

Application Number 21/00077/FUL

Proposal	Planning application for the demolition of existing buildings and the erection of a new class E commercial unit with associated physical works to create a revised access, car parking and landscaping.
Site	Snipe Retail Park, Snipe Way, Ashton-under-Lyne, OL7 0DN
Applicant	Orchard Street Investment Management
Recommendation	Members resolve to refuse planning permission.
Reason for Report	A Speakers Panel decision is required because the application constitutes a major development.

1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for the demolition of Pizza Hut and former Carphone Warehouse in replacement of a new 1,969sqm Aldi foodstore (Class E). The proposed works would entail the following:
- Provision of 85 new parking spaces, including 6 disabled spaces, 7 parent & child spaces, 3 motorcycle spaces and 10 cycle spaces;
 - Realignment of the internal estate road and closing off of an existing vehicular access from Manchester Road;
 - Re-opening 'left in' turn off Manchester Road with Snipe Way;
 - Provision of dedicated hard and soft landscaping areas; and
 - Provision of dedicated service yard and external plant area.
- 1.2 The building would be constructed from a steel portal frame with insulated cladding, red brickwork and glazing to its elevations. The building would be rectangular in shape measuring approximately 56m (l) x 32m (b) x 7.9m (h). The entrance would overlook a dedicated car park accessed from the internal access road within Snipe Retail Park. On the northern elevation presented to Manchester Road there would be a projecting loading dock accessed from the customer car park. To the rear of the loading dock there would be an enclosed plant area. Soft landscaping would be limited to areas to the rear (western) and Manchester Road elevations. Dedicated pedestrian access would be created onto Manchester Road. It was originally proposed that the junction from Manchester Road to Snipe Way would be opened up to accommodate left turn access, this has since been omitted in lieu of alternative highway mitigation works.
- 1.3 Amendments have been submitted during the course of the application relevant to the design of the store. The changes are summarised as follows:
- Plant and fire exit door relocation, behind timber screen.
 - Introduction of horizontal timber cladding to the loading pod and extended brick wall to screen part loading dock and bin enclosure.
 - Introduction of hard landscaping to the west corner of the site with Manchester Road including opportunity for feature artwork
 - Introduced continuous roof pitch from ridge line over the loading pod.
- 1.4 Further to above a package of highway mitigation works has also been submitted to address concerns raised by the local highways authority (LHA) relevant to access and serving of the site. The proposals include:

- Increasing the width of the Snipe Way / Manchester Road junction to accommodate a further left turning lane to accommodate west bound traffic;
- Widening the existing single lane between Manchester Road and Snipe Way roundabout to accommodate two-lanes for vehicles entering the Snipe; and,
- The eastbound A635 Manchester Road ahead and left-turn lane at the A635/A6140 four-arm junction, will be amended to an ahead-only lane, with left-turning traffic routed via the A635/Snipe Way/Lord Sheldon Way junction.

1.5 The Design and Access statement submitted with the application provides a rationale behind the design and layout choices. It emphasises that the layout has been largely dictated by the need to acknowledge easements associated with the presence of electrical and drainage easements.

1.6 The application is supported with the following documents:

- Design & Access Statement
- Planning Statement and Sequential Test Assessment
- Flood Risk Assessment and Outline Drainage Strategy
- Crime Impact Statement
- Coal Mining Risk Assessment
- Ground Investigation Report
- Habitat and Bat Survey
- Tree Survey
- Transport Assessment
- Travel Plan
- Sustainability Assessment

1.7 The applicant states that it is anticipated that the site would support the equivalent of 40 full time jobs.

2. SITE & SURROUNDINGS

2.1 The site relates to land located on the frontage of Snipe Retail Park. The retail park is located on the Audenshaw / Ashton boundary, it is bordered by the M60 motorway to the south-east, the A6140 to the north-east, the A662 Manchester Road to the north-west and by existing properties on Park Road to the south-west. The main access junction is located to the north-eastern corner of the site and is the southern arm of a four arm signalised junction with the A662 Manchester Road and the A6140 Lord Sheldon Way.

