

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**28<sup>th</sup> March 2024**

<b>Application No:</b>	SMD/2022/0244	
<b>Location</b>	Industrial Agricultural Engineering Brookhouse Way Cheadle Staffordshire ST10 1SR	
<b>Proposal</b>	Demolition of existing buildings on site. Redevelopment to provide a food store (Class E) and associated access, car parking and landscaping works.	
<b>Applicant</b>	Aldi Stores Ltd	
<b>Agent</b>	Mr James Barker Planning Potential Ltd	
<b>Parish/ward</b>	Cheadle Town Council	<b>Date registered</b> 28/06/2022
<b>If you have a question about this report please contact:</b> <a href="mailto:planning@staffsmoorlands.gov.uk">planning@staffsmoorlands.gov.uk</a>		

## REFERRAL

The application has been referred to committee as it is a major development which is of significant local interest.

### 1. SUMMARY OF RECOMMENDATION

**Approval subject to S106 agreement & conditions.**

### 2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 This vacant site is located at the junction of The Green (A521) and Brookhouse Way to the Southwest of Cheadle, Stoke-On-Trent. The main body of the site is relatively flat and then rises approximately 2.5m along the existing HGV access to Brookhouse Way. The site was occupied by an employment use, Industrial Agricultural Engineering (IAE), who according to the applicant, have relocated to a new site outside the District (Stoke on Trent).

2.2 The Main access for the site is situated off The Green (A521) with minimal level change from the road to the site.

2.3 To the north of the site across the A521 there is a mixture of residential dwellings, small businesses, and a Petrol Filling Station. Then to the east of the site is mainly residential extending towards Cheadle town centre. It is estimated that the nearest residential properties are 50 metres away from the existing HGV access.

Towards the south of the site is an existing industrial area with a small area of residential behind. A watercourse abuts the western boundary of the site, over which is 'The Huntsman' public house, a few residential dwellings and industrial and warehousing premises.

2.4 The site lies within the Cheadle Development Boundary and does not have a specific allocation in the Staffordshire Moorlands Local Plan.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 This application seeks to obtain full planning permission for the erection of a detached single storey building which would form a retail store (Use Class E1). The development would create some 1,315 sqm of net retail floor space (1,786 sqm gross) together with associated car parking and servicing. The application has been submitted on behalf of the mainstream convenience food store operator, Aldi Stores.

3.2 The proposed retail store would be positioned close to the application site's southern boundary with its main elevation fronting a large car parking area to the north. The main entrance into the store would be situated on building's north-western corner facing onto the car parking area.

3.3 In total, the development would provide 134No. car parking spaces, including 6No. accessibility spaces and 4No. electric vehicle charging bays. Cycle parking is proposed close the store entrance. Servicing for the store would be situated on the south-eastern corner of the building. Proposed hours of opening are 08.00am to 10.00pm (Monday to Saturday) and 10.00am to 17.00pm (Sundays and Bank Holidays).

3.4 To facilitate the development a new vehicle access into the site is proposed from The Green. The retail store would then be serviced off an existing access which is off the northern side of Brookhouse Way. A proposed new pedestrian access of Brookhouse Way which was included in the application as originally submitted has been removed by the applicants agent.

3.5 The aim of this project is to provide an additional conveniently located shopping provision which would also improve consumer choice for residents across Cheadle by ensuring that they can do their regular grocery shopping without the need of a vehicle. ALDI aims to support and work with local businesses by not providing a one stop shop, which allows for speciality items / foods etc to be bought from local shops. This model has been proven to increase footfall within local shopping areas and markets where items not sold in ALDI can be picked up.

3.6 The Proposed ALDI store will comprise of:

- 1315m<sup>2</sup> Sales Floor Space, mainly for food, with a small range of non-food products.
- Accessible customer toilet, including Baby Changing facilities.
- Warehousing
- Plant Room
- Cold Rooms

- Servicing Areas
- Staff Areas
- Staff Areas including Welfare and Offices
- Delivery Bay and Unloading Area.

3.7 The application is accompanied by the following documents:

- The Cheadle Planning and Retail Statement,
- A Design and Access Statement,
- A Transport Assessment and Technical Note,
- An Interim Travel Plan,
- An Environmental Noise Impact Assessment,
- A Flood Risk Assessment, Drainage Strategy and Drainage Layout (E79-CDY-XX-XX-DR-D-Ss-50-35-00-0050-S4-P01),
- A Preliminary Ecological Appraisal,
- A Preliminary Arboricultural Report,
- A Contaminated Land Report (Geoenvironmental Survey), and
- A Statement of Community Involvement

3.8 Details of the full application, including plans, consultation responses and supporting documents can be viewed at <http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161424>

#### **4. RELEVANT PLANNING HISTORY**

4.1 There is no history on the application site itself.

4.2 The applicants sought an EIA Screening opinion from the Council prior to submitting the application (under SMD/2022/0176).

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

Staffordshire Moorlands Local Plan (adopted September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS7 Cheadle area strategy
- SS12 Planning Obligations
- SD1 Sustainable Use of Resources
- SD2 Renewable/low carbon energy
- SD3 Carbon-saving Measures in Development
- SD4 Pollution
- SD5 Flood risk
- TCR3 Retailing and Other Town Centre uses outside Town Centres
- E3 Existing Employment Areas, Premises and Allocations
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources

- NE 2 Trees, Hedges and woodland
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

#### National Planning Policy NPPF (2021)

Paragraphs of particular relevance include:-

- Paragraphs 86/87 – Requirement for a Sequential Test
- Paragraph 89 – Requirement for an Impact Assessment
- Paragraph 90 – Circumstances under which applications should be refused

#### National Planning Policy Guidance

Supporting NPPG on Town Centres

### **6. CONSULTATIONS CARRIED OUT**

Press Notice expiry date: 10/08/2022

Site Notice expiry date: 13/09/2022

#### **Third Party Representations**

21 letters of support has been received

5 letters of representation have been received that are neither letters of objection or letters of support

2 letter of objection raising the following main issues:-

- An increase in traffic will increase the risk of accidents, especially at already busy junctions
- Traffic will make it difficult for residents to get on and off their drives
- No pedestrian footpath on the bridge over the River Tean
- Concerns about noise nuisance

#### **Cheadle Town Council**

No objection in principle. The Town Council welcome the benefits of the proposal and fully support the scheme. Whilst being concerned with the loss of employment land the proposal would make a positive contribution to both the ward and Cheadle.

The scheme could be enhanced / improved by the provision of a foot bridge, improved highway safety, bus routes linking Cheadle Town Centre to the new store, customer access and / or egress from Brookhouse Way, the lessening of any impact on the nearby bungalows, and the use of sustainable / renewable energy sources (such as solar panels).

#### **Operations Manager -Waste**

No objections raised to the application. Reference is made to the a public 225mm foul sewer, a public 150mm foul sewer and a public 450mm foul sewer that are located within the site.

### **Staffordshire County Council - Education**

No education contribution is requested.

### **Environment Agency**

The above planning application would appear to fall outside of our checklist and we would not therefore wish to provide bespoke comment on the proposal

### **Local Lead Flood Authority**

The LLFA note that the application site lies within Flood Zone 1, 2 and 3 of an ordinary watercourse located on the western site boundary. The updated Flood Map for Surface Water shows that the 1:30, 1:100 and 1:1000-year events affect the site. Surface water floods in and around the ordinary watercourse on the western site boundary, however, the development layout shows that the new store and associated car parking are located outside of this extent.

