isolation, then it would be somewhat illogical for such a proposal to be the subject of the sequential test (given that it would provide for the same broad use as existing).

As such, we believe that the appropriate approach, which is reflective of the flexibility required by paragraph 87 of the NPPF, is to consider the ability for the foodstore to be sited at a more central location. We note that this is how Rapleys has actually approached its consideration of sequential alternative sites, identifying (at paragraph 6.15 of its Planning and Retail Statement) that it is representative of a ‘robust’ approach.’

- 2.13 Page 2 of Rapleys’ sequential submission letter of January 2020 suggests that our conclusion does not represent a **‘credible position’** as the two units are inextricably linked. In this regard, Rapleys states that Homebase unit must be downsized and that the *only means of achieving this* is through the occupation of an additional unit on site be a discount convenience operator.
- 2.14 Whilst the fact that Homebase is willing to downsize is self-evident through the application proposal, no persuasive evidence has been submitted to substantiate the position that the proposed development is the only means of securing this objective. Indeed, even if it were necessary to provide additional commercial floorspace at the site, we are uncertain why such additional floorspace could not take a different form (e.g. bulky comparison goods retail, which may be less likely to be accommodated within Altrincham town centre).
- 2.15 As a consequence of the above, we remain of the view that it is appropriate to consider whether the foodstore element of the proposal could be sited in a sequentially preferable location. We believe this to be consistent with the NPPF paragraph 87 requirement to demonstrate flexibility on issues such as format and scale in order that opportunities to utilise town centre sites are fully explored.

The ‘Availability’ of Altair

- 2.16 Paragraph 86 of the NPPF requires sequential alternative sites to be available or expected to be become available with a reasonable period.
- 2.17 Paragraph 011 of the Town Centres and Retail Planning Practice Guidance indicates that:

‘When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.’ (Our emphasis.)

- 2.18 In this context, we note that page 4 of the January 2020 Rapleys' sequential submission letter indicates that the sequentially preferable Altair site is *not available* as terms have been agreed between Lidl and Nikal.
- 2.19 We do not understand the logic of this statement, as such an agreement provides some certainty that the site is able to accommodate a discount foodstore.
- 2.20 Notwithstanding this, Rapleys' letter then goes on to argue that the site is *not available within a reasonable time frame*. In this regard, Rapleys notes that the site needs to be the subject of a planning application, that a contractor would then need to be appointed, and that the scheme needs to be built out. It is suggested that this would take a minimum of three (and possibly four) years. Whilst we believe the scheme might be delivered more quickly in practice, there is nothing exceptional about the proposed programme.
- 2.21 All of the stages identified by Rapleys represent basic requirements in bringing forward development. In our view, a three to four year time frame for the development of a town centre site is not particularly unusual. To discount sites on the basis that they need to go through the planning process runs the potential risk of sequential alternative sites being limited to those sites that are already under construction or fully built out. We do not believe that such an interpretation is consistent with the direction provided by the Town Centres and Retail PPG.
- 2.22 As a consequence of the above, we believe that Altair is available within a reasonable period, in accordance with national planning policy, to accommodate the application proposal.

The 'Suitability' of Altair

- 2.23 Page 3 of Rapleys additional submission of January 2020 indicates that:
- '...planning permission will be sought for an amended Altair scheme which will incorporate a 'metropolitan format' discount foodstore as an integral element of the overall development. This includes a shared below ground car park.'**
- 2.24 We have asked Rapleys to confirm the likely quantum of floorspace provided by the Altair foodstore, but it has not done so. However, the above statement confirms that store would reflect Lidl's new model for town centre sites (which, by their very nature, are often constrained), and that shopper car parking would be provided.

- 2.25 In our view, Lidl's metropolitan model simply reflects the fact that operators are able to be flexible in their trading model in order to make their stores fit onto a centrally located site. Rapleys has not provided any persuasive evidence which demonstrates why accommodating a proposed foodstore use within Altair is nothing more than the application of appropriate flexibility (in accordance with paragraph 87 of the NPPF), in order to allow for such a use to be brought forward more centrally.
- 2.26 As a consequence, we remain of the view that Altair is suitable to accommodate the broad type of foodstore use proposed.

Conclusion in Respect of the NPPF Sequential Test

- 2.27 We have carefully considered the additional information provided by Rapleys, but remain of the view that a more centrally located site is both available (within a reasonable time frame) and suitable to accommodate the foodstore element of the application proposal. We believe that this approach is reflective of how the sequential approach to development should be applied in practice.
- 2.28 We note that the applicant has sought to assure the Council that Lidl is contractually obliged and committed to bringing forward both the Altair and Broadheath schemes. However, even where there is commitment to bring forward both sites, the sequential test requires that the sequentially preferable site comes forward in advance of the less central site. The temporal nature of the test was addressed at paragraphs 3.27 to 3.30 of our October 2019 Appraisal report.
- 2.29 As a consequence of the above, we conclude that the application proposal fails to accord with the requirements of the NPPF sequential test.

3.0 The NPPF Impact Test

Rapleys' Additional Submission of 15 January 2020

3.1 As requested, Rapleys has submitted a further assessment of retail impact which relies on the Trafford Retail and Leisure Study of 2019 in order to establish the baseline position. In considering the assessment, we note that Experian has now subsequently issued⁶ more up to date population and expenditure data (and growth projections).

3.2 However, annual changes in convenience goods expenditure are generally limited and we believe that the existing data can be used as the basis for a retail impact assessment in this instance. Indeed, we believe this to be consistent with paragraph 017 of the Town Centres PPG, which states that:

'The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.'

3.3 In this context, we also note that the current COVID-19 pandemic is impacting on shoppers' behaviour and the general economic climate. We account for the COVID-19 pandemic below in reviewing the application proposal's compliance with the two strands of the NPPF impact test in light of the additional information submitted by Rapleys.

The Impact of the Proposal on Existing, Committed and Planned Public and Private Sector Investment

3.4 Lidl has informed the Council in writing that it is contractually committed to the Altair development.

3.5 Altair is identified in the adopted Core Strategy and the Altrincham Town Centre Neighbourhood Business Plan. We also understand that preparatory works have been undertaken on site. We believe that the Altair development comprises 'planned investment' for the purpose of the NPPF test and recognise that it is a very significant and much delayed scheme. Whilst the COVID-19 pandemic is resulting in challenging economic conditions, we do not believe that there is any evidence which suggests that the grant of planning permission for the Broadheath planning application will prejudice the delivery of Altair. Indeed, Lidl informs the Council that it is proceeding on the basis that the two

⁶ Issued in January 2020

schemes will trade alongside one another and we also note that Nikal (as Altair developer) has not expressed any concerns.

- 3.6 In addition, we are unaware of any other development in Altrincham or any other centre which would likely be the subject of a significant adverse impact as a consequence of the application proposal. As such, we find that the application proposal accords with the requirements of the first part of the NPPF impact test.

The Impact of the Proposal on Town Centre Vitality and Viability, Including Local Consumer Choice and Trade in the Town Centre and Wider Area

- 3.7 Rapleys' supplementary Retail Impact Assessment response letter of 24 December 2019 sets out a series of updated inputs and assumptions which underpin its approach to retail impact. It also provides a revised series of retail impact tables as its Appendix 1.
- 3.8 We consider each of Rapleys' inputs and assumptions in turn below. At the outset, we accept that the comparison goods floorspace associated with the proposed development is limited and that much of the expenditure attracted to this element of the proposal would be spent at other out of centre destinations in the immediate area (i.e. the Broadheath Aldi, the wider retail park, and the Asda at George Richards Way). We are therefore satisfied that any impacts arising from the comparison goods floorspace on defined centres would be very limited in practice and not material to the application of the impact test.

Proposed Catchment Area and Baseline

- 3.9 Rapleys' supplementary response undertakes the retail impact assessment trade diversion exercise with reference to the Trafford Retail and Leisure Study of 2019. The Study Area adopted for the Retail and Leisure Study is extensive and is able to support the impact assessment. All prices cited by Rapleys are in a 2017 price base and are therefore also consistent with the Study.

Assessment Period

- 3.10 The assessment year for the purpose of retail impact has been revised to 2023. Whilst the current COVID-19 crisis is causing great uncertainty at the present time, it is accepted that this may well equate

to the second full calendar year of trading and, as such, this is consistent with the direction provided by paragraph 017 of the Retail and Town Centres PPG in respect of the assessment period.

Proposal Turnover

- 3.11 We note that Rapleys' Table 4 increases the net sales area of the application proposal (from 1,272 sq.m⁷ to 1,325 sq.m) and that sales density based on occupation by Lidl is reduced (from £10,367 per sq.m⁸ to £9,632 per sq.m). Rapleys' does not provide any explanation for these changes, which is surprising given that the assumed turnover of the proposal was previously agreed by our previous October 2019 Appraisal.
- 3.12 Whilst we accept Rapleys' suggestion that the foodstore would have a net convenience goods sales area of 1,060 sq.m, we believe that it is appropriate to apply the previous agreed sales density of £10,367 per sq.m to this floorspace.
- 3.13 This results in an estimated convenience goods turnover for the proposed foodstore of £10.99m.