2.2 The retail park supports a number of established retail operators and is distinctly commercial in character and appearance. The applicant accurately describes the park as being characterised by four distinct areas, these being:

- North-East Quadrant – a terrace of three retail units, currently occupied by Argos, Dunelm and Currys PC World. Includes dedicated car parking and servicing areas accessed via an internal estate road from Snipe Way.
- South-East Quadrant – a large, standalone retail unit occupied by B&M Bargains, including a garden centre. Also includes dedicated car parking and servicing areas accessed from Snipe Way.
- South-West Quadrant – contains the main retail park terrace, which currently accommodates tenants including B&Q, Halfords, Home Bargains, Next, Wren Kitchens, Pets at Home and Carpet Right and are served by a large dedicated car park. These units are served by a dedicated servicing area to their rear which is accessed by HGVs from Snipe Way.

- North-West Quadrant – contains a total of five smaller, standalone units fronting Manchester Road, some of which are accessed from the internal estate road via the roundabout on Snipe Way, and some of which are accessed via dedicated entry points directly from Manchester Road. Occupiers currently include McDonald's, Topps Tiles, Dreams and Pizza Hut, with one unit (the former Carphone Warehouse) now lying vacant. There dedicated car parking areas for each of the five units.

2.3 The application site concerns land within the 'north-west quadrant' which is currently occupied by a Pizza Hut restaurant and former the Carphone Warehouse retail unit. Both these units are single storey in height and are served with an independent parking area from the main retail park. There are soft landscaped areas to the peripheral boundary to the Manchester Road / retail park exit located to the west of the Pizza Hut building. There is a change in levels across the site with the main retail park being positioned marginally higher than that of the applicant site.

2.4 Manchester Road links the site with Ashton town centre and the M60 motorway to the east and Audenshaw / Droylsden to the west. It is well served with bus services with dedicated bus stops immediately adjacent to the retail park entrance. In addition to this the Metrolink runs directly past the site with the nearest stop (Audenshaw) being located within 150m.

3. PLANNING HISTORY

3.1 None relevant to the application site. It is noted that units within the wider retail park are not subject to trading restrictions as established by Lawful Development Certificate Ref 15/00931/CLUD.

4. RELEVANT PLANNING POLICIES

4.1 **Tameside Unitary Development Plan (UDP) Allocation:** Existing out-of-centre retail parks and stores.

4.2 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People
- 1.3: Creating a Cleaner and Greener Environment
- 1.5: Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- Supporting the role of town centres
- Maintaining Local Access to Employment and Services
- 1.10: Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

- C1: Townscape and Urban Form;
- OL10: Landscape Quality and Character
- C1: Townscape and Urban Form
- MW11: Contaminated Land.
- U3: Water Services for Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N7: Protected Species
- S1: Town Centre Improvement
- S3: New Retail Developments Outside Town Centres
- S9: Detailed Design of Retail and Leisure Developments

- S10: Existing Out-of-Centre Retail Parks and Stores
- T1: Highway Improvement and Traffic Management;
- T10: Parking;
- T11: Travel Plans;
- U3: Water Services for Developments;
- U4: Flood Prevention; and,
- U5: Energy Efficiency.

4.4 **Other Policies**

- Trees and Landscaping on Development Sites SPD adopted March 2007
- Employment Land Supplementary Planning Document adopted January 2009

4.5 **National Planning Policy Framework (NPPF)**

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong Competitive Economy
- Section 7: Ensuring the Vitality of Town Centres
- Section 8: Promoting Healthy Communities
- Section 11: Making Efficient Use of land
- Section 12: Achieving Well Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

4.6 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. **PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement, the application has been advertised as a Major Development:

- Neighbour notification letters to neighbouring premises
- Display of site notices
- Advertisement in the local press

6. **RESPONSES FROM CONSULTEES**

- 6.1 Coal Authority – Have reviewed the content and conclusions of the submitted desk study. Raise no objection.
- 6.2 Contaminated Land – The reporting provided to date has identified that there is a potential contamination risk from the features identified in the Phase 1 Desk Top Study report. Consequently, site investigations are required to quantify this risk and to determine whether any remediation works are needed. EPU recommend that contaminated land conditions are attached should planning approval be granted. .
- 6.3 Environmental Health Officer – Comments that the site is located within an Air Quality Management Area and that the submitted Transport Assessment has identified additional vehicle trips and congestion from the development. Without an Air Quality Impact Assessment it is not possible to determine how significant the worsening of local air quality from traffic generated by the development would be.

