

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.

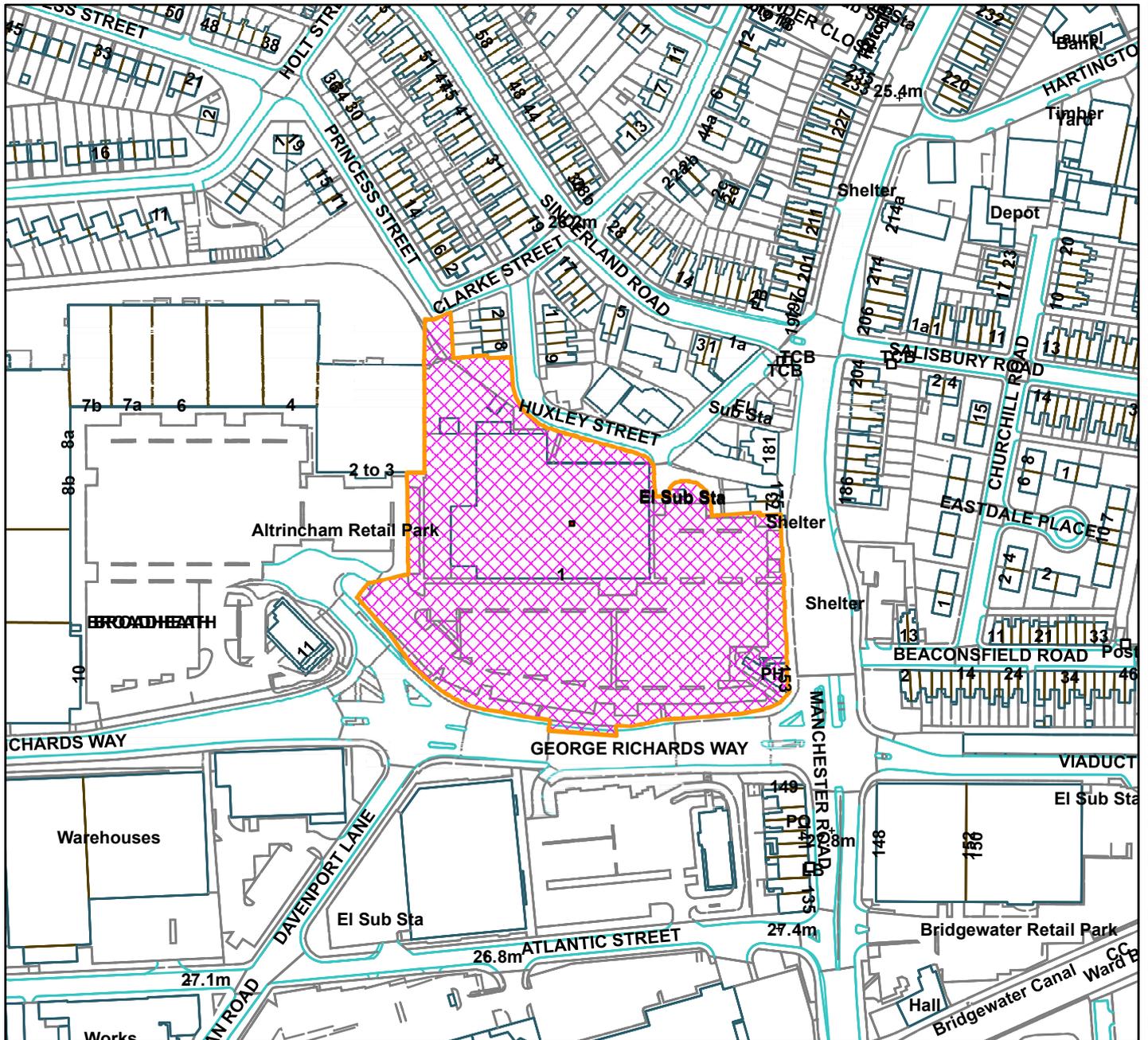
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TRAFFORD COUNCIL

Unit 1, Altrincham Retail Park, George Richards Way, Altrincham (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 08/04/2021
Date	25/03/2021
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