Commitments

- 3.14 Our October 2019 Appraisal report recommended that the retail impact assessment should account for the planning permission (reference 96088/FUL/18) which provides for the relocation of the existing nearby Aldi store to Atlantic Street.
- 3.15 Rapleys' Retail Impact Assessment letter suggests that this is not necessary as:

'The survey derived turnover of the existing Aldi store on Davenport Lane indicates that it is heavily overtrading (£17.4m) relative to its benchmark position (£9.2m) at 2019. Therefore, it is clear that the trading pattern is already firmly established and is unlikely to alter when the new store is completed. Indeed, a significant reason for the relocation is to improve the customer environment for existing shoppers, given the congestion currently being experienced within the store.'

- 3.16 Rapleys' position therefore effectively suggests that Aldi is making a significant investment in a new store to better the customer experience, without any expectation that it will improve its trading position

⁷ As identified by table 4 of Rapleys' Planning and Retail Statement of July 2019

⁸ Ibid

as a result. We do not believe that this is realistic and we return to the matter of the Aldi extension in forming our view on the acceptability of the trade diversion impacts arising from the Lidl proposal.

'Inflow' Assumptions

- 3.17 Our October 2019 Appraisal advised that Rapleys' approach in discounting the turnover of the application proposal on the basis that 20% of the turnover would be derived from outside a seven-minute drivetime was misguided. This is because such expenditure would generally be passing through the tills of nearby foodstores and should therefore be accounted for in the retail impact assessment.
- 3.18 Whilst we note that Rapleys (at page 2 of its Retail Impact Assessment response letter) disagrees with this proposition, it has complied with our request in undertaking the trade diversion exercise. As such, we are satisfied with the approach now taken in respect of inflow.

Patterns of Trade Diversion

- 3.19 Table 6 of Rapleys' Appendix 1 is derived from the findings of the Trafford Retail and Leisure Study of 2019 (with some allowance being made for retailers to benefit from a small increase in turnover over time to 2023). We believe this forms an appropriate baseline position from which to consider the patterns of trade diversion arising from the application.
- 3.20 In terms of trade diversion, the stores which would be the subject of the largest impact are generally those providing a broadly similar offer that are located closer to the application site (this principle is often summarised as *like competes with like*). We believe that Rapleys' retail impact assessment broadly reflects this principle, albeit we believe that the assumed diversion from the Sale area is possibly greater than would occur in practice and that the impact arising at stores in and around Altrincham town centre⁹ has likely been underestimated. As such, we estimate that around 30% of the convenience goods turnover of the proposal (which we calculate to be in the order of £10.99m) is diverted from stores in and around Altrincham town centre.

⁹ We note that the four destinations identified by Rapleys' Table 6 as being within Altrincham town centre (Tesco Extra, Sainsbury's, Iceland and 'other Altrincham town centre') actually include two stores (Tesco Extra and Sainsbury's) that are edge of centre with reference to the 'Main (Primary) Shopping Frontages' and 'Mixed-Use with Ground Floor Active Frontages' identified by Plan 6 of the Altrincham Town Centre Neighbourhood Business Plan 2015 to 2030. We believe that these two frontage designations currently act as Altrincham's defined primary shopping area

3.21 In addition, we again note that Rapleys has failed to model the additional expenditure attracted to the relocated Aldi in considering trade diversion. We note that the relocated Aldi would provide an additional 230 sq.m of retail sales floorspace.

3.22 In respect of the additional Aldi floorspace, we assume that:

- around 80% of this (184 sq.m) would be occupied by convenience goods;
- the additional floorspace would have a sales density of around £10,462 per sq.m¹⁰ at 2023; and
- as a consequence of the above, the additional Aldi convenience goods floorspace has an estimated turnover of around £1.93m

3.23 We believe that a large proportion of the additional Aldi turnover would be diverted from the Asda store at George Richards Way and that, at worst, around 50% of this turnover would be diverted from stores in and around Altrincham town centre.

3.24 We provide an updated assessment below at Table 3.1 which account for these adjustments. The table indicates that the resulting cumulative impact on the convenience goods turnover of operators within and adjacent to Altrincham town centre – equating to around 4.0% as a ‘worst case scenario’ - is still relatively modest.

Table 3.1: Nexus Planning’s Revised Impact Assessment as Derived from Table 6 of Appendix 1 of Rapleys’ Retail Impact Assessment Letter

Location	Survey Derived T/O at 2023 (£m) ¹	Nexus’ Assumed Diversion to Additional Aldi Floorspace (£m) ²	Nexus’ Assumed Diversion to Lidl (£m) ³	Post-Impact Turnover (£m)	Cumulative Impact
Stores within and at the edge of Altrincham TC	106.02	0.97	3.30	101.75	4.0%

Notes: The monetary figure provided at 1 is derived from Rapleys’ Table 6; the monetary figures at 2 and 3 are Nexus Planning estimates

3.25 We have provided the above ‘sensitivity test’ on an aggregated basis as we do not believe that it is necessary to adjust the exact impact arising at individual stores in proximity to Altrincham town centre given that it is clear that the two largest stores (Sainsbury’s and Tesco) would account for the vast

¹⁰ This is derived from GlobalData’s ‘Convenience and Comparison Goods Sales Densities of Major Grocers 2018’ dataset with adjustments made to convert to a 2017 price base and to account for changes in the sales efficiency of convenience goods floorspace in accordance with the recommendations provided by Experian Retail Planner Briefing Note 17 (issued February 2020)

majority of the monetary diversion. These stores both have a very substantial turnover, and would, in our view, clearly remain viable¹¹ subsequent to the implementation of both Aldi and Lidl proposals. The monetary diversion from other stores (including Iceland) in Altrincham town centre would be more limited and we are unaware of any representations which indicate that any such town centre retailers may close.

The Acceptability of Identified Impacts

- 3.26 We accept that the comparison goods impacts arising from the proposal would be very limited and our analysis indicates that the convenience goods impacts should not affect the ongoing viability of grocery retailers in and around Altrincham town centre. Impacts arising at other centres will be low.
- 3.27 Altrincham town centre's health has been varied in recent years. Up until relatively recently, it was the subject of an exceptionally high vacancy rate and had lost a clear role and function. However, it has been reinvigorated in recent years as a consequence of public and private investment. Whilst the growth and repositioning of Altrincham Market is perhaps the most high profile of these interventions, the performance of the centre has also been assisted through improvements in the public realm and a general re-balancing of the centre's offer which includes additional leisure and general service provision.
- 3.28 As a consequence, paragraphs 5.20 and 5.21 of the Trafford Retail and Leisure Study 2019:
- found that there is an '**...underlying strength and confidence in the centre**';
 - identified Altrincham as an '**...attractive and popular destination**'; and
 - considered the centre to be '**...highly vital and viable**'.
- 3.29 In addition, Altrincham received the Champion award for England at MHCLG's 2018 Great British High Street Awards and is widely referred to as an exemplar of town centre regeneration.
- 3.30 Notwithstanding this, it is still susceptible to wider market pressures. Debenhams' store in the town centre closed in January 2020 and the long term future of Rackhams has been uncertain; both units sit within the Stamford Quarter shopping centre which was acquired by Trafford Council and Bruntwood

¹¹ We note that the Trafford Retail and Leisure Study of 2019 identifies that the Tesco Extra is 'undertrading' but its post-impact turnover would remain substantial and likely representative of a profitable store

in 2019. It will be important that appropriate long-term futures are confirmed for both sites, and for other large vacancies in the town centre.

- 3.31 We are also concerned about the general impact of the COVID-19 pandemic on our town centres. There is considerable uncertainty and concern in respect of the way that ongoing social distancing measures will affect how high streets are used, and whether such measures may further hasten shoppers' move towards online operators. Leisure operators, in particular, will also likely have to operate with significant restrictions for the foreseeable future. In addition, there is the prospect of a recession impacting on future economic growth and the expenditure available to comparison goods retailers in particular (due to the more discretionary nature of this expenditure). This would further reduce the comparison goods turnover of the town centre and its ability to attract tenants to larger units.
- 3.32 In this context, we note that the Trafford Retail and Leisure Study 2019 identified that 9.9% of floorspace and 11.2% of all units with the Experian Goad Altrincham town centre boundary were vacant at October 2018. This was broadly consistent with the national average performance at that time (which was generally thought to be indicative of weak demand in the retail sector). We have concerns that some businesses may fail in the current economic climate and that the vacancy rate could now increase.
- 3.33 However, the current challenging market conditions are of greatest consequence to the comparison goods and leisure sectors, and we believe that the convenience goods function of the centre is more resilient and less susceptible to such pressures.
- 3.34 Accordingly, whilst we recognise that Altrincham town centre's vitality and viability is more precarious than we would have envisaged only a few months ago, we do not believe that the impacts arising from the foodstore proposal will materially impact on the trading position of its grocery operators. Furthermore, we do not believe that the proposal will remove any retailer from the town centre, which is consistent with Lidl's written assurance that it intends to trade from two sites in the area.
- 3.35 As a consequence of the above, we find that the proposal complies with the requirements of the second part of the NPPF impact test.