There is one recorded instance of flooding within 20m of the development site, however, it is located on the opposite side of the ordinary watercourse in relation to the site. The information held by the LLFA is based on data that the Flood Risk Management team holds. Where other authorities (such as LPA's) have been made aware of issues, the LLFA cannot guarantee that they have passed this information on to us.

The existing site discharges to the ordinary watercourse located on the western site boundary.

The LLFA have reviewed the Flood Risk Assessment and Drainage Strategy dated 05.05.2022 (79-EXXX-CDY-XX-XX-RP-D-PM\_30\_30\_29\_0002) and the submitted operations and maintenance manual for the drainage system.

The LLFA are satisfied with the submitted application and have no objection to the granting of planning permission, subject to the imposition of conditions.

### **SMDC – Planning Policy**

The site is currently in employment use by IAE who, according to the applicant, will shortly be relocating to a new site outside the District to expand their business. They presently employ 35-40 staff and the relocation will not result in a loss of jobs. The site is within the Cheadle development boundary and does not have a specific allocation in the Staffordshire Moorlands Local Plan.

Local Plan policy E3 deals with existing employment areas. Employment land / employment uses are defined in the Local Plan glossary as “**includes authorised**

**employment sites currently in use; disused / vacant sites where authorised employment use has not been abandoned; and employment allocations in Policy E2 whether or not they contain development.”** Retail use like the proposed Aldi store is not classed as an employment use in this policy.

The policy tests set out in Policy E3 are relevant in the determination of this application. It is considered that the site is well located in relation to the main road (A521), provides / could provide good quality accommodation to meet a range of employment uses to support the local economy.

Development of such areas that will lead to a loss of employment will not be permitted unless:

- A) the site is identified in the Local Plan for development for non-employment uses; or,
- B) it can be demonstrated that the site would not be suitable or viable for any continued employment use having regard to the above criteria and evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
- C) substantial planning benefits would be achieved through development for non-employment uses which would outweigh the loss of the site for employment use (including for example funding to support off-site employment provision); and
- D) In the event that B) or C) applies preference will be given to a mixed use scheme which retains as much employment floorspace on the site as possible (to be demonstrated by evidence). The Council will consider "enabling" development proposals (required to support improvements to existing employment premises or supporting infrastructure) on their individual merits. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements; and in all cases the Council will seek to retain as much employment floorspace on the site as possible.

The proposal does not meet test A as it is not a Local Plan allocation and it is clear from the applicant's own Planning and Retail Statement the site will not be suitable or viable for any continued employment use (as required by test B). With this in mind the application cannot satisfy tests A and B.

A judgment will be needed as to whether the applicant's case constitutes 'substantial planning benefits' (i.e. policy test C) which would outweigh the loss of the site for employment use. The site is in an established industrial part of the town and replacement of land suitable for employment use can be difficult as it does not attract the same returns as land for residential use. There is just one Local Plan allocation of 4.27ha in Cheadle which is undeveloped and showing no immediate signs of being delivered. Also, monitoring data covering the Cheadle wards indicates that there is only a very small extant commitment for office floor space (243m<sup>2</sup>) so this

further illustrates the lack of alternative options for the type of employment land being lost. Consideration of policy test C should be made alongside policy test D, where preference is given to a mixed use scheme. Enabling development is another policy option with a viability appraisal and retention of as much employment floor space on the site as possible.

The Planning Officer reviewed the information submitted by the applicants agent and considered that the application submission addressed the policy issues and complied with tests C and D.

### **Coal Authority**

No objections to the application.

### **Staffordshire Police: Crime Prevention Design Advisor**

No objections subject to an informative note relating to construction site security. The Designing Out Crime Officer has noted that the Staffordshire Police have no issue with the principle of the redevelopment; that the submitted Design and Access Statement includes a sizeable section entitled 'Secured by Design' (demonstrating that the applicants have recognised the importance of seeking to design out criminal and anti-social behaviour) indicating a willingness to incorporate appropriate layout, landscaping, physical measures etc that would collectively contribute towards a crime and anti-socially resistant site.

The Officer also noted that the public-facing aspects of the site are visible from traffic passing The Green with the regular comings and goings of customers contributing to the social policing of the site and the open site frontage of The Green with a timber knee rail should assist natural surveillance into the site. The Officer also noted that restricting out of hours vehicle access would help police quieter areas in the car park (especially to the side of No.79 The Green) and that the cycle hoops have been provided in a prominent and well observed area at the front of the store.

The Officer noted that unrestricted on-foot access to the public facing external elements of the site (car park, store frontage etc) at all times come with an element of risk acceptance on the part of the store in terms of opportunities for youth-related anti-social behaviour etc. However, the Officer continued by recommending that unauthorised access to the rear of the site and the service vehicle and HGV turning area etc at the side of the store is restricted outside of delivery times.

The Officer continues by noting that the site is secured by fencing which provide a deterrent to the unauthorised access of site and that the provision of a bespoke CCTV surveillance camera system would compensate for the unrestricted on-foot access that will be available at all times to the public elements of the site.

### **Severn Trent Water**

No objections, subject to a condition.

### **Local Highway Authority**

**Recommendation Summary:** Approve with conditions

**Site visit conducted on :** 10-Jan-2024

### **Notes To Planning Officer**

Application is for an Aldi supermarket on the site of the former IAE plant.

Extensive discussions have been ongoing since March 2022

The A521 The Green, from which the site would be accessed, is a single carriageway two-way road which is subject to a 30mph speed restriction and is street lit. Fronting the site, A521 The Green currently has pedestrian footways present on both sides along the carriageway. However, these end shortly past the access where the highway narrows at the bridge.

It is understood that discussions have taken place between Aldi, their consultants, local representatives and Severn Trent Water over provision of a footbridge over the river, but that these have proven unsuccessful.

The site is situated within walking and cycling distance of various neighbouring residential areas and settlements providing potential for employees and customers to travel to and from the site on foot or by cycle. The site is within a short walking distance of the nearest bus stop. Proposals to improve pedestrian facilities in the area by introduction of pedestrian dropped crossings (pram crossings) with tactile paving have been discussed and are recommended as a condition.

Local representatives have raised the possibility of improvements to bus services to facilitate trips to Aldi. This would assist non driving residents of the north, east and south of Cheadle to access the store. Due to the nearby residential area and improvements to pedestrian infrastructure, bus service improvements are not pursued under this response. Aldi may want to continue discussions separately with local representatives.

During the application process, Vehicle Activated Signs/Speed Indicator Devices were requested by local representatives. Aldi consultants were generally agreeable to this proposal. Highways are supportive of this request. Design check and technical approval and likely commuted maintenance sum will be required. Precise specification and locations to be determined during design process.

Application proposes 133 parking spaces including 6 disabled spaces and 6 parent and child spaces. SMDC parking standards require 107 parking spaces. Parking provision exceeds minimum requirements.

There is a separate existing access off Brookhouse Way. This is shown on plans as being for deliveries only.



Extended traffic counts were provided on 12th February 2024. These confirm that the proposed supermarket car park access will likely operate within theoretical capacity.