- 6.4 Greater Manchester Ecology Unit – Confirm no objections to the submitted ecology reports. The developer's ecological consultant identified no significant ecological issues. Issues relating to biodiversity enhancement measures can be resolved via condition and or an informative.
- 6.5 Greater Manchester Police Architectural Design Officer – No comments received.
- 6.6 Local Highway Authority (LHA) – Have reviewed the Transport Assessment and suggested mitigation along with TfGM and recommend refusal of the application. The local highway network is operating at capacity and the additional traffic associated with the store would result in additional congestion to the detriment of the free flow of traffic movement and overall highway safety.
- 6.7 Lead Local Flood Authority (LLFA) – No objections in principle but questions have been raised about the conclusions of the submitted drainage strategy. Comment that the assessment for SUDs is basic and unimaginative and recommend further investigation. It is advised that the drainage design should be revisited to ensure that 50% betterment of brownfield runoff rates are achieved.
- 6.8 National Highways – No objections to the proposals.
- 6.9 Tree Officer – Identifies that the trees to be removed are mainly smaller specimens of limited value that are adequately mitigated for by the proposed new planting.
- 6.10 Transport for Greater Manchester (TFGM) – Has reviewed the Transport Assessment in conjunction with the LHA and object to the proposals on grounds of highways safety and local capacity.
- 6.11 United Utilities – No objections but recommend a condition is applied requiring that the site is drained in accordance with the drainage hierarchy.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 There have been approximately 120 letters of objection received in relation to the development from local residents and 16 neutral/support letters. In addition, objections have been made on behalf of New Era Properties Ltd and Tesco Store Ltd.
- 7.2 The applicant contacted the council in December 2021 stating that they had approximately 50 letters of support from members of the public from their own engagement process. The Council has not seen the content of these responses.
- 7.3 New Era Properties
- New Era are currently marketing a sequentially preferable, suitable and available retail unit within Droylsden town centre which they hope to be occupied by a discount food operator;
 - A strategy to align tenancies within Droylsden town centre has created a suitable unit for a discount operator within Droylsden town centre;
 - The Droylsden town centre site would achieve wider regeneration benefits for Droylsden and is aligned to National Planning Policy to repurpose existing high streets;
 - Identify that an impact assessment should accompany the application in line with policy S3 of the adopted UDP;
 - Disagree with Aldi conclusions on their specific requirements and consider that the Droylsden site is very close to meeting all of the operator's needs;
 - The proposal is for an out of centre site which will attract car bourn trips at odds with town centre focus of national planning policy;

- The design presents an inward looking store with an unscreened service area which would create a poor impression to Manchester Road; and
- The swept path analysis shown for service vehicles shows conflicts with delivery vehicles having to cross the centre line of the carriageway.

7.4 Tesco Stores Ltd

- Object on the lack of consideration by the applicant to the potential impact on defined centres and failure to have proper regard to relevant case law in the interpretation of the sequential approach;
- Considers that a 'proportionate' impact assessment accompanied by an assessment of the health of any town, district or local centres likely to be affected by the proposal is undertaken as supported within the NPPG;
- Inadequate and erroneous sequential assessment with the omission of Denton from the search area;
- Insufficient assessment of an alternative site in Droylsden town centre and the applicant fails to demonstrate adequate flexibility;
- Plans have been approved to refurbish Droylsden town centre and amalgamate units to create a food store for essential shopping there should be no doubt over the availability of this unit. Improvements associated with the site has not been sufficiently reviewed in any detail by Aldi;
- Lack of any assessment of out of centre opportunities which are better connected to town centres;
- Case law has established that the sequential approach does not operate on the basis of a particular operator's requirements. Aldi's assertion that the opportunity at Droylsden Shopping Centre is too close to an existing store places an inappropriate constraint on testing; and
- The weight afforded to job creation must be tempered by impacts on existing employment taking account of the net change in retail jobs that likely reflect trading impacts on existing shops. Remaining benefits are either marginal or are not merits in their own right.