Conclusion in Respect of the NPPF Impact Test

- 3.36 We do not believe that the application proposal will have a material prejudicial impact on the delivery

of the proposed Altair development and we are unaware of any other investment of consequence to the first part of the NPPF impact test. Furthermore, whilst we believe that the COVID-10 pandemic is of relevance to the future performance of Altrincham town centre, the foodstore would result in a relatively moderate impact on convenience goods retailers in and around the town centre. The convenience goods sector is considered to currently be more resilient than comparison goods retailing. As such, we find the magnitude of the impact likely to arise from the proposal to be below the significant adverse level which could merit the refusal of the application on retail impact grounds.

4.0 Summary and Recommendations

- 4.1 The NPPF indicates that planning applications for retail and leisure uses that are neither in an existing centre nor in accordance with an up to date development plan can be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- 4.2 In respect of the sequential approach to development, the proposed foodstore comprises the 'new' use introduced to the site. After considering all submissions, we remain of the view that it is reasonable to consider the sequential test on the basis that the foodstore could be disaggregated from the remainder of the proposal (i.e. the reconfigured DIY store) in order to be sited more centrally. We note that Rapleys originally considered sequential alternative sites on the same grounds, and suggested that this was representative of a 'robust' approach.
- 4.3 We believe that the Altair site in Altrincham town centre (which is bounded by Oakfield Road, Thomas Street and Altrincham Interchange) falls within the catchment area of the application proposal, and that there would be overlap between the markets served by Altair and Broadheath foodstores in practice. We recognise that the Altair site would need to be the subject of a new planning application and that the site would then need to be built out. However, we do not believe that there are any exceptional issues relating to the timeframe for the delivery of Altair. We consider that it is an available and suitable site. As such, we find that the application proposal fails to accord with the requirements of paragraph 87 of the NPPF.
- 4.4 As set out above at Section 3 of this report, we believe that grocery provision in and around Altrincham town centre trades in a satisfactory manner and would continue to do so subsequent to the implementation of the application proposal. No investment would likely be prejudiced by the proposal, which, as a consequence, we find to be consistent with the impact test as articulated at paragraphs 89 and 90 of the NPPF.
- 4.5 However, for the reasons set out above, we also believe that the proposal contravenes the provisions of UDP Policy S11 and Core Strategy Policy W2.12 insofar as they relate to the sequential test.
- 4.6 We also note that UDP Policy S11 requires there to be a demonstrable need for further retail development locally, which the applicant has chosen not to address on the basis that the policy is no

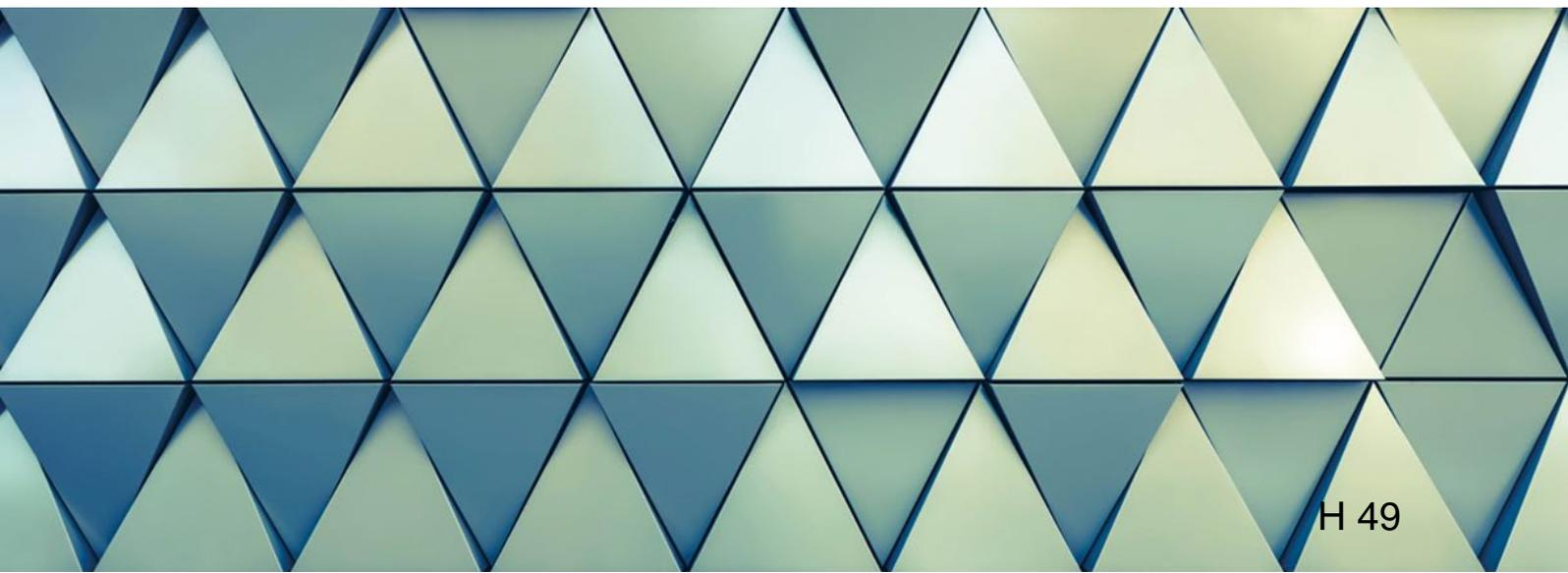
longer consistent with national planning policy. The Trafford Retail and Leisure Study of 2019 identified some limited surplus expenditure to support additional convenience goods floorspace, but found (at paragraph 8.49) that the most obvious existing deficiencies in provision were in the Carrington/Partington and Sale Moor areas. In this context, we do not believe that the applicant has demonstrated compliance with UDP Policy S11.

- 4.7 The exact weight to be attributed to both development plan and national planning policy is outside our instruction and will be a matter for the Council to determine. However, we accept that there is no longer a national retail 'need' test and the Council may attribute lesser weight to the UDP policy on this basis.
- 4.8 A proposal's failure to comply with retail and town centre planning policy does not result in a mandatory requirement for the determining authority to refuse planning permission (given the need for decision-making to be led by the development plan and to account for all other material considerations). However, we believe that, in this instance, there is a clear failure to comply with relevant policies which should be accorded appropriate weight in determining the application.

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3 July 2020

Dear Beth

Appraisal of Retail and Town Centre Planning Policy

Planning Application Reference 98127/FUL/19, Unit 1, Altrincham Retail Park, Broadheath, Altrincham

We write further to the above planning application and with reference to our earlier advice of September 2019¹ and May 2020² in respect of the same. Our previous advice responded to the evidence prepared in support of the application by the applicant's agent, Rapleys. A further Advice note, provided by David Manley QC and dated 19 May 2020, has now been submitted to the Council in order to substantiate the applicant's approach to the sequential test³.

We also take into account the email from Rapleys to the Council of 29 June 2020. The email responds to the Council's request for further clarification in respect of the likely differences in format of foodstore development at the application site and at Altair. In this regard, Rapleys states that its client does not wish to provide any further substantial information to support the Altrincham Retail Park application. Instead, Rapleys has attached a simple matrix to the email which summarises its view in respect of differences between proposed foodstores at Altrincham Retail Park and Altair.

At the outset, we can confirm that neither the Advice note nor the Rapleys email introduces any new information which we were unaware of when drafting our previous reports. Notwithstanding this, we believe that it is helpful to address the matters raised in the applicant's further submissions in order to confirm how we have exercised planning judgement in forming the view that Altair is both an available and suitable site for the purpose of the sequential approach to development.

¹ Appraisal of Retail and Town Centre Issues report

² Appraisal of Retail and Town Centre Issues – Supplementary Report

³ The Advice note also addresses highways issues, which remains a matter that the Council will form its own view on

In this regard, we believe that there are four principal matters which benefit from further clarification, namely:

- i) our consideration of sequential alternative sites on the basis of whether they could accommodate the proposed new foodstore only (allowing for flexibility in respect of matters such as format and scale);
- ii) the 'suitability' of the Altair development site;
- iii) the 'availability' of Altair; and
- iv) whether any current pressing need for economic activity should reasonably lead us to form a different view in respect of Altair.