The application is also supported by an Interim Travel Plan. However, there will need to be a further Full Travel Plan submitted which will be supported by a S106 Agreement. Alterations are required to the Travel Plan to remove reference to 'Share-a-lift' and include [smarter.travel@staffordshire.gov.uk](mailto:smarter.travel@staffordshire.gov.uk) as a contact for submitting monitoring reports, and for all communication.

Alterations should be completed and revised travel plan submitted such that the agreed Travel Plan can be appended to the S106 Agreement.

Current records show that there were no Personal Injury Collisions on The Green within 50m either side of the proposed access in the previous five years

### **Conditions**

1 Before the proposed development is brought into use, the revised bellmouth access off The Green shall be completed generally in accordance with but subject to Safety Audit and technical approval of, submitted drawing J21A15 P0003 G

2. Before the proposed development is brought into use details of highway works comprising pedestrian dropped crossing facilities, on both sides a each location, including tactile paving at:

- bellmouth access
- Brookhouse Way close to its junction with A521 The Green;
- Brookhouse Way close to its junction with Glebe Road;
- Glebe Road close to its junction with Brookhouse Way;
- A521 the Green close to the bellmouth access;

have been first submitted to and approved in writing by the Local Planning Authority. The pedestrian dropped crossing facilities shall thereafter be provided in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

3. Before the proposed development is brought into use details of highway works comprising Vehicle Activated or Speed Indicator Device signs have been first submitted to and approved in writing by the Local Planning Authority. The Vehicle Activated or Speed Indicator Device signs shall thereafter be provided in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

4. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

### **REASONS**

1. To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety

2. To comply with NPPF Paragraph 111; to comply with SMDC Local Plan policy T1 and T2; in the interests of pedestrian safety.

## **Important Informatives To Be Included On Decision Notice**

The conditions requiring highway works (bellmouth access; footway and pedestrian link improvements; VAS/SID signs) shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (highway.agreements@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>

Highways Agreements - Staffordshire County Council

Commuted maintenance sum will likely be required for speed indicator devices/vehicle activated signs.

This response is issued on the understanding that the developer enters into a S106 Agreement to adhere to a Travel Plan and to pay the Travel Plan Sum of £10000 payable on commencement of works.

The submitted Travel Plan requires amendments before it can be appended to the S106 Agreement.

### **Environmental Health Officer**

#### **Potential Areas Of Environmental Concern.**

1. Air Quality (Condition)
2. Opening Times (Condition)
3. Plant and Machinery/ Operational Noise (Condition)
4. Car Park (Acoustic Barrier)
5. Artificial Lighting – (condition)
6. Drainage (Interceptor) – (Condition)
7. Construction Impacts – (Condition)
8. Contamination – (Condition)
9. Asbestos - Advisory

#### **Comments:**

*Air Quality:* Although the proposals do include some low emission and active travel incentives (active travel and EV chargers) no specific air quality assessment has been undertaken. A condition is recommended.

*Noise:* A noise assessment has been undertaken to support this application. It was conducted by Acoustic Design Technology (ADT) Report ref: ADT3325/ENIA 29<sup>th</sup> March 2022. The assessment was undertaken in compliance with British Standard

BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014+A1:2019 Methods for rating and assessing industrial or commercial sound. Specific noise impacts considered were plant and machinery, car park and delivery noise. The assessment determined the store would cause a low impact to background sound levels during the day but adverse impacts at night.

Our summary advice is -

1. The proposed 24 hour delivery window Mon-Sat will cause adverse noise impacts according to the applicant's own noise assessment. The delivery hours we would advise are set out below and match those of the Biddulph store. Condition advised.
2. Plant noise should not exceed the levels set out in section 4.2 of the noise assessment. Condition Advised.
3. Car park noise – there will be some minor noise impacts to the nearest residential properties but there is an existing car park and industrial unit adjoining these areas so the difference in the noise environment between now and proposed will not be significant. The acoustic barrier at the boundary of 77 and 79 The Green will also contribute to noise reduction. Condition Noise assessment.

*Contamination;* The application is accompanied by a [phase 1 desk study by Ground Tech consulting](#)

The report is considered a good initial site investigation, noting minimal exceedances above the adopted site assessment criteria (commercial). However, as the author notes the investigation is not yet complete, and requires some further investigation, including:

- Supplementary ground investigation works in areas previously inaccessible once the site has been demolished, including around fuel tanks
- Completion of gas monitoring programme.
- Issue gas assessment\*\*.

This is agreed and a condition requiring further work is recommended. \*\*It is noted, that the that the gas risk assessment is based fairly exclusively on CIRIA C665. This should be updated and undertaken in accordance with [Good Practice for Risk Assessment for Mine Gas Emissions](#)

*EV infrastructure (building Control):* It is understood the applicant intends to install EV charge points in accordance with [Approved Document S: infrastructure for charging electric vehicles](#)

### **Recommended Conditions**

1. Air Quality
2. Construction and Environmental Management Plan:
3. Delivery Times
4. Plant and Machinery Noise
5. Car Park and Operational Noise
6. Lighting Condition
7. Interceptor
8. Contamination

- 9. Validation
- 10. Unexpected Contamination
- 11. Soil Importation

### **Trees and Woodland Officer**

Summary: existing tree cover is significant but peripheral and would be retained; there would be no significant adverse impact on existing trees. No temporary tree protection conditions required. Proposed landscaping generally acceptable, to be secured by implementation and maintenance condition; NB a few additional new trees to the site frontage would be beneficial and would not obscure operational/commercial visibility of the development.

### **Staffordshire Wildlife Trust**

Confirmed no comments to make

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### **Planning Policy Context**

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan currently consists of the Adopted High Peak Local Plan 2016.

7.2 The NPPF (National Planning Policy Framework) was revised in July 2021 and is a mandatory material consideration in decision making. For sustainable development Paragraph 8 of the NPPF states: "*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful*

*and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.3 LP (Local Plan) Policy S1a 'Presumption in Favour of Sustainable Development' establishes a presumption in favour of sustainable development as contained within paragraph 11 of the NPPF. For decision taking with the Borough, NPPF Paragraph 11 requires:

*c) approving development proposals that accord with an up-to-date development plan without delay;*

### **Main Issues**

7.2 In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Principle of Development
- Design and Layout
- Site Accessibility, Parking and Highway Safety
- Other Issues, including Residential Amenity (Noise and Disturbance, Other Amenity Considerations)
- Conclusions

### **Principle of Development**

#### Employment Land

7.3 The proposed development site is currently an employment site occupied by IAE, who are relocating outside of the District.

7.4 Local Plan policy E3 deals with existing employment areas. Employment land / employment uses are defined in the Local Plan glossary as “**includes authorised employment sites currently in use; disused / vacant sites where authorised employment use has not been abandoned; and employment allocations in Policy E2 whether or not they contain development.**” Retail use like the proposed Aldi store is not classed as an employment use in this policy.

7.5 The policy tests set out in Policy E3 are relevant in the determination of this application. It is considered that the site is well located in relation to the main road (A521) and provides / could provide good quality accommodation to meet a range of employment uses to support the local economy.