7.5 Other Representations

- Traffic is already a significant problem and the supermarket will place extra pressures on the road system;
- Local residents on the Snipe Estate need to travel via the Snipe Retail Park when heading east towards Droylsden and Manchester. The additional traffic will make this even more difficult;
- Existing access arrangement to the Snipe Retail Park are inadequate and operate over capacity with prolonged delays;
- This store will encourage even more people to come from outside the area as this will enable them to multi-shop given the location on a retail park. The current retail park is overused and has had an already catastrophic impact on the surrounding residents.
- Additional noise disturbance to existing residents;
- The retail park is a significant bottleneck at present with not enough parking to meet demand. People will park on surrounding streets;
- Adverse impact upon business within Droylsden which already has high vacancy rates;
- Contrary to government policy of promoting town centres;
- No need for an additional supermarket;
- Extremely difficult to navigate Manchester Road when its congested and the proposals will add to this safety issue;
- The Snipe was never meant to support a foodstore due to the impact on local centres;
- Loss of the popular Pizza Hut restaurant which is well used by the community;
- Lighting and signage needs to be less intrusive;
- Development would create additional pollution which is already terrible within the area;

- The structure is going to be too big for the position it is going to be built on;
- Adverse health impact associated with more traffic congestion;
- There would be an adverse impact on existing business;
- Development would be out of character;
- The store is too large;
- Pedestrian access across Manchester Road is dangerous;
- Already Aldi Stores locally with another being opened at Denton there is no need for a further store, and;
- Why not use existing units at Market Street in Droylsden.

7.6 Comments of support / neutral:

- Having an Aldi store on the Snipe would be excellent but highways issues need to be addressed first;
- Good to have more local amenities but the local traffic management needs to be looked at;
- Great to have a great store chain locally within walking distance to so many; and
- Additional jobs and revenue for the area is welcomed.

8. ANALYSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9. PRINCIPLE OF DEVELOPMENT

9.1 The site is identified on the UDP proposals map as an out of centre retail park. Policy S10 permits the refurbishment of existing parks where there is no demonstrable conflict with the criteria of policy S3 (New Retail Development Outside Town Centres). The subtext of the policy defines “refurbishment” as to include renovation, reconfiguration or replacement of units within the park. The nature of the proposals clearly exceed the tolerance of the policy and so the presiding Development Plan Policy is that of S3 in addition to Policy 1.7 (Supporting the Role of Town Centres).

9.2 The NPPF states that local planning authorities should adopt a ‘town centre first’ approach when assessing applications for ‘main town centre uses’. This is in order that town centres remain the focus of retail, commercial and leisure activity and to ensure their continued vitality and viability. It is well documented that changes to retailing habits have had an adverse

impact upon high streets with an increase in vacancies. The need to protect and enhance established centres carries significant weight to the planning assessment. Retail development (class E) is defined as a main town centre use within the glossary to the NPPF. The NPPF advises that proposals for such uses which are not in an existing centre and not in accordance with an up-to-date development plan should be subject to a sequential test (paragraph 87) and where the floor space is over 2,500sqm an impact assessment should be undertaken (paragraph 90).

- 9.3 The application falls just below the threshold for submission of a retail impact assessment as per the NPPF (which would measure the likely impact of the use on the viability and vitality of established town centres). UDP policy S3 sets a lower threshold of 1,400sqm, where the applicant has not submitted an impact assessment on the basis of the higher NPPF threshold. Given the age of the development plan, it would be difficult to defend that the plan is sufficiently up-to-date to justify the application of the lower threshold which is not fully consistent with the development management tests set out in within Paragraph 90 of the NPPF. Therefore it is considered that more weight should be given to the impact tests set out within the NPPF.
- 9.4 The impact on the viability of adjacent town centres is a material consideration in the determination of this application. It is recognised that Droylsden town centre loses convenience goods expenditure to stores in Manchester, this includes the Aldi store in Clayton and ASDA store in Eastlands. This loss (leakage) provides an indication for the need to bolster the provision of convenience retail within the town centre. The owner of the Droylsden Shopping Centre is currently investing in the centre to improve its attractiveness to operators and customers. They have stated a commitment to work with Aldi to accommodate a discount superstore at their site as part of a programme for further investment. They identify that a further out of centre convenience store would exacerbate current expenditure leakage from Droylsden further undermining the overall health and vitality of the centre. The proposal has the potential therefore to undermine the future viability of Droylsden town centre.
- 9.5 Saved policy S3 of Tameside's UDP requires applicants to demonstrate compliance with the sequential approach, for decision making this is considered consistent with the NPPF. As identified, the development falls within use class E (food store), this undoubtedly represents a town centre use for the purposes of land use planning. The sequential test should therefore be applied. The NPPF paragraph 87 states; 'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered'. Town centres are the particular focus for growth and investment for the area, as set out in Tameside's Inclusive Growth Strategy. The applicant has been asked to consider more central sites in a sequential test as part of the application.
- 9.6 Queries have been raised on the applicant's submission relevant to the sequential test area of search as Denton has been excluded. In addition, the catchment has been defined as a five minute drive time as opposed to a defined catchment area on a map. The Tameside Retail Study (2018) would suggest that customers are primarily going to arrive from Ashton, Droylsden and Denton.
- 9.7 A representation has been received from New Era Properties who own the Droylsden district centre. They identify availability within the centre which would be suitable to accommodate the proposed food store. In their representation they set out how they consider their site to be comparable in size (store size up to 25,747 sq. ft gross internal area (GIA)) to the applicant's out of centre proposal (19,999sqft GIA). They also set out how the requirements for car parking can be met (albeit 85 spaces rather than 100 spaces), availability of loading dock and good access to a main road (albeit not main road frontage). In terms of catchment, there are less physical barriers (no main road to cross for the majority of the population) for the Droylsden community to a store in the town centre location.