We deal with each of these matters in turn below.

The Consideration of Sequential Alternative Sites with Reference to the Proposed Foodstore Use

The consideration of the sequential approach to development by the Courts and the Secretary of State is often referred to in order to help define how the test should be applied in practice. In terms of the Judgments and decisions referred to by the Advice note, we recognise that:

- The *Tesco Stores Limited v Dundee City Council [2012] UKSC 13* Supreme Court Judgment is framed by a different planning context and should be considered in that context. Notwithstanding this, the general principle that the application of the sequential test should reflect the 'real world' considerations of developers is sensible and of some assistance in helping to provide for a meaningful review of the availability and suitability of sequential alternative sites.
- It has been repeatedly confirmed that there is no default national planning policy requirement to disaggregate constituent elements of proposals in applying the sequential test. However, a number of Planning Inspectorate decisions indicate that planning judgement can be exercised in this regard and that the circumstances *as they apply to each case* may support disaggregation.

Whilst we also recognise that the same particular circumstances apparent at the 'Stanway' Secretary of State recovered appeal⁴ do very clearly not apply to the subject application proposal, the decision is helpful in establishing *as a general point of principle* that the option of disaggregating a proposal is open to the determining authority should the facts of the case merit such a position.

As we set out in some detail at paragraphs 2.2 to 2.15 of our May 2020 Supplementary Report, we have examined the facts as they apply to this application and believe that the appropriate approach is to consider alternative sites on the basis of whether they are able to accommodate the foodstore element of the proposal (allowing for appropriate flexibility in respect of format and scale). Whilst we again recognise that Homebase is clearly happy to trade from a smaller store, it is not clear why this could not still be achieved (through other means) if the foodstore component of the proposal is provided more centrally. The principal purpose of the application is to introduce a new operation (i.e. retail foodstore use) to the site.

We identified at paragraph 2.14 of our Supplementary Report that:

'Whilst the fact that Homebase is willing to downsize is self-evident through the application proposal, no persuasive evidence has been submitted to substantiate the position that the proposed development is the only means of securing this objective. Indeed, even if it were necessary to provide additional commercial floorspace at the site, we are uncertain why such additional floorspace could not take a different form (e.g. bulky comparison goods retail, which may be less likely to be accommodated within Altrincham town centre).'

Whilst we have reached on our own view on this matter having taken account of all available evidence, we again note that paragraph 6.15 of the Planning and Retail Statement (prepared by Rapleys and dated July 2019) submitted in support of the application found that the consideration of sites on the basis of whether they could accommodate the foodstore element of a proposal is representative of a '**robust approach**'.

⁴ PINS reference APP/A1530/W/16/3147039

The 'Suitability' of Altair

The Advice note appears to raise two principal matters in respect of the suitability of the Altair site: firstly, the Council did not consider it to be an available or suitable site in granting planning permission for the relocation of the Aldi store to Atlantic Street⁵; and, secondly, the contract that Lidl has signed with Nikal provides for a 'metropolitan model' store and it is not reasonable to assume that the application proposal itself could be 'substituted' in.

In respect of the first matter, Nikal has previously secured planning permission⁶ for a scheme that did not make provision for a foodstore. As a consequence, at the time of the determination of the Broadheath Aldi application, the Council's view was that there was no indication that part of the Altair site could or would be made available by the developer for foodstore development. Rapleys was itself very helpful in identifying that the nature of the proposed Altair development has changed, and that Lidl has secured a unit within a revised proposed scheme (which will be the subject of a future planning application). We believe that it is entirely appropriate (and necessary) to reflect these changed circumstances when applying the sequential test.

In terms of the second matter, as paragraph 2.25 of our May 2020 Supplementary Report identifies, we consider the Altair site on the basis that it would accommodate a 'metropolitan model' foodstore in practice. Whilst such a model may provide a lesser floorspace than a standard format discounter, we understand that the Altair foodstore would be served by underground car parking, which suggests that it will cater for some car borne customers (and that the store could support more than just limited 'top up' purchases).

'Metropolitan model' foodstores are typically progressed where there is insufficient land to provide a traditional store with surface car parking. In our view, this is indicative of operators being able to be flexible in respect of their store format in order to secure representation on more challenging and constrained central sites.

We note that neither Rapleys nor Lidl has confirmed the exact floorspace and car parking provision associated with the proposed Altair foodstore. The matrix submitted with Rapleys email of 29 June 2020 suggests that the Altair foodstore would provide no more than 1,200 sq.m of net sales. In our view, the email fails to provide any information which clearly differentiates why discount foodstores at Altair and Altrincham Retail Park would trade in a substantially different manner in practice.

We note that paragraph 3.10 of the applicant's Planning and Retail Statement indicates that the proposed Lidl foodstore would have a net sales area of 1,272 sq.m. On this basis, Rapley's submission merely indicates that the Altair foodstore would have a net sales at least 72 sq.m smaller. The difference in the net sales areas of the two stores could therefore be relatively limited.

We believe that, in practice, both sites could:

- accommodate discount supermarkets of a broadly similar nature, carrying broadly comparable product lines;
- cater for car-borne customers; and
- cater for some main food shopping trips.

Having carefully considered all of the applicant's submissions, we believe that the implementation of a 'metropolitan model' discount foodstore on the Altair site is consistent with the NPPF paragraph 87 requirement for applicants to '**...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.**' As such, we can confirm that we identify Altair as a suitable sequential site on the basis of it being able to accommodate a 'metropolitan model' discount foodstore with underground car parking.

⁵ Planning permission reference 96088/FUL/18

⁶ As provided for by outline planning permission reference 86661/VAR/15, and reserved matters planning permissions reference 86755/RES/15

The 'Availability' of Altair

Paragraph 19 of the Advice note states that:

'...the Altair site is not available now and it cannot be so in a reasonable time. The Altair site is complex and any revised proposals - I am told - would take three to four years before they reached implementation stage. Nexus seem to suggest that is a reasonable time, but on what basis I am not clear and I note they do not support their suggestion with any appeal decisions. The simple fact is that Lidl have a robust programme of bringing new stores forward quickly. Expecting Lidl to wait for three to four years in the hope that a scheme involving an A1 foodstore can be consented (contrary to the Development Plan) on the Altair site is wholly unrealistic.'

It is recognised that the Altair site cannot immediately accommodate the proposed use, albeit the developer has clearly made it available to accommodate a foodstore development (as part of a wider scheme). In considering the NPPF paragraph 86 requirement that sequential alternative sites should be available with a reasonable period, we note the following.

Firstly, the last guidance which defined what a 'reasonable period' may be for the purpose of the sequential test was provided by the Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach (published December 2009 and subsequently superseded in March 2014). Given the status of the Practice Guidance, we have not directly relied on it in reaching our view on 'availability' and refer to only as a broad reference point. Paragraph 6.39 of the 2009 Practice Guidance indicates that, whether it is appropriate to assess availability over three to five years or a longer timeframe will depend on local circumstances. The subsequent paragraph 6.40 indicates that major town centre schemes can take 10 to 15 years to deliver.

In this context, the suggested three to four year period now proposed for the delivery of a foodstore at Altair does not appear unusual or excessive.

Secondly, we note that the timeframe for the availability of alternative sequential sites was considered by the Inspector and Secretary of State in respect of the 'called in' proposal for large-scale retail-led development at Cribbs Causeway near Bristol⁷. It is important to recognise that, at the time the Inspector drafted her report, the NPPF sequential test⁸ required only that consideration be given to whether a site is 'available' and not 'available within a reasonable period'. Notwithstanding this, paragraph 571 of the Inspector's report⁹ provides some assistance in setting out considerations of relevance when determining a sequential alternative site's availability.

In comparing the timescale for the development of the application site at The Mall to that of the sequential alternative in Bristol city centre, the Inspector's report finds that:

'...it is important not to lose sight of what the sequential test is seeking to achieve. It is a key part of the town centre first approach and its purpose is to ensure that town centre uses are directed to central locations if at all possible. It should not be a particularly controversial proposition that a location such as The Mall is likely to be more straightforward to develop than many in-centre sites. It seems to me reasonable to bear this in mind when timescales are being considered. What would be reasonable and appropriate will depend on the particular circumstances of the sequential site and the proposals that it is being expected to accommodate. This is a matter of judgement...'

In our judgement and in the above context, the three to four year period suggested by Rapleys for the operation of a foodstore at Altair is reflective of a reasonable timeframe. We provided justification to support this view at paragraphs 2.20 and 2.21 of our May 2020 Supplementary Report, which indicate that the proposed programme for the delivery of Altair simply accounts for basic requirements necessary to bring forward development – *secure planning permission, appoint a contractor and build the development out*. To rule out sites simply on the basis that they need to go through the planning process runs the risk of available sequential alternative sites being limited to those that are already under construction or currently available.