7.6 Development of such areas that will lead to a loss of employment will not be permitted unless:

- A) the site is identified in the Local Plan for development for non-employment uses; or,
- B) it can be demonstrated that the site would not be suitable or viable for any continued employment use having regard to the above criteria and evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
- C) substantial planning benefits would be achieved through development for non-employment uses which would outweigh the loss of the site for employment use (including for example funding to support off-site employment provision); and
- D) In the event that B) or C) applies preference will be given to a mixed use scheme which retains as much employment floorspace on the site as possible (to be demonstrated by evidence). The Council will consider "enabling" development proposals (required to support improvements to existing employment premises or supporting infrastructure) on their individual merits. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements; and in all cases the Council will seek to retain as much employment floorspace on the site as possible.

7.7 The proposal does not meet test A as it is not a Local Plan allocation. The applicant's Planning and Retail Statement covers the principle of development and economic development starting on page 8 (paragraph 5.8). It does not demonstrate that the site will not be suitable or viable for any continued employment use (as required by test B).

7.8 Although some description is given by the applicant as to the benefits of a new Aldi for the town in their initial statement, starting at paragraph 5.19, this did not appear to fully meet policy test C as there was no recognition from the applicant that development of their scheme would lead to the loss of an employment site.

7.9 If additional information hadn't been forthcoming a judgment would have been needed by the case officer as to whether the applicant's case constitutes 'substantial planning benefits' (i.e. policy test C) which would outweigh the loss of the site for employment use. The site is in an established industrial part of the town and replacement of land suitable for employment use can be difficult as it does not attract the same returns as land for residential use. There is just one Local Plan allocation of 4.27ha in Cheadle which is undeveloped and showing no immediate signs of being delivered. Also, monitoring data covering the Cheadle wards indicates that there is only a very small extant commitment for office floor space (243m<sup>2</sup>) so this further illustrates the lack of alternative options for the type of employment land being lost. Consideration of policy test C should be made alongside policy test D, where preference is given to a mixed use scheme. Enabling development is another policy option with a viability appraisal and retention of as much employment floor space on the site as possible.

7.10 The applicant appeared to be of the view that as Aldi will employ a similar number of staff to IAE and economic development is defined as including town centre uses (like retail) in the Local Plan glossary then this meets policy tests.

However, as explained above, the policy tests in Policy E3 appear to have been glossed over in the applicant's initial planning and retail statement, rather than being explicitly met.

7.11 To fully address this, the applicant was asked to provide evidence to comply with test B (demonstrate the site would not be suitable or viable for any continued employment use and evidence can be provided that no suitable and viable alternative employment use can be found or is likely to be found in the foreseeable future). This would involve undertaking a marketing exercise (refer to Local Plan paragraph 7.38, the supporting text to the policy), or fully comply with policy test C. Part D of the policy is also relevant in both cases.

7.12 In September further information was submitted by the applicant's agent that confirmed that the applicant could not comply with policy test B and, in fact, dismissed the need to do so. Consequently, in order to be policy compliant, the applicant needed to fully comply with policy tests C and D.

7.13 In respect to Test C, the applicant stated that **"...the proposal should be considered in the context of the wider benefits of the proposal that would outweigh the loss of the traditional B class employment use:**

- a) **The site is currently vacant with no job opportunities;**
- b) **The proposal would introduce 40 new jobs paid above living wage;**
- c) **Training opportunities;**
- d) **There is a clear need for retail choice and competition within the catchment area;**
- e) **The catchment does not currently have a discount retailer. At the onset of a cost of living crisis, the proposal will enable access to cheaper shopping;**
- f) **Reduction in the need to travel;**
- g) **Redevelopment and regeneration of the site".**

7.14 It is considered that points a) and g) are debatable as the site has only recently been vacated by IAE and no evidence has been presented to indicate that the site has been marketed for an employment use (as defined in the Local Plan glossary). In the Council's opinion, taking into account the contents of Local Plan paragraph 7.38 and the Glossary which clearly defines employment land as including **"...disused/vacant sites where employment use has not been abandoned"**, the current site is still an employment site and the proposal constitutes a retail use. Although Class E incorporates B1A, it does not incorporate B2-B8 and in any event presumably the scope of any resultant permission would be limited to retail only (so future changes of use would need permission).

7.15 However it is considered that points b), c), d), e) and f) do demonstrate substantial planning benefits - job creation/training, improved retail offer, reduction of travel to other stores outside of the District and associated sustainability benefits. The Council's retail evidence for the adopted Local Plan does identify that a significant proportion of residents in the Cheadle catchment travel out of town

(primarily to Tesco and Aldi at Meir) to access a wider retail offer. Consequently, it is considered that test C of Policy E3 has been complied with.

7.16 With regards to Test D it was considered that this part of Policy E3 had been overlooked. There was no explanation of how this policy test had been met in the applicant's information and this needed to be addressed to fully comply with Policy E3. To do this the applicant needed to explain whether the site has been considered for a mixed use scheme (i.e. retail and non-retail employment). It was considered that this could have been achieved through decreasing the size of the car park (from 134No. car parking spaces). In fact, Policy T1 of the Local Plan supports development which reduces the reliance on the private car for travel journeys. It is noted that one of the ways to achieve this is by ensuring that major development is located in areas that are accessible by sustainable travel modes or can be made accessible as part of the proposal.

7.17 If it had been possible to connect into the existing cycle networks, for example, this could then facilitate a smaller car park, providing space for an employment unit. If a mixed use scheme is not considered possible, the applicant needed to explain why.

7.18 Additional information was supplied by the applicant's agent relating to test D. The applicant considered that the site would not be large enough to accommodate both Aldi's operational requirements and a substantial amount of employment floorspace. It was considered that even if Aldi agreed to a reduction in car parking it would not be sufficient to create enough space within the site to progress a genuine mixed-use development. However, Aldi have confirmed that they are in discussions with a company / landowner at Brookhouse Industrial Estate to sell a portion of the rear portion of Aldi's land to allow the expansion of an existing business. In addition to the jobs and wider economic benefits to be created by Aldi's development, this will result in a portion of the site being retained for future employment use. This additional information addressed the outstanding policy issue and as such it is considered that test D of Policy E3 has been complied with.

### Retail Policy

7.11 The applicant seeks to deliver a 1,315sqm – Aldi Foodstore (Use Class E 'Commercial Business & Service')

7.12 The National Planning Policy Framework (NPPF) glossary defines main town centre uses as: "Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)". As such, there is a requirement in for the applicant to demonstrate that the retail element of the proposals meets the requirement of the NPPF relating to the sequential and impact tests first and foremost as well as the other relevant policies of the LP as will be discussed below.



7.18 Paragraph 87 of the NPPF requires proposals for main town centre uses to demonstrate accordance with the sequential test where they are located in an out-of-centre location and are not in accordance with an up-to-date plan (i.e. not allocated for such uses). In applying the sequential test, paragraph 87 confirms that main town centre uses should be located in town centres then in edge of centre locations, and only if suitable sites are not available (or not expected to become available within a 'reasonable period') should out of centre locations be considered.

7.19 Paragraph 88 goes on to confirm that when considering edge and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. It also requires applicants to demonstrate flexibility on issues such as format and scale through the application of the test.

7.20 Paragraph 90 requires the preparation of an impact assessment when assessing applications for retail and leisure development outside town centres where they are not in accordance with an up-to-date plan, considering the impact of the proposal on planned public and private investment in centres and on town centre vitality and viability. An impact assessment is only required where the proposals exceed a locally set threshold or, in the absence of any such threshold, for proposals over 2,500sqm of gross floorspace.