- 9.8 The applicant contests that this site is not considered suitable for the proposed development and that the site is not sequentially preferable for locational and market reasons. The concerns raised by the applicant are that the Droylsden site is not suitable for Aldi's requirements, they identify that testament to this is that Aldi have not already relocated to the centre. The main issues which have been raised are that the Droylsden site lacks a prominent main road frontage, would not provide an acceptable level of car parking, does not have an appropriate loading dock, in addition the applicant also identifies that a store at this location would also compete with the existing store at Openshaw. They conclude that the Droylsden site is not a realistic alternative and that the Snipe site offers significant benefits.
- 9.9 During the assessment of the application the applicant has been keen to impress what they considered to be the benefits of the development. It is agreed that retail policy does not prevent out of centre development in instances where there is no real prospect of a store being delivered in or at the edge of the town centre. It is important to clarify that this is not to force a supermarket operator to trade from Droylsden, but that in policy terms, Droylsden is sequentially preferable for the purposes of the planning test.
- 9.10 Paragraph 88 of the NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. In demonstrating compliance with the sequential test, National Planning Practice Guidance (NPPG) is clear that the burden rests with the applicant. On the subject of suitability, the applicant suggests that the Droylsden site would require too many compromises which would be prohibitive to Aldi's established business model. However, the site at Droylsden is considered to be available and therefore sequentially preferable, such that the applicant would not have to make significant compromises. This judgment is also partly informed by observations of existing sites which Aldi trades from which are not dissimilar to that of the Droylsden site. Indeed, this has been demonstrated by their occupation of the former M&S store at Crownpoint, Denton which amongst other things, does not have a prominent road frontage, dedicated car parking or (initially) the services of a loading dock. Their ability to occupy these premises demonstrates a flexible approach.
- 9.11 The applicant has repeatedly stated that Droylsden is not suitable to a discount operator. They state that refusal of planning permission would not result in Aldi trading within Droylsden is noted. The LPA would take the view that refusal of the planning permission would prevent the further loss of convenience expenditure from Droylsden centre and this would be in line with established retail policy and wider objectives of supporting the high street. In addition to this, the reasons for refusal are not limited to a single issue, concerns raised with respect to design and access (to be discussed later) further confirm why the site's location is not considered to be appropriate.
- 9.12 Therefore to conclude, available evidence indicates that a more centrally located site is available, and is potentially suitable, to accommodate the proposed food store. On the matter of suitability, the necessary evidence to enable the applicant's standpoint to be accepted is presently lacking. As a result, it has not been demonstrated that the application meets the requirements of the NPPF sequential test at paragraph 86. It is also contrary to Policy S3 on that basis.

10. DESIGN & LAYOUT

- 10.1 The site forms part of an existing retail park, which has a particular character reflective of its form and function and which is typical of such out-of-centre retail destinations. The location is characterised by terraces of relatively low-rise, flat-roof development which occupies large floorplates and which is fronted by surface-level car parking with onward highway connections. However, this part of the retail park is in the most prominent location that being

on the frontage of the A635 Manchester Road and highly visible from public vistas from the A662 Droylsden Road to the north.