⁷ PINS reference APP/P0119/V/17/3170627

⁸ As set out in the first iteration of the NPPF, which was published in March 2012

⁹ Which is validated at paragraph 18 of the Secretary of State's decision letter

We are firmly of the view that our approach in accounting for such stages in confirming the Altair site's availability is consistent with the direction provided at paragraph 87 of the NPPF for the potential of sequential alternative sites to be '**fully explored**'. Accordingly, we remain of the view that three to four years is representative of a reasonable period to allow the Altair site to come forward.

The Need for Economic Activity

We recognise that the circumstances related to the current Covid-19 pandemic mean that decision-makers will need to appropriately consider the economic benefits arising from development. However, that does not remove the need to appropriately apply the retail policy tests.

The grocery retail provision in the Altrincham area is comprehensive, comprising: superstores operated by three of the 'big four' (Asda, Sainsbury's and Tesco); discount and value operators (including Aldi and Iceland); premium operators (including Marks & Spencer and Waitrose); and, high street independents (including those that operate from Altrincham Market). Parts of the Altrincham catchment also provide access to further competing provision at Sale and at Baguley.

As a consequence, we do not believe that the Altrincham area is poorly provided for such that there is a pressing need for additional facilities. Indeed, the grocery sector already makes an important contribution to Altrincham's economy and supports local jobs. In this regard, we note that paragraph 11.6 of the Trafford Retail and Leisure Study (which was undertaken by Nexus Planning and reported in August 2019) found that the principal current qualitative deficiency in grocery provision in Trafford Borough is around Sale Moor, and that there may be future additional grocery retailing needs related to planned housing growth at Carrington and Timperley Wedge.

As a consequence of the above, we do not believe that there are particular circumstances – either relating to the general grocery provision in Altrincham or to the current Covid-19 pandemic – which mean that the 'reasonable period' within which sequential alternative sites should become available is truncated for the purpose of this planning application. As a consequence, we reaffirm our judgement that Altair coming forward within a three to four year period is consistent with the requirements of the NPPF sequential test. In our view, it remains an 'available' site on this basis.

Conclusion

We have reviewed the Advice note in detail and have provided additional justification in this letter to substantiate how we formed our view that Altair is both suitable and available (within a reasonable period of time) to accommodate a broadly similar foodstore proposal. In order to form part of the Altair development, the foodstore proposal would take the form of a 'metropolitan model' discounter. As the name suggests, this is a discount foodstore model adapted to fit on a central site which will likely have constraints in respect of land take.

Given the above, we remain of the view that the planning application fails to accord with the requirements of paragraphs 89 and 90 of the NPPF. In doing so, it also contravenes the provisions of UDP policy S11 and Core Strategy Policy W2.12 insofar as they relate to the sequential test.

It will be for the Council to attribute appropriate weight to such matters in determining the application. Should the Council be minded to approve, it is relevant to note that a further out of centre application proposal¹⁰ is currently under consideration, which provides for the re-use of the existing Aldi foodstore at Broadheath for comparison goods retail. Nexus Planning is currently considering the compliance of this proposal with key retail and town centre planning policies. In advising on the change of use of the Aldi unit, we will also comment on the acceptability of the cumulative impacts that would arise should both Broadheath developments come forward. Accordingly, the Council will need to have regard to this future advice should it be in the position where planning permission might be granted for both developments.

¹⁰ Planning application reference 100006/VAR/20

We trust that the above is helpful in demonstrating our consideration of relevant issues, but we would be delighted to provide further clarification should this be helpful to the Council in determining the application.

Yours sincerely



Richard Shepherd

Director

I. APPENDIX I

From: Lewis, Elisabeth

To: Brown, Bethany

CC:

Date: 12/08/2019 15:09:00

Subject: 98127/FUL/19 Unit 1 Altrincham Retail Park George Richards Way Altrincham

Dear Beth,

Thank you for consulting me on the above application. The application proposes the extension, refurbishment and subdivision of the existing Homebase store.

The application site lies within the setting of the former canal warehouse adjacent to coal, Grade II; former Lloyds bank (Broadheath branch) and Post Office, Grade II and the Railway Inn Public House, Grade II. In addition the site also lies within the setting of two non designated heritage assets; Broadheath Bridge & the Bridgewater Canal.

The application site sits amongst other retail units forming the wider Atlantic Street Retail Park. It lies some distance from the majority of the designated and non-designated heritage assets previously mentioned and this area of the Retail Park is separated from the Bridgewater Canal by George Richards Way and existing retail units. However, the application site lies in close proximity to the Railway Inn Public House, Grade II. Based on the information provided I consider the proposed extension of the Homebase Unit to create the a garden centre, will impact on the setting of this listed building.

I consider the accompanying Heritage Statement is insufficient in its assessment of the significance of the identified designated heritage assets, in particular the Railway Inn, and does not adequately assess the impact of the development on this listed building. The application proposes a sizeable extension which will extend the retail unit closer to Manchester Road. In the absence of a street scene it is difficult to quantify the harm to the significance of the Railway Inn. Based on the elevations provided I have significant concerns regarding the form, scale, height and appearance of the proposed extension. Whilst the current setting of the Railway Inn is defined by an expanse of car park, there is an opportunity to reinforce the historic urban grain and enhance the context of this isolated listed building.

Based on the current proposals I would support a recommendation for refusal,

Best wishes, Liz

Elisabeth Lewis
Heritage Development Officer
Planning and Development
Economic Growth, Environment and Infrastructure
Trafford Council |Trafford Town Hall | Talbot Road |Stretford |M32 0TH
T. Direct Dial 0161 912 5771
T. Planning General Enquiry Line 0161 912 3149
T: Mobile 07870845626
F. 0161 912 3128
Email: elisabeth.lewis@trafford.gov.uk

From: Lewis, Elisabeth
Sent: 20 February 2020 18:00
To: Brown, Bethany <Bethany.Brown@trafford.gov.uk>
Subject: RE: 98127 - Lidl at Broadheath

Dear Beth,

Thank you for consulting me on the attached heritage statement. I do apologise for the delay in responding to you.

I note the statement concludes the proposed development will have no effect on the setting of The Railway Inn Public House nor nos. 139 and 141 (Former Lloyds Bank (Broadheath branch) and Post Office) Manchester Road. I have some concerns regarding the assessment of setting in relation to The Railway Inn. The Railway Inn formed the end of a terrace, whilst the remainder of that terrace has been demolished, several properties remain of the adjoining terrace. The building is therefore part of a wider, fragmented street scene which includes these remaining 19th century buildings to the north and those to the south along the west side of Manchester Road. Only one arbitrary view of the building is considered at Figure 3, rather than the kinetic view along Manchester Road. The form of the building including gables & roofscape as well as the principal elevation are clearly appreciated when moving along Manchester Road in both directions. Figure 4 demonstrates the impact of the retail extension in terms of its scale, siting, height, form, appearance and materials and the impact this will have on views of The Railway Inn. Furthermore, the proposal will partially obscure 19th century buildings to the north of the public house and the visual connection between them.

As such I consider the proposal will cause moderate harm to the significance of The Railway Inn and this harm should be considered under para 196 of the NPPF.

Best wishes,

Liz

From: Brown, Bethany
Sent: 02 January 2020 08:55
To: Lewis, Elisabeth
Subject: 98127 - Lidl at Broadheath

Hi Liz

We have now received (finally) a heritage statement (as attached). I shall send through another consultation request.

Many thanks

Beth

Bethany Brown

Major Planning Projects Officer
Planning and Development
Place Directorate

Trafford Council |Trafford Town Hall | Talbot Road | Stretford | M32 0TH

T. Direct Dial 0161 912 4781

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J. APPENDIX J

Bethany Brown

Major Planning Projects Officer
Planning and Development
Place Directorate
Trafford Council
Trafford Town Hall, Talbot Road
Stretford
M32 0TH

Date: 23 March 2021

Our Ref: 34397

Dear Beth

Planning Application Reference 103414/FUL/21

Extension and sub-division of existing Homebase store (Unit 1) to create two new retail units (Use Class E(a))

Altrincham Retail Park, George Richards Way, Altrincham, WA14 5GR

Introduction

We write in relation to the above planning application and further to an instruction from Trafford Council (hereafter referred to as 'the Council') to appraise the proposal against relevant retail and town centre planning policy considerations.

The application has been submitted by Orchard Street Investment Management and Lidl UK, and seeks to extend and sub-divide existing retail accommodation at Unit 1, Altrincham Retail Park. The application would allow for Homebase to continue to trade from the site (from a smaller unit) and provide for a new foodstore which would be operated by Lidl. The application is supported by a number of documents, including a Planning and Retail Statement (prepared by Montagu Evans¹ and dated February 2021).