7.21 Paragraph 91 confirms that where an application fails the sequential test or is likely to have a significant adverse impact on one or more of the impact considerations set out at paragraph 90, it should be refused. The NPPG states that the onus is on the applicant to demonstrate compliance with the sequential test.

7.20 It is noted that a sequential assessment has been undertaken by the applicant covering the Tape Street Car Park, Penny Lane Mall and Market Place (all within the town centre boundary set out in the Local Plan). It is accepted that, for the reasons given, none of these sites would be suitable for the proposed Aldi store. There are no other sequentially preferable sites I am aware of which would be available to accommodate an Aldi store in Cheadle. Therefore, it is considered that the sequential test is passed.

7.21 A Retail Impact Assessment is required as the proposal exceeds the locally set threshold in the Local Plan. The applicant has submitted one. It is based on a NEMS household survey they commissioned earlier this year looking at current shopping patterns for Cheadle residents. They have also undertaken their own Cheadle health check to inform the assessment by understanding the current performance of Cheadle town centre.

7.22 The NEMS study reveals that Tesco in Meir attracts 16.1% of Cheadle residents as a destination for their main food shopping. In addition, almost 20% of residents shop at other locations outside the Cheadle catchment (i.e. beyond a 10 minute drive time of Cheadle town centre), half of those at another Aldi store and a further 10% use internet / home delivery for their main food shop. According to this study, this amounts to over 46% of those within the Cheadle catchment not visiting the food stores within the catchment for their main food shopping.

7.23 The NPPG provides further information on application of the impact test. The guidance recommends that a judgement is reached as to whether any likely adverse impacts are significant by consideration of local circumstances. Clearly, the data used and assumptions made in these assessments will shape the results. However, it is not considered necessary to commission a third party review of this assessment. It is confirmed that there are no existing commitments which would influence the impact assessment or be expected to significantly impact on Cheadle town centre. The leakage of shoppers out of the town for their food shopping identified by the applicant's NEMS survey concurs with the Council's own NEMS data in its 2013 retail study and there is only one food store comparable to Aldi within the town centre boundary – Iceland. The results of the town centre health check are noted.

7.24 Therefore, it is considered that the assessment conducted is proportionate for the scale of development proposed and it is agreed that the proposed Aldi store in an out of town centre location will not result in a significant adverse impact on Cheadle town centre.

### **Design and Layout**

7.25 The NPPF recognises that good design is a key aspect of sustainable development and it is clear at Paragraph 124 that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.

7.26 Policy DC1 (Design Considerations) of the Local Plan expects high quality, well designed developments that will help raise the overall design standard. It expects developments to incorporate high-quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character and that all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of its setting.

7.27 The Design and Access Statement submitted alongside the application submission clarifies the specific design rationale. It is noted that the site does not sit within a Conservation Area and the applicants considered that its location within a predominantly industrial and commercial area presented the opportunity to deliver a modern and contemporary development. It is considered that the development is of an appropriate scale and has been sited in such a way as to respect the surrounding environment and the visual appearance of the area.

7.28 The applicants consider that the design has ensured a suitable layout, which includes a dedicated access, Aldi's standard store envelope, alongside an acceptable car parking and servicing solution.

7.30 The design of the building itself is considered to be simple yet contemporary in style, reflecting the commercial style of the existing buildings in the vicinity, with significant glazing on the front and side elevations with cladding in other areas to create visual interest.

7.31 The site is bounded to industrial premises to the south and west. Open space lies to the east. The only nearby residential properties which could be affected by the

proposal lie to the north. A Distance of over 50m will be maintained between the proposed foodstore and the neighbouring properties. This will be ample to prevent any overshadowing, overbearing or overlooking impacts. It will be sited further away than the existing industrial buildings and therefore will arguably represent an improvement in these regards. It is considered that the design is entirely in accordance with Local Plan Policy DC1.

### **Site Accessibility, Parking and Highway Safety**

7.32 The proposed development would be accessed via a new junction located along The Green. The location and design of the access including the achievable visibility splays have been fully assessed by Highway Authority, who are satisfied that the junction onto The Green would provide a safe and suitable access solution for the development proposed.

7.33 The submitted Transport Assessment indicates that the proposed junction would operate with plenty of spare capacity when serving the proposed retail store and the development can be satisfactorily accommodated at the site without having a significant adverse impact on the wider highway network, in terms of capacity and congestion. Parking and servicing arrangements for the development are also considered to be acceptable and the Highway Authority raises no objections in this regard.

7.34 The Highways Authority have raised no objections to the current proposals on the grounds of highway safety, or the development's impact on the highway network. Accordingly, it is considered that the proposal would be in compliance with Policy T1, subject to conditions relating to implementation of the access works, provision of off-site highway works, and installation of Speed Indicator Devices. Provision of a travel plan, and monitoring contributions, in line with the Highway Authority's comments will need to be secured via a S106 Agreement.

### **Environmental Matters**

7.35 LP Policy DC1 'Design and Place Making' stipulates that development should protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution.. Furthermore, LP Policy SD4 Pollution and water quality seeks to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring proposals avoid potential adverse effects; and only permitting proposals that are deemed (individually or cumulatively) to result in pollution (including air/ water/ noise/ vibration/ light/ ground contamination) if after mitigation, potential adverse effects are deemed acceptable. This may be achieved by the imposition of planning conditions or through a planning obligation.

7.36 Similarly, NPPF para 185 advises that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development".

7.37 The applicant's contaminated land assessment reports conclude as follows:

- Made Ground was encountered beneath the entire site to a maximum depth of 1.8m bgl. Geoenvironmental testing indicates that based on the site having a commercial end use, no elevated Contaminants of Concern have been recorded. Asbestos fibres were discovered in WS03 and WS05 in the northern part of the site within samples of cohesive and granular Made Ground at a maximum concentration of 0.003mass %.
- No elevated contaminants have been identified and the site will be covered with hardsurfacing breaking the pathway to site end users. The risk to human health is therefore considered to be *Low*.
- Minor elevations of nickel have been recorded within the groundwater samples that were tested from CP01 to CP03. However, a specific source of the nickel contamination has not been identified and is likely to be indicative of the wider area. As significant mobile contamination has not been determined, remedial measures with respect to controlled waters is not considered to be necessary.
- Based on the gas monitoring visits that has been carried out to date, the site falls within CS1 based on the GSVs calculated for carbon dioxide and methane. However, given the concentrations of methane and carbon dioxide recorded and the history of the site, it is likely that CS2 conditions will prevail and gas protection measures will be required. This will be confirmed on completion of the gas monitoring.
- The site is not within an area requiring radon precaution measures.
- The Made Ground soils beneath the site have been classified as *Non-Hazardous* for waste disposal purposes.
- An intrusive ground investigation has identified two coal seams to be present beneath the site and are inferred as being the Four Foot and Little Dilhorne seam. No evidence of workings were identified during the drilling of the rotary open boreholes. Therefore, a risk from shallow unrecorded coal mine workings beneath the site is not considered to exist.
- The following further work is considered necessary to progress the site to construction phase:
  - *Completion of gas monitoring programme.*
  - *Issue gas assessment.*
  - *Supplementary Ground Investigation works in areas previously inaccessible once the site has been demolished.*
  - *Demolition Asbestos survey.*
  - *Tree survey by qualified arboriculturist.*
  - *Detailed foundation design.*
  - *Confirmation of remedial recommendations made with the Local Authority.*

7.38 The applicant's submitted "Environmental Noise Assessment" can be summarised as follows:

- The assessment methodology has been discussed with Denis Colgan, environmental health officer at SMDC.