- 10.2 The NPPF places a firm emphasis on the need to secure good quality design. Paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. In addition, it also states that; 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Paragraph 130 states that 'developments should be visually attractive, as a result of good architecture, layout and appropriate and effective landscaping, should be sympathetic to local character and history and should establish or maintain a strong sense of place, using the arrangements of street, spaces and buildings to create attractive, welcoming places'.
- 10.3 UDP Policy S9 'Detailed Design of Retail and Leisure Developments' sets out a total of five design based criteria to be applied in the consideration of new retail development. In summary the criteria is as follows:
- a. the need to provide suitable and safe provision for parking and servicing;
 - b. the need for the design to relate well to local features and enhance the character of the local area;
 - c. the need for suitable landscaping and screening and requirement to minimise the visual impact of plant, storage and service areas;
 - d. the need not to impact adversely on residential amenity; and
 - e. the minimisation of opportunities for crime and anti-social behaviour.
- 10.4 From receipt of the initial pre application enquiry, concerns have been raised over the design, siting and mass of the proposed food store. There is a clear hierarchy to units within the Snipe Retail Park ranging from the dominance of the larger 'bulky' good operators to the rear of the site to that of the smaller standalone units along the Manchester Road frontage. Units within the park are all serviced from the rear via a dedicated service road which is largely screened from surrounding public views.
- 10.5 It is important that the principles of good urban design are demonstrated, primarily in relation to how the building/development is viewed from public vistas. Active frontages are really important on public facing interfaces as they add to the vitality and safety of an area. In response to the siting of the food store, the applicant has confirmed that this has been largely dictated by constraints relevant to levels and easements across public utilities / drains which cross the site. The applicant also references that neither the Pizza Hut restaurant nor the former Carphone Warehouse units are buildings of any architectural note, and that in comparison the store would secure a significant environmental improvement.
- 10.6 The proposed store would be orientated with the main customer entrance facing east. The northern elevation facing inwards to the retail park would include a wrap around canopy and glazing across its elevation, in contrast the outward facing southern and western elevations would not be glazed and openings would be limited to emergency exits. The southern elevation would include a projecting loading dock in addition to a number of plant and refrigeration units set behind a landscaped screen. The presence of the service area and loading dock on the main public facing elevation is considered to be particularly jarring and contrary to established design practice of ensuring that buildings actively engage with the street scene. To address officer's concerns, the applicant has sought to introduce further landscaping and public realm works to the Manchester Road frontage and Snipe Way junction, but this does not mitigate the perceived harm.
- 10.7 The scale and form of the building would sit tight to the boundaries of the site, with the northern, western and southern elevations being situated almost immediately to back of footways. Consideration to this arrangement is that it fails to respond to the need to respect the existing urban grain and take the opportunity to provide a strong, well-defined active frontage to Manchester Road. The applicant has sought to evolve the plans through the

application process, although the addition of further sections of facing brickwork to the elevations of the building is welcomed, this is not considered to resolve the identified concerns.