The planning application provides for the same form of built development as a previous planning application at the site (reference 98127/FUL/19), which was refused planning permission on 16 July 2020. The decision notice for the previous application provided two reasons for refusal.

¹ As joint agent for the application (with Rapleys).

The first reason for refusal relates to the sequential approach to development, and 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.’

The second reason for refusal relates to the egress arrangements from the site.

This appraisal letter first briefly confirms the nature of the proposed development, before then summarising our advice to date in advising on the original application proposal. We then identify retail and town centre planning policy of relevance to the determination of the current application, before then providing our view on the current proposal’s compliance with policy.

Proposed Development

The application site comprises approximately 1.8 hectares of previously developed land and is bounded by: Huxley Street and residential properties to the north; Manchester Road to the east; George Richards Way to the south; and, car parking at Altrincham Retail Park to the west. The site is situated just over a kilometre to the north of Altrincham town centre². As such, it clearly comprises an ‘out of centre’ location for the application of retail and main town centre planning policy.

The application site currently accommodates the existing Homebase store, its associated garden centre and car parking. The applicant identifies, at paragraph 1.2 of the Planning and Retail Statement, that:

‘The development proposals comprise the extension and sub-division of the existing Homebase retail unit, to create two retail units. Unit 1 will comprise a retail warehouse unit and associated garden centre for continued occupation by Homebase, and Unit 1A will comprise a discount convenience foodstore to be occupied by Lidl. This element of the scheme is identical to planning application 98127/FUL/19.’

The floorspace proposed by the application is summarised by Table 1 of the submitted Planning and Retail Statement. In order to confirm our understanding of the application, we replicate Montagu Evans’ Table 1 below.

Table 1: Proposed Retail Accommodation as Identified by Table 1 of Montagu Evans’ Planning and Retail Statement

Area	Existing Homebase (sq.m)	Proposed Homebase (sq.m)	Lidl (sq.m)	Total Proposed (sq.m)	Difference (sq.m)
Ground Floor	3,664	2,833	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

The new Homebase unit would have a total gross floorspace of 3,612 sq.m, with a further 1,231 sq.m comprising an outdoor garden centre. We are unaware of any clarification in respect of the net sales area associated with the new DIY store. However, it is accepted that the new DIY store would be unlikely to have a greater sales area than existing.

Paragraph 3.5 of the submitted Planning and Retail Statement confirms that the proposed Homebase operation will be consistent with the existing, focusing on a product range that will include ‘...**paint and decorating**

² As defined with reference to the main shopping frontages and mixed use frontages defined by Plan 6 of the Altrincham Town Centre Neighbourhood Business Plan (which was ‘made’ in November 2017).

equipment, kitchens and bathrooms, garden and outdoor products, lighting and electrical, furniture and home storage, and other products associated with the DIY retail market.'

Paragraph 3.7 of the Planning and Retail Statement indicates that the proposed Lidl foodstore would have a net sales area of 1,272 sq.m, of which 80% (or 1,018 sq.m) would be dedicated to the sale of convenience goods and 20% (or 254 sq.m) would be dedicated to the sale of comparison goods.

Our Previous Advice in Respect of Planning Application Reference 98127/FUL/19

We provided the Council with three separate advice notes to assist with its determination of the original planning application. These comprise: our Appraisal of Retail and Town Centre Issues report of September 2019; our Appraisal of Retail and Town Centre Issues – Supplementary Report of May 2020; and, a further advice letter³ dated 3 July 2020.

We briefly summarise our advice to date below.

Appraisal of Retail and Town Centre Issues Report of September 2019

In respect of the sequential approach to development, our September 2019 Appraisal report found that the principal purpose of the application proposal was to provide for the introduction of a foodstore use at the application site. Whilst our advice noted that there was no default requirement to 'disaggregate' elements of an application proposal on every occasion in order to satisfy the impact test, we concluded that the circumstances merited such an approach with this particular proposal.

Our September 2019 Appraisal noted that Rapleys⁴ also considered sequential alternative sites on this basis and found it to be representative of a '**robust**' approach (paragraph 6.15 of its Planning and Retail Statement).

On this basis, we concluded that the Altair site in Altrincham town centre was both available and suitable to accommodate the proposed foodstore use (allowing for appropriate flexibility in respect of format and scale), and that the proposal fails to accord with the requirements of the NPPF sequential test on this basis.

In respect of the impact, we found that the Planning and Retail Statement provided a flawed assessment, such that we were unable to form a view in respect of the application proposal's compliance with both strands of the NPPF retail impact test.

Appraisal of Retail and Town Centre Issues – Supplementary Report of May 2020

Subsequent to the issue of the above report, Rapleys submitted additional evidence in the form of a supplementary Retail Impact Assessment response letter of 24 December 2019 and a supplementary Sequential Assessment of 15 January 2020. In addition, Lidl wrote to the Council on 1 May 2020 to clarify its intention to trade from two stores in Altrincham (the application site and at the proposed Altair development).

In terms of the sequential test, the additional information considered the matters of disaggregation, and the availability and suitability of the Altair site.

In reviewing the issue of whether the disaggregation of application proposals may be appropriate in some circumstances, we noted the principles established by the courts in relation to a retail-led mixed-use planning application⁵ at an edge of centre site in Peterlee, County Durham.

In the case at Peterlee, the grant of planning permission for the proposed development was the subject of a

³ From Richard Shepherd of Nexus Planning to Bethany Brown of Trafford Council.

⁴ As agent for the initial application.

⁵ Local planning authority reference DM/18/03002/FPA.

legal challenge by the owner of the adjacent town centre shopping mall, with one of the grounds being that the determining authority did not give proper consideration to the prospect of disaggregation of component uses in applying the sequential test.

In the High Court Judgment⁶ which considered the claimant's application for permission to proceed with its judicial review claim, HHJ Klein effectively finds at paragraph 23 that whether or not disaggregation has a role in the application of the sequential test at Peterlee is a matter of planning judgment.

The position was subsequently tested in the Court of Appeal⁷, with Lewison LJ's Order identifying that the Officer's report for the Peterlee application:

'...set out two propositions (a) that there was no general requirement for disaggregation and (b) there was no persuasive argument for disaggregating the particular scheme. The first proposition was a correct summary of the policy. The second was an exercise of planning judgment.'

Lewison LJ finds this to be an appropriate procedural approach. We confirmed that our advice to the Council was consistent with this approach (i.e. disaggregation is a matter of planning judgement).

We also responded to additional information provided by Rapleys in respect of the availability of the Altair site and its suitability to accommodate the subject application proposal (allowing for some flexibility in respect of format and scale).

In terms of availability, we dismissed Rapleys' assertion that Altair is not available as terms have been agreed between Lidl and Nikal (as developer of the Altair scheme). In our view, such an agreement confirms that the site *is* available.

Notwithstanding this, Rapleys' January 2020 Sequential Assessment also sought to argue that the Altair site is *not available within a reasonable time frame*. In this regard, Rapleys noted that the Altair site needs to be the subject of a planning application, that a contractor would then need to be appointed, and that the scheme needs to be built out. It is suggested that this would take a minimum of three (and possibly four) years.

We confirmed that these are standard steps in bringing forward a town centre site, and that the timescale identified by Rapleys is indicative of the site being available within a reasonable period.

In terms of suitability, we noted that the Altair foodstore would take the form of a 'metropolitan' format discount foodstore with car parking below the store. From the evidence provided, we confirmed that the proposed format simply reflects the fact that operators are able to be flexible in respect of their trading model in order to make their stores fit onto a centrally located site. On this basis, we concluded that Altair was suitable to accommodate a broadly similar foodstore proposal (when applying the flexibility required by paragraph 87 of the NPPF).

Given the above, our May 2020 report maintained our position that the application proposal fails to accord with the requirements of the NPPF sequential test.

In terms of the first strand of the impact test (relating to the impact of a proposal on public and private investment within a centre), the additional submission confirmed that Lidl is contractually committed to the Altair development. As such, we found that there was no evidence to suggest that the grant of planning permission for the Broadheath planning application would prejudice the delivery of the Altair scheme. We were unaware of any other development in Altrincham or any other centre which would be the subject of a significant adverse impact as a consequence of the Broadheath being implemented.

In respect of the second strand of the impact test (relating to town centre vitality and viability), we reviewed

⁶ *Salford Estates v Durham County Council & Anor* [2019], Claim No: CO/1664/2019.

⁷ *Salford Estates v Durham County Council & Anor* [2019], Claim No: C1/2019/1847.

the retail impact assessment provided within Rapleys' letter of 24 December 2019 and the appended tables. We also undertook a 'sensitivity test' to consider the potential level of trade diversion from stores within and around Altrincham town centre.