- Acoustic Design Technology Limited have undertaken an environmental noise survey to determine the currently prevailing noise levels in the vicinity of the surrounding noise sensitive areas.
- BS 4142:2014 rating level limits have been proposed for the new fixed plant installations, set on a par with the otherwise prevailing background noise levels, defined as a 'low impact' in BS 4142, and equating to 'no observed effect' using the Planning Practice Guidance.
- Noise levels from car parking activities have been predicted at the façade of nearby sensitive receptors and in the gardens. The predicted levels have been shown to be below the levels given in BS 8233 and to be below the prevailing measured noise level during daytime hours. On this basis, car parking noise is not considered to be significant.
- A BS 4142 assessment of the noise from servicing operations has been undertaken, with an initial assessment of a low impact during the day and an adverse impact during the night. This is modified to a low impact when the context is taken into account. The residual impact equates to 'no observed adverse effect' using the Planning Practice Guidance.

7.39 The report concludes:

- Taking these contextual factors into account, it would be reasonable to conclude that the impact would be less than that indicated by the initial assessment, and applying the principles in the planning guidance, the conclusion would be that the noise would be audible but unlikely to have any effect on behaviour or attitude, equating to 'no observed adverse effect'.

7.40 The Environmental Health Officer has reviewed the submitted reports and has raised no objection to the development subject to conditions including an air quality assessment and mitigation scheme, a contaminated land remediation scheme and a requirement to provide noise mitigation in line with the submitted Noise Assessment. It is also proposed that store delivery times should be limited to the following times 0700 to 2200 Monday to Saturdays and 0900 to 2200 on Sundays and Bank Holidays with the exception of newspaper deliveries. In addition the standard conditions relating to amenity impacts during construction, such as regulation of hours for construction are proposed. Subject to these conditions it is considered that the scheme meets with LP Policies DC1 and SD4 and the NPPF in these regards.

## **Ecology**

7.41 Policy NE1 requires that applications be accompanied by sufficient information to consider the impact on any protected species and habitats. There is a requirement that appropriate assessment is undertaken by local authorities to understand and where necessary mitigate impacts on protected species as set out in the Habitats Regulations (2017).

7.42 NPPF para 180 (a) states *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then*

*planning permission should be refused”... and ... (c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”.*

7.43 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. This is provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.44 A Phase 1 habitat survey is specifically mentioned as being a requirement in criterion 1 of policy NE1. In addition to a phase 1 habitat survey this application is also supported by a Biodiversity Impact Assessment. Policy NE1 (criteria 2, 3 and 4) sets out that developments should not impact on any designated biological resource (for example SSSIs), however, this matter was fully considered as part of the outline permission and as such is considered to have been effectively addressed. The latest comments from the SWT have also confirmed during consultation on this specific reserved matters application that there would be no impacts on any protected site.

7.45 Turning to the Phase 1 Habitat report, the report concludes that confirms that:

- An ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.
- The ecological desk study revealed 1 UK statutory sites within 2 km, 1 Ancient Woodland within 2 km, 2 nonstatutory sites within 1 km and SSSI Impact Zones over the site. No adverse impacts are anticipated on these sites. The survey area is not located within 10 km of any statutory site designated for bats. In addition, the desk study revealed a number of protected and notable species records including bats, hedgehog, birds, invertebrates and plants.
- The walkover survey was undertaken on 18th March 2022 by Shona Sutherland BSc (Hons) (Ecological Consultant). The site comprised an industrial unit dominated by a large building, which was surrounded by hardstanding that was used for storing materials. The site was surrounded by fencing, with a river to the west and scrub and trees overhanging the site from the adjacent residential housing to the east. The river was flowing from north to south through a broadleaved woodland corridor. Also, to the east, there was another small pocket of broadleaved woodland and an area of amenity grassland with scattered trees.
- The key ecological features on site in relation to the works proposed are the presence of running water and woodland requiring retention and/or protection; and the potential presence of foraging and commuting bats, water vole, nesting birds and foraging and sheltering terrestrial mammals. In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:
  - **R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of

existing notable habitats including the river, broadleaved seminatural woodland and scattered trees. A buffer of at least 7 m should be kept from the river banks. Protection measures are included in Chapter 6. If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy.

- **R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. Examples are included in Chapter 6.
- **R3 Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice are included in Chapter 6.
- **R4 Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- **R5 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.
- **R6 Water Vole:** If works are proposed within 7 m of the banks of the river, a Water Vole Survey of the should be undertaken to assess potential impacts to this species.

7.45 The Ecological Appraisal has been reviewed by SWT (Staffordshire Wildlife Trust). They have confirmed that they have no comments to make .

7.46 Criterion 5 of Policy NE1 sets out that it is expected that all developments will deliver a net gain in biodiversity. Criterion 7 of policy NE7 sets out that applications should seek to maintain, enhance and restore biodiversity. This application achieves this objective effectively through the additional landscape planting around the site and the preservation of many of the green infrastructure elements on the site.

7.47 The submitted report at Chapter 7 includes examples of possible biodiversity enhancement measures which could be incorporated into the landscaping scheme. This will involve, for example:

- Planting of native seed/fruit bearing species which will be of value to wildlife such as:
  - native seed/fruit bearing species
  - nectar-rich species to attract bees and butterflies species which attract night flying insects which will be of value to foraging bats

including evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea* and honeysuckle *Lonicera periclymenum*.

- Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub, or native thicket for species such as song thrush, and bat boxes for species such as common pipistrelle.
- Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and wider area.
- Creation of deadwood habitat for herpetofauna and invertebrate species.

7.48 A detailed scheme of suitable biodiversity enhancement measures, incorporating and long term ecological management plan could be secured by condition. In the absence of any adverse comments by SWT it is considered that the scheme meets with LP Policy NE1 and the NPPF in these regards.

### **Trees and Landscape**

7.49 Policy NE2 of the Local Plan seeks the protection of existing trees and hedgerows on a site. A preliminary Arboricultural Appraisal report accompanies the application, identifying the trees/tree groups. This has been examined by the Council's Trees and Woodlands Officer, who has commented as follows:

#### Existing Trees

7.50 There is substantial existing mature tree cover along the north-eastern, eastern and western boundaries of the site. For the most part, this tree cover is located off-site although adjacent to its boundaries with crown overhang and root spread extending into the site. Existing tree cover along the eastern bank of the brook (infant River Tean) to the western side of the site is within the planning application site and ownership boundary, although currently fenced out of the operational service yard area of the former IAE works.