- 10.8 The design is such that its primary elevations are non-public facing. The remainder of the building elevations are devoid of any glazing, with a blank elevation facing out towards Manchester Road and Snipe Way, which is a prominent junction and highly visible from public vistas on Droylsden Road and Manchester Road. The appearance of this largely 'dead frontage' on such a prominent junction would be particularly jarring, where the presence of large featureless gables only serve to enforce the negative connotations such developments can have on local environmental quality.
- 10.9 In an attempt to address officer concerns, the applicant has also revisited the landscaping proposal. The revised landscaping plan indicates that soft landscaping would be limited to peripheral areas on the western and northern frontages, where the remaining areas would be consumed by the building, car parking area and associated pedestrian footways. A separate report from the plans suggests that an area of public artwork would be provided at the junction of Snipe Way/Manchester Road to create a public focal point. This is not shown on the site plan or landscaping plan.
- 10.10 Overall there would be a net reduction in the level of soft landscaping compared to that of the current site arrangement, this would include the removal of existing large conifers on the Snipe Way / Manchester Road frontage exposing views into the site further. Although it is noted that the proposals include for the provision of tree planting to the edges of the site, the otherwise narrow soft landscaping strips proposed to the site edges along Manchester Road and Snipe Way would provide little benefit or contribution to the street scene, particularly given their limited depth. The soft landscaping would therefore do little to break up the mass of the building and it would remain that the rear elevation and plant area would appear very prominent. Whilst the inclusion of the public art work is admirable, the location and practicality of this is considered to be ill-conceived given the dominance of the highway junction and proximity of the rear (blank elevation) of the proposed store. The landscaping would not provide sufficient mitigation to setting and appearance of the building on a key gateway frontage.
- 10.11 The building design itself is considered to be an uninspiring and dominant structure; although it is acknowledged that this typical to that of established Aldi Stores within the Borough. This format may be acceptable in other less-sensitive locations, notwithstanding the established commercial character of the retail park, the proposals represent a strong departure from the established hierarchy of buildings and the desire to create more prominent and welcoming public interface to Manchester Road.
- 10.12 Taking all of the above into account, the proposed development, in light of the proposed site layout, building position, boundary treatments & landscaping, the absence of active frontages to the surrounding highway network & the dominative presence of large expanses of car parking, and the scale, form and elevational treatment of the store building, fails to respond to and sit sympathetically within its physical context. The development would fail to contribute positively towards local identity and distinctiveness and fail to establish a strong sense of place.
- 10.13 The applicant's rebuttal to the design concerns is centred upon the influence constraints formed by utilities which cross the site. The ability for these to be diverted/relocated has not been looked at in any detail but officers would accept that such measures may not be viable. The applicant has shown little flexibility to the design and store format when site conditions would dictate the need for a more bespoke approach. Alternative options are not limited to the siting of the building only. Whilst the existing interface between Manchester Road and the site (Pizza Hit & Carphone Warehouse) is poor this should not be used as a justification to promote further bad design choices.

- 10.14 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposals are therefore considered to be contrary to Policies S6 and C1 and the National Planning Policy Framework, having particular regard to the requirement to achieve all three strands of sustainable development set out within Chapter 2 and the need to achieve well-designed places set out within Chapter 12.

11. RESIDENTIAL AMENITY

- 11.1 In addition to ensuring that developments are designed to be visually attractive, the NPPF (at paragraph 130) advises that planning decisions should create places that provide a high standard of amenity. Collective policies of the UDP are clear in their requirements to ensure that new development must not prejudice the amenities of neighbouring residents by reason of being overbearing or of overshadowing, overlooking, visual intrusion, noise/disturbance or in any other way.
- 11.2 The nearest residential properties are those located to the west (Park Road) and north (Windsor Drive). These properties are separated from the site by the highway, this being Snipe Way to the west and Manchester Road to the north. The separation distance and local circumstances dictate that the store would be sufficiently isolated from these dwellings to have any direct impact upon amenity of occupants with regard to privacy, overshadowing, noise and disturbance.
- 11.3 Environmental Health have reviewed the proposals and have not identified any concerns. The influence of the retail park and Manchester Road on the local environment is such that the level of activity associated with the store would not be discernible. Conditions controlling construction practice and hours of operation are considered to be a proportionate response to ensure that associated activities are controlled.
- 11.4 It is noted that in objection to the development a significant number of residents have raised concerns about the traffic impacts associated with the development. These issues have been primarily been raised from residents of the Snipe Estate which is located to the north of Snipe Retia Park. Access to the estate is restricted and vehicles can only exit via left turn / eastern direction. Residents who wish to travel west have a tendency to enter the retail park and exit via Snipe Way, it is reported that this manoeuvre can take a significant amount of time during peak periods. The concerns raised within the many representations is that any additional congestion would be a further inconvenience to these residents who are already impacted considerably by congestion within the area. There are highway capacity and safety concerns identified within the development which will be addressed separately in the report. Additional queuing on Manchester Road and Lord Sheldon Way could exacerbate the issues currently experienced by residents of the Snipe Estate however, on amenity grounds only it is not considered a reason for refusal would be justified.
- 11.5 Given the established commercial nature of the site it would be difficult to substantiate any direct adverse impacts upon local residents. Conditions can ensure that reasonable working practices are followed and that opening times are consistent with that of businesses within the wider park.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1. The NPPF identifies that the where development would result in significant impact upon the transport network or highway safety such impacts should be appropriately mitigated. UDP policy T1 (Highway Improvement and Traffic Management) provides the main framework for assessing highway impacts relevant to capacity, safety and design, policy S3 (New Retail Development Outside Town Centres) states that development should not result in an

unacceptable increase in congestion on the surrounding highway network. Paragraph 11 of the NPPF states that; 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