Our assessment found that:

- the largest trade diversion from stores within and around Altrincham town centre would occur at the Sainsbury's and Tesco superstores, but that each would continue to trade successfully subsequent to the implementation of the Broadheath proposal;
- other stores within Altrincham town centre (including Iceland) would be the subject of more limited impacts which should not affect their viability (and we were not aware of any representations which suggested that such provision could close); and
- whilst Altrincham town centre's vitality and viability is more precarious than was the case before the Covid-19 pandemic, the application proposal would not materially impact on the trading position of its grocery operators.

As a consequence of the above, we found that the proposal complies with the requirements of the NPPF impact test.

Advice Letter Dated 3 July 2020

Our letter to the Council of 3 July 2020 responded to an Advice note, provided by David Manley QC and dated 19 May 2020, which was submitted by the applicant in order to substantiate the applicant's approach to the sequential test.

Our letter confirmed that the Advice note did not introduce any new information which we were unaware of when drafting our previous reports.

As such, our 3 July letter concluded:

'We have reviewed the Advice note in detail and have provided additional justification in this letter to substantiate how we formed our view that Altair is both suitable and available (within a reasonable period of time) to accommodate a broadly similar foodstore proposal. In order to form part of the Altair development, the foodstore proposal would take the form of a 'metropolitan model' discounter. As the name suggests, this is a discount foodstore model adapted to fit on a central site which will likely have constraints in respect of land take.'

Given the above, we remain of the view that the planning application fails to accord with the requirements of paragraphs 89 and 90 of the NPPF. In doing so, it also contravenes the provisions of UDP Policy S11 and Core Strategy Policy W2.12 insofar as they relate to the sequential test.'

In the above context, we reconfirm our understanding of relevant retail and town centre planning policy consideration before setting out our view in respect of the current application submission.

Relevant Planning Policy

National Planning Policy Framework

The most recent National Planning Policy Framework ('the NPPF') was published in February 2019. It emphasises the Government's commitment to securing economic growth and building a strong, responsive and competitive economy. With regard to the assessment of proposals for main town centre development, the revised NPPF provides two principal national policy tests relating to the sequential approach to development and to impact.

In respect of the first of the two tests, paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan.

Paragraph 86 goes on to state that:

‘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.’

Paragraph 87 then identifies 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. 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.’

Paragraph 89 of the NPPF sets out a twin impact test, stating that:

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

- a) **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- b) **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).’**

Paragraph 90 indicates 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 above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the ‘planning balance’ when making a decision.

Development Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:

‘...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

The statutory development plan for Trafford comprises the ‘saved’ policies of the Revised Trafford UDP (adopted June 2006), read together with the Trafford Core Strategy (adopted January 2012). The Altrincham Town Centre Neighbourhood Business Plan (which was ‘made’ in November 2017) also forms part of the development plan and is of some relevance in this instance.

We outline key retail and town centre planning policies below.

UDP Policy S11 relates to development outside established centres and remains saved⁸ in the absence of an adopted Trafford Local Allocations Development Plan Document. Policy S11 indicates that proposals for retail development not on land within town and district centres, will not be permitted unless all of the following criteria apply:

- there is a demonstrable need for further retail development locally that cannot be met by existing provision in the Borough;
- 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;

⁸ As confirmed by Appendix 5 of the adopted Trafford Local Plan Core Strategy.

- the scheme would be highly accessible by a choice of means of transport allowing for the minimisation of car use;
- the development would not lead to the sporadic siting of comparison goods shopping units along a road corridor;
- there is no realistic chance of the site being developed for any other use for which it may be allocated specifically in this Plan; and
- the development meets the requirements of other proposals in the Plan, notably Proposals D1 and D2.

Policy S11 then goes on to indicate that, in all cases, it will be necessary to demonstrate by means of an impact study, that development would not have a serious adverse effect on the vitality and viability of any town or district centre within or outside Trafford.

In considering Policy S11, it is important to note that Proposals D1 and D2 have not been saved. As such, there is only a need to apply the requirements of the first five bullet points set out above (along with the need for an impact assessment) to the application.

The principal Core Strategy policy of relevance to the application proposal is **Core Strategy Policy W2**, which relates generally to town centre and retail matters.

Policy W2 identifies that Altrincham, as the main town centre in the Borough, will be the focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. The policy sets out a range of developments that could be located within Altrincham town centre (some of which have now been secured).

Policy W2.3 identifies that:

‘The main development opportunity within Altrincham Town Centre is Altair which is a high quality, high density multi-storey mixed-use development on a 3 hectare brownfield site immediately to the east of the Altrincham transport interchange. The mixed-use development is expected to deliver:

- **Retail, café, bar and restaurant accommodation (15,000 sq.m);**
- **Commercial office accommodation (8,500 sq.m);**
- **Hotel accommodation (7,700 sq.m);**
- **Ice Rink and other leisure development (11,600 sq.m);**
- **Residential apartment accommodation (150 units) comprising a mix of sizes and tenures;**
- **Hospital and healthcare facility;**
- **New areas of public realm; and**
- **Improvements to pedestrian linkages to the rest of the town centre, in particular a new pedestrian bridge link between the development and the Interchange.’**

Policy W2.12 goes on to identify that, outside of the centres, there will be a presumption against the development of retail, leisure and other town centre-type uses, except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance.

Policy W2.14 states that:

‘Proposals to expand any of the three existing retail warehouse parks (White City, Trafford and Altrincham) should be justified against the tests set out in national guidance. Further development within the retail warehouse parks should be limited to the sale of bulky comparison goods only. (Our emphasis.)

In addition to the above, the Altrincham Town Centre Neighbourhood Business Plan reaffirms the Council’s ‘town centre first’ approach to development and allocates six sites as having potential for redevelopment, including **Allocations D, E and F**, which are considered suitable to accommodate a range of main town centre uses⁹ (Allocation D has since been built out). In addition, the Neighbourhood Business Plan recognises the Altair

⁹ Allocations A, B and C are identified as being principally residential opportunities.

development site, which benefits from planning permission for residential, offices, car parking and leisure uses, including leisure-based retail.

Whilst none of the allocations seeks to accommodate substantial convenience goods retailing, supporting text at paragraph 4.2.7 identifies that:

'The Plan also recognises the importance of the town centre attracting one or more small or medium size convenience stores in response to the growing desire to shift from the one-stop out-of-centre facilities to convenience at the local level, with positive effects on the role of the high street.'

The Current Planning Application and the Sequential Approach to Development

The key matters of relevance to the sequential test and the proposal remain: disaggregation, availability and suitability.

Disaggregation

We note paragraph 6.12 of the February 2021 Planning and Retail Statement indicates that the consideration of sequential alternative sites on the basis of whether they can support the discount foodstore use only is indicative of a **'robust'** approach. Notwithstanding this, paragraph 6.19 of the same Statement seek to make a case that disaggregation should not be required in this instance. In Montagu Evans' view, this is because the proposal would allow Homebase to downsize its existing operation and help protect the 50 jobs supported by Homebase.

We do not believe that any persuasive new additional information has been presented in this regard and we therefore revert to the advice we provided at page 2 of our advice letter of 3 July 2020.

The letter stated:

'As we set out in some detail at paragraphs 2.2 to 2.15 of our May 2020 Supplementary Report, we have examined the facts as they apply to this application and believe that the appropriate approach is to consider alternative sites on the basis of whether they are able to accommodate the foodstore element of the proposal (allowing for appropriate flexibility in respect of format and scale). Whilst we again recognise that Homebase is clearly happy to trade from a smaller store, it is not clear why this could not still be achieved (through other means) if the foodstore component of the proposal is provided more centrally. The principal purpose of the application is to introduce a new operation (i.e. retail foodstore use) to the site.'

The fact that Homebase is willing to downsize is self-evident through the application proposal, and no persuasive evidence has been submitted to substantiate the position that the proposed development is the only means of securing this objective. Indeed, even if it were necessary to provide additional commercial floorspace at the site, we are uncertain why such additional floorspace could not take a different form (e.g. bulky comparison goods retail, which may be less likely to be accommodated within Altrincham town centre).

Accordingly, we remain of the view that the sequential test should be approached on the basis that the proposed foodstore should be disaggregated from the DIY store use.

Suitability of Altair

Paragraph 6.24 and Table 2 of the February 2021 Planning and Retail Statement seek to suggest that the 'metropolitan' format which would be supported at Altair provides for an operation which is sufficiently different to that which would be delivered at Broadheath, such that it comprises a different type of operation.

In this regard, we note that Table 2 indicates that the Broadheath proposal would provide: a net sales area above 1,300 sq.m; surface level car parking; single storey development, car borne customers; trolley-based shopping; and main store access from the car park.

In addition, paragraph 6.26 of the Planning and Retail Statement suggests that the sales area of the Altair scheme would be 15% smaller than the Broadheath store.