7.51 Records show that there are 2 trees protected by Tree Preservation Order No. SM.117 situated within the garden of 79 The Green, and adjacent to the eastern boundary of the application site. T1 under the TPO is denoted as a Lime, although there is now no evidence of a Lime tree in this vicinity and no Lime trees are recorded in the applicant's Arb Report. There are various tree species in the immediate vicinity collectively recorded as Group G3 in the applicant's Arb Report including a Beech which – possibly – was mis-identified as a Lime when the TPO was made in 1994; however, this in itself has no material bearing on the assessment and determination of this planning application. The second protected tree, denoted T2 in the TPO, was a very large mature Ash and is recorded as tree T1 in the applicant's Arb Report (which is dated April 2022). However, following a TPO application consent was granted on 16/05/2023 to fell this Ash due to it contributing to structural damage to the dwelling at 79 The Green; this tree has subsequently been removed and is therefore no longer a material consideration for the planning application.

7.52 The large majority of the application site comprises existing hard surfacing and former industrial building footprint areas. The proposed development would retain



and improve/re-use the existing main vehicle access off The Green as the principal public store access route, where there are no trees to be affected. The existing vehicle access off Brookhouse Way would also be retained as the delivery/service access, and whilst there are existing established trees either side of this access its continued use, even with re-surfacing if required, would have no significant impact on trees (some minor pruning may be required to maintain clear access for goods vehicles, but this is anyway an acceptable routine tree management issue for this access point).

7.53 The proposed new store building would be well clear of Root Protection Areas (RPAs). Store parking and the rear service/delivery yard in places encroach into the RPAs of peripheral trees/groups but is anyway on existing and long-standing hard-surfaced areas and would be anticipated to have no significant new impact. The application Tree Removal and Tree Protection Plan acknowledges such encroachment and the Proposed Site Plan accordingly (and appropriately) indicates the use of permeable tarmac where such encroachment would occur.

7.54 Given the extensive existing hard surfacing and development (other than renewed surfacing and landscaping) being located outside RPAs, there should be no requirement for specific physical temporary tree protection measures to be secured by condition if planning permission is granted.

#### New Landscaping

7.55 Policy NE2 sets out that new development should provide appropriate soft landscaping that is complementary to the overall design of the development. The application is supported by a comprehensive, fully specified planting scheme. This includes indication of 24 new extra-heavy standard trees which, given the general retention of existing peripheral trees represents a good net gain. There are also proposed areas of native shrub planting, hedges, meadow grass areas and ornamental groundcover shrubs.

7.56 The only comment with regard to landscaping is that the site frontage would remain very open, with only ground cover shrubs between the highway and the large uninterrupted expanse of on-site parking together with 1 new tree adjacent to the pedestrian access at the eastern end of the frontage. Whilst the Design and Access Statement sets out an objective to keep the store and parking readily visible, which is appreciated from a commercial perspective, the addition of a few further trees within the shrub borders along the frontage would, given suitable species choice, in no way hide or screen the site but would provide a welcome, visually softening element to views into the site and a contribution to streetscene greening along The Green.

7.57 Other than this, the proposed landscaping scheme is considered acceptable to approve as part of the application if planning permission is granted, and in this event the Trees and Woodlands Officer would suggest imposing a condition to secure implementation and aftercare maintenance.

7.58 Overall, and on balance, it is considered by officers that these landscape plans will ensure that the approach outlined in policy NE2 is delivered, and as a result the

provisions of policy DC 3 are also reinforced. These plans will need to be secured by way of a condition to ensure that they are delivered.

## **6. PLANNING BALANCE & CONCLUSIONS**

8.1 The starting point for the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) states that planning applications should be determined in accordance with the development plan, unless there are material considerations which indicate otherwise.

8.2 The proposal will result in the loss of an existing employment site. However, it is considered that criterion C of Policy E3 will be complied with as substantial planning benefits would be achieved through development for non-employment uses which would outweigh the loss of the site for employment. With this in mind, the new foodstore development would have significant sustainability benefits when considered on its own merits by providing a retail facility that could meet both the main food shopping and top-up shopping needs of the large number of residents in this part of Cheadle. Together, the scheme would also provide further community service and facility delivery with associated economic growth including job creation. In the event that criterion C is complied with it is also necessary to comply with criterion D of Policy E3 which states preference will be given to a mixed use scheme which retains as much employment floorspace on the site as possible.

8.3 The applicant considered that the site would not be large enough to accommodate both Aldi's operational requirements and a substantial amount of employment floorspace. It was considered that even if Aldi agreed to a reduction in car parking it would not be sufficient to create enough space within the site to progress a genuine mixed-use development. However, Aldi have confirmed that they are in discussions with a company / landowner at Brookhouse Industrial Estate to sell a portion of the rear portion of Aldi's land to allow the expansion of an existing business. In addition to the jobs and wider economic benefits to be created by Aldi's development, this will result in a portion of the site being retained for future employment use. This additional information addressed the outstanding policy issue and as such it is considered that test D of Policy E3 has been complied with.

8.4 The submitted retail impact assessment is proportionate for the scale of development proposed and it is agreed that the proposed Aldi store in an out of town centre location will not result in a significant adverse impact on Cheadle town centre. There is compliance with the NPPF in this regard.

8.5 The scheme raises no adverse impacts in terms of amenity, drainage, ecology / biodiversity and highway safety matters. There are no objections on trees or landscape grounds. The Environmental Health Officer is satisfied that subject to conditions, the proposal will be acceptable in terms of amenity impacts. The design is contemporary and utilitarian in nature but this is considered to be appropriate on this former industrial site, which is seen in the context of other industrial development.

8.6 The application scheme, whilst it is considered to be more balanced in respect of loss of employment land, nevertheless represents sustainable development under the terms of the Adopted Local Plan and NPPF. Accordingly, the foodstore scheme is therefore recommended for approval.

## **9. RECOMMENDATION**

- A. That planning permission be GRANTED subject to a Section 106 Agreement to secure Full Travel Plan and Monitoring contribution of £1000 and Commuted maintenance sum for speed indicator devices/vehicle activated signs and the following conditions:-**

### **Time Limit**

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

### **Plans**

**2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

- **J21A15 – P001B – Site Location Plan**
- **J21A15 – P002B – Existing Site Plan**
- **J21A15 – P003G – Proposed Site Plan**
- **J21A15 – P004A – Proposed Floor Plan**
- **J21A15 – P005B – Proposed Elevations**
- **J21A15 – P006D – Tree Removal & Root Protection Plan**
- **J21A15 – P008E – Proposed Site Levels**
- **J21A15 – P009 – Existing Elevations**
- **J21A15 – P0010 – Proposed Roof Plan**
- **MEL-530-001 P3 – Detailed Soft Landscaping**
- **0050-P02 – Proposed Drainage Layout**

**Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.**

### **Foodstore Restrictions**

**3. The approved Use Class E(a) (Unit A on plan ref. Proposed Site Plan 1240-110 Rev S) shall be occupied as a discount food store and for no other purpose within Class E of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order following the revocation or re-enactment thereof. The gross internal floor area of the approved food store shall be limited to 1,786 square metres, of which no more than 1,315 square metres shall be used for net retail sales. There shall be:-**

- a) No internal subdivision of the premises or formation of mezzanine floors,
- b) No more than 20% of the net retail floorspace shall be used for Class E(a) comparison goods retailing; and
- c) 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), photographic shop, mobile phone shop or café / restaurant.

#### **Character and Appearance**

4. Notwithstanding any description of materials in the application, no above ground construction works relating to the development hereby approved in any phase of development shall take place, other than those works included within the enabling works phase as approved through condition 03, until samples and full specifications of materials to be used externally on the approved buildings and site hard surfacing, together with eaves, verges, windows, door details within that phase 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. The development shall be carried out in accordance with the approved details prior to first occupation of the relevant phase of development.