- 12.2 It is observed that during peak periods there are significant delays from vehicle congestion associated with users of Manchester Road who are visitors to the Snipe Retail Park. This results in significant levels of local congestion on the highway network with queues often extending to the M60 exit slip road. It is noted that there have been a number of vehicle and pedestrian accidents reports in the area of the Manchester Road frontage. The level of congestion is also attributed directly to local air quality issues with the Manchester Road corridor falling within an air quality management area (AQMA).
- 12.3 The highway implications of the proposed development have been carefully considered by the LHA and with TfGM also providing an important advisory role. This review has covered the applicant's initial Transport Assessment (TA) and subsequent highway related submissions.
- 12.4 A single access (for customers) currently serves the retail park, situated off Manchester Road and which is signalled controlled. It leads to a mini-roundabout (Snipe Way) which serves as the feeder road to dedicated parking spaces as well as the rear access to service area of the established retail units. The proposals would see the store accessed in a similar manner to the existing Pizza Hut restaurant this being via a priority junction to the north of Snipe Way. This entrance would serve both customers and deliveries.
- 12.5 The scheme proposes a total of 85 parking spaces including 72 general car parking spaces, 7 family spaces and 6 disabled parking spaces. The overall parking provision is below the adopted Council standards but a survey of the spaces across the wider retail shows a sufficient level of capacity, where it is assumed that during peak periods any overspill would be adequately accommodated within the remainder of the retail park. Conditions could be attached to ensure compliancy with cycling parking standards in addition to onsite electric charging facilities.
- 12.6 It is matters relevant to the capacity and safety of the local highway network which have formed the most concern.
- 12.7 The LHA have been engaged in discussions with the applicant for a considerable time. They have considered numerous measures to mitigate the development and reduce traffic queues around the traffic junctions including:
- Opening up the left turn from Manchester road into the existing priority junction to the west of the development;
 - Removing the left turn lane exit from the existing signalised junction creating two straight ahead lanes;
 - Widening the existing exits to include additional straight ahead as well a dedicated left turn exit; and
 - Widening of the carriageway on Manchester Road to facilitate vehicle movements.
- 12.8 Concerns have been raised with reference to the access arrangements and capacity on the local highway network in all scenarios. These concerns are also shared by TfGM who have also provided comments in support of the LHA. For ease of reference the assessment on the highway impacts is broken down to the original proposals, revised proposals and traffic signal capacity.

Original Proposal

- 12.9 Left turn into the site from Manchester Road - The planning application originally proposed to open up the left turn from Manchester Road into the site, to the west of the traffic signal

junction. The current access configuration only permits vehicles to turn left out onto Manchester Road. The junction would have increased vehicles using the junction as the proposal was to ban the left turn for vehicles emerging from the site access at the traffic signal junction. This would require pedestrians to use an uncontrolled crossing across the site exit. Pedestrians would need to be aware of an additional traffic stream into site which does not currently occur and the increased numbers of vehicles turning left out of the exit onto Manchester Road. The risk to pedestrian safety would increase with the opening of the left turn into the site and the increased numbers of vehicles exiting the site at this point.

- 12.10 Historically there have been a number of road traffic accidents resulting in injuries along Manchester Road near side road junctions. Vehicles travelling westbound along Manchester Road to turn left into the site would need to slow down to make the turn. The LHA was concerned that the slowing down of vehicles, a manoeuvre that does not currently occur on this part of Manchester Road, would increase the highway safety risk.
- 12.11 In addition, there was a concern that vehicles turning out of the site access onto Manchester Road would have obscured visibility of vehicles approaching from the east along Manchester Road. Vehicles travelling straight on along Manchester Road westbound are expected to do so in the outside lane of the dual carriageway when vehicles are slowing down in the nearside lane to turn left into the site. This slowing down of a vehicle would restrict visibility for a motorist emerging from the priority junction to vehicles travelling in the outside lane; this conflict of vehicle movement would result in a highway safety risk.
- 12.12 There is a further concern that the proposal would have encouraged unauthorised vehicle manoeuvres. The LHA identified that vehicles travelling east along Manchester Road to the site may be more prone to making a u-turn at the traffic