We have considered all of the above matters and recognise that bringing forward a foodstore within a town centre environment means that certain constraints may need to be overcome. In our view, the format proposed at Altair reflects the ability of retailers to revise their model to trade from more central locations. Car parking may need to be provided on a different level; the floorspace may need to be reduced slightly; and the nature of travel and ability to link trips to other destinations may mean that a higher percentage of shoppers undertake a basket shop.

In our view, such variations in format are entirely consistent with the requirements of paragraph 87 of the NPPF, which states:

'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.'

Not only has such an opportunity been explored at Altair, we find that it is able to support a broadly similar use in practice. In our view, Altair remains a suitable site to accommodate the proposed foodstore operation.

Availability of Altair

In terms of availability, the February 2021 Planning and Retail Statement maintains the applicant's position that the delivery of a foodstore at the Altair site would take around three to four years in practice, given the need to:

- prepare a planning application;
- submit and determine the planning application;
- discharge pre-commencement planning conditions;
- secure contractors to deliver the scheme; and
- construct the scheme.

We remain of the view that these are all standard steps in bringing forward development, and that the timescale suggested by the applicant is reasonable in respect of the requirements of NPPF paragraph 86.

In this regard, we note that Montagu Evans seeks to refer to the 'Tollgate' Secretary of State decision¹⁰ to help consider the appropriate timeframe for determining whether a sequential site is available. However, the Tollgate decision pre-dates the current iteration of the NPPF sequential test, and therefore it is not appropriate to rely upon it in determining what the reasonable period may be in adjudicating on a site's availability.

We note that paragraph 6.35 of the Planning and Retail Statement indicates that the applicant would be prepared to accept a condition which requires the discount foodstore to be open and trading within 12 months of the grant of planning permission. However, whilst we recognise that the Broadheath proposal could open in advance of the completion of the Altair scheme, we remain of the view that three to four years is a reasonable period to wait for an alternative site to come forward in this instance.

Conclusion in Respect of the Sequential Test

Given all of the above, we remain of the view that Altair is a sequential alternative site which is both suitable and available to accommodate the proposed foodstore. Whilst we are unaware of any other site offering genuine potential to support the proposal, the planning application fails to accord with the NPPF sequential test on this basis. As a consequence, it also fails to accord with UDP Policy S11 and Core Strategy Policy W2.12, insofar as they relate to the sequential approach to development.

¹⁰ PINS reference APP/A1530/W/16/3147039.

The Current Planning Application and the Impact Test

We comprehensively reviewed the likely impacts arising from the proposal in May 2020, in advance of the Council determining the original application in July 2020.

We note that the applicant has not revisited the impact test and instead relies on the position previously reached by the Council in determining the previous application.

In this regard, whilst Covid-19-related restrictions continue to impact on the health of town centres, we are confident that the impacts arising from the proposal would be limited and would not prejudice the trading position of any grocery store within or around Altrincham town centre.

We note that paragraph 017 of the Town Centre and Retail Planning Practice Guidance identifies that:

'The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible.'

In this context, we believe that the applicant's approach is acceptable in this instance given the relatively low impacts associated with the proposal. We remain of the view that the proposal accords with the requirements of the impact test as set out at paragraphs 89 and 90 of the NPPF, and at UDP Policy S11 and Core Strategy W2.12.

Conclusion

Given the above, we find that the planning application fails to accord with the requirements of paragraphs 86 and 87 of the NPPF. In doing so, it also contravenes the provisions of UDP policy S11 and Core Strategy Policy W2.12, insofar as they relate to the sequential test.

We also note that UDP Policy S11 requires there to be a demonstrable need for further retail development locally, which the applicant has chosen not to address. The Trafford Retail and Leisure Study of 2019 identified some limited surplus expenditure to support additional convenience goods floorspace, but found (at paragraph 8.49) that the most obvious existing deficiencies in provision were in the Carrington/Partington and Sale Moor areas. In this context, we do not believe that the applicant has demonstrated compliance with UDP Policy S11.

The proposal also fails to comply with Core Strategy Policy W2.14, which requires further development within the retail warehouse parks should be limited to the sale of bulky comparison goods only.

The exact weight to be attributed to both development plan and national planning policy is outside our instruction and will be a matter for the Council to determine. However, we accept that there is no longer a national retail 'need' test and that Core Strategy Policy W2.14 provides a requirement beyond that which is set out in national planning policy. This may affect the weight the Council attributes to such policy.

A proposal's failure to comply with retail and town centre planning policy does not result in a mandatory requirement for the determining authority to refuse planning permission (given the need for decision-making to be led by the development plan and to account for all other material considerations). However, we believe that, in this instance, there remains a clear failure to comply with the sequential test which should be accorded appropriate weight in determining the application.

We trust that this advice is helpful in your consideration of the application.

Should any part of this letter require clarification, please do not hesitate to contact us.

Yours sincerely



Richard Shepherd

Director

K. APPENDIX K

From: Lewis, Elisabeth

Sent: 18 March 2021 20:16

To: Brown, Bethany <Bethany.Brown@trafford.gov.uk>

Subject: Unit 1 Altrincham Retail Park George Richards Way Altrincham WA14 5GR 103414/FUL/21

Dear Beth,

Thank you for consulting me on the above application.

I note the scale, siting, form, height, appearance and materiality has not changed from the proposal refused under application no. 98127/FUL/19. My response therefore remains the same and is as follows;

The application site lies within the setting of the former canal warehouse adjacent to coal, Grade II; former Lloyds bank (Broadheath branch) and Post Office, Grade II and the Railway Inn Public House, Grade II. In addition the site also lies within the setting of two non-designated heritage assets; Broadheath Bridge & the Bridgewater Canal.

The application site sits amongst other retail units forming the wider Atlantic Street Retail Park. It lies some distance from the majority of the designated and non-designated heritage assets previously mentioned and this area of the Retail Park is separated from the Bridgewater Canal by George Richards Way and existing retail units. However, the application site lies in close proximity to the Railway Inn Public House, Grade II. Based on the information provided I consider the proposed extension of the Homebase Unit to create the a garden centre, will impact on the setting of this listed building.

The application proposes a sizeable extension which will extend the retail unit closer to Manchester Road. Based on the elevations provided I have significant concerns regarding the scale, siting, form, height, appearance and materiality of the proposed extension. Whilst the current setting of the Railway Inn is defined by an expanse of car park, there is an opportunity to reinforce the historic urban grain and enhance the context of this isolated listed building.

I note the submitted Heritage Statement concludes the proposed development will have no effect on the setting of The Railway Inn Public House nor nos. 139 and 141 (Former Lloyds Bank (Broadheath branch) and Post Office) Manchester Road. I do not share this view and I have some concerns regarding the assessment of setting in relation to The Railway Inn.

The Railway Inn formed the end of a terrace, whilst the remainder of that terrace has been demolished, several properties remain of the adjoining terrace. The building is therefore part of a wider, fragmented street scene which includes these remaining 19th century buildings to the north and those to the south along the west side of Manchester Road. Only one arbitrary view of the building is considered at Figure 3, rather than the kinetic view along Manchester Road. The form of the building including gables & roofscape as well as the principal elevation are clearly appreciated when moving along Manchester Road in both directions. Figure 4 demonstrates the impact of the retail extension in terms of its scale, siting, height, form, appearance and materials and the impact this will have on views of The Railway Inn. Furthermore, the proposal will partially obscure 19th century buildings to the north of the public house and the visual connection between them.

The impact of the extension is further evidenced by the submitted street scenes. These images indicate the proposal will block views of the Railway from Huxley Street & forming a rather incongruous backdrop to the listed building in views from George Richards Way.

Policy

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

In addition the requirements of paragraphs **189, 190, 192-194 & 196** of the National Planning Policy Framework 2019; relevant PPG and whilst considered out of date, policy R1 of the Trafford Core Strategy 2012 is a material consideration.

Position

The applicant has not sufficiently addressed the requirement of para 190 NPPF 'to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal' as such the proposed development would cause moderate harm to the significance of The Railway Inn Public House, Grade II listed. This harm should be weighed against the public benefits of the proposal in accordance with 196:NPPF.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193: NPPF). The applicant has not provided a clear and convincing justification for this harm as required by paragraph 194: NPPF. LPAs are also required to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 190:NPPF). Where there is less than substantial harm this should be weighed against the public benefits of the proposal in accordance with 196:NPPF. The balancing exercise should be undertaken bearing in mind the statutory duty of Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.

Best wishes,

Elisabeth Lewis

Heritage Development Officer

Planning and Development

Economic Growth, Environment and Infrastructure

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The advice in this letter is given in good faith on the basis of the information submitted and available to me at the present time. The advice may be subject to revision following further examination or

consultation, or where additional information comes to light, and is, therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.

The advice in this letter is given in good faith on the basis of the information provided by you and available to me at this time and is an informal opinion only, which does not constitute a formal determination under s.192 of the 1990 Town & Country Planning Act as amended.