Reason:- In the interests of visual amenity

5. No development shall commence until details of the positions, design, materials and type of boundary treatment, including retaining walls to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason:- In the interests of visual amenity

6. The planting scheme shown on Middlemarch Environmental Detailed Soft Landscaping Drg. No. MEL-530-001 Rev P3 (or subsequent revision if any further amendments are secured) shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of visual amenity

#### **Drainage**

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development

is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

8. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:-

- Flood Risk Assessment (79-EXXXX-CDY-XX-XX-RP-DPM\_30\_30\_29-0002), as appended by Proposed Drainage Layout (E79-CDY-XX-XX-DR-D-Ss-50-35-00-0050-S4-P01). Thereafter the drainage scheme shall be retained and maintained in accordance with the private drainage operations and maintenance manual (79-EXXXX-CDY-XX-XX-RP-D-PM\_30\_30\_29-0003).

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

9. Developer to ensure that satisfactory arrangements for the control of surface water and contaminants are in place as part of any temporary works associated with the permanent development, to ensure that flood risk or contaminates to receptors are not increased prior to the completion of the approved drainage strategy.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction and to reduce the risk of contamination to receptors.

### Ecology

10. No development hereby approved shall be commenced, other than those works included within the enabling works phase as approved through condition 03, until a LEMP (Landscape and Ecological Management Plan) for the site (in accordance with the recommendations of the submitted Phase 1 Habitat Study) has been submitted to and approved in writing by the Local Planning Authority, giving details of the proposed creation, maintenance, management and development, including timescales and delivery mechanisms for all landscaping / wildlife habitats and associated structures / features / within the site including (but not limited to);

- A Scheme of Biodiveristy enhancement measures
- Planting of native seed/fruit bearing species which will be of value to wildlife such as:
  - native seed/fruit bearing species
  - nectar-rich species to attract bees and butterflies species which attract night flying insects which will be of value to foraging bats including evening primrose *Oenothera biennis*,

goldenrod *Solidago virgaurea* and honeysuckle *Lonicera periclymenum*.

- Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub, or native thicket for species such as song thrush, and bat boxes for species such as common pipistrelle.
- Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and wider area.
- Creation of deadwood habitat for herpetofauna and invertebrate species.
- Provision of bat and bird boxes

This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 10-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 10-year maintenance and management operations for all habitats throughout the site to be monitored and reviewed every 5 years for the site. The scheme shall be fully implemented and managed in accordance with the details and timescales so approved.

Reason:- In the interests of nature conservation

11. A buffer of at least 7 m shall be kept from the river banks. If any works are to be undertaken within 7m of the river banks a Water Vole survey shall be undertaken to assess the potential impact to this species. The results, along with any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place in this area. Development in this area shall only take place in accordance with the approved mitigation plan.

Reason:- In the interests of nature conservation

12. Any external artificial lighting shall be in accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting shall be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species.

Reason:- In the interests of nature conservation

13. Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

Reason:- In the interests of nature conservation

14. Vegetation and building clearance shall be undertaken outside the nesting bird season. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.

Reason:- In the interests of nature conservation

## Highways

15. Before the proposed development is brought into use, the revised bellmouth access off The Green shall be completed generally in accordance with but subject to Safety Audit and technical approval of, submitted drawing J21A15 P0003 G

16. Before the proposed development is brought into use details of highway works comprising pedestrian dropped crossing facilities, on both sides a each location, including tactile paving at:

- bellmouth access
- Brookhouse Way close to its junction with A521 The Green;
- Brookhouse Way close to its junction with Glebe Road;
- Glebe Road close to its junction with Brookhouse Way;
- A521 the Green close to the bellmouth access;

have been first submitted to and approved in writing by the Local Planning Authority. The pedestrian dropped crossing facilities shall thereafter be provided in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

17. Before the proposed development is brought into use details of highway works comprising Vehicle Activated or Speed Indicator Device signs have been first submitted to and approved in writing by the Local Planning Authority. The Vehicle Activated or Speed Indicator Device signs shall thereafter be provided in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.

18. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

### **REASONS 15 - 18**

To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and to comply with NPPF Paragraph 111; to comply with SMDC Local Plan policy T1 and T2; in the interests of pedestrian safety.

## Environmental Health

19. Prior to the commencement of the development an air quality assessment, including the calculation of pollution damage costs, shall be carried out to determine the potential air-quality impacts in the vicinity of the proposed development and wider road network.

The assessment should focus on nitrogen dioxide (NO<sub>2</sub>) and airborne particulate matter (PM) and pollution damage costs shall be based upon the impact of the development following the adoption of mitigation measures agreed with the local planning authority.

The methodology for the assessment and damage cost calculation shall have regard to Air quality appraisal: [damage cost guidance published by defra](#) and Good Practice Air Quality Planning Guidance and shall be agreed in writing with the local planning authority before commencement of the assessment.

Where necessary, a mitigation scheme, equivalent to the calculated damage costs for protecting future and existing residential occupiers from the effects, arising from the development, shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building[s] hereby approved, and thereafter maintained for the lifetime of the development.

**Reason: *In order to safeguard the amenities of the occupiers of the proposed dwelling[s] and surrounding areas in respect of atmospheric pollution***

**20. No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-**

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;**
- II. the method and duration of any pile driving operations (including expected starting date and completion date);**
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;**
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;**
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**
- VI. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority;**
- VII. a scheme for recycling/disposal of waste resulting from the construction works;**



- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,
- XIV. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

**Reason:** *To protect the amenities of the area.*

21. There shall be no deliveries to the site except between the following times 0700 to 2200 Monday to Saturdays and 0900 to 2200 on Sundays and Bank Holidays with the exception of newspaper deliveries.

22. The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the rating level of noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as 46dB LA90 [1hour] (day time 07:00-23:00 hours) and/or 36dB LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014+A1:2019.

The details and location of any plant or machinery to be installed under this permission should be submitted to and approved of in writing by the Local Planning Authority.

**23. The development and all mitigation should be completed in compliance with the submitted and approved Noise Assessment undertaken by Acoustic Design Technology (ADT) Report ref: ADT3325/ENIA 29<sup>th</sup> March 2022.**

**Reason (common to 21 - 23):- *To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.***

**24. Prior to first use of any artificial lighting at the site, a scheme showing details of all lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority. The submitted scheme should show the artificial lighting incorporated into this site in connection to this application does not increase the pre-existing illuminance or cause glare at the adjoining light sensitive locations when the light (s) is (are) in operation.**

**Reason: *To protect the local amenities of the local residents by reason of excess of illuminance.***

**25. All surface water run-off from outside storage, parking or vehicle wash-down areas shall pass through a properly constructed oil/petrol interceptor or such other alternative system as may be agreed with the local planning authority, before discharge to the public sewer or other drainage system.**

**Reason: To protect the amenity of the locality, especially for people living and/or working nearby**

**26. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:**

- a. A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.**
- b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and A remediation strategy giving full details of remediation objectives and remediation criteria**
- c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**
- d. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation**

to the intended use of the land after remediation.

27. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (8a) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (8b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

29. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason (common to 26-29):- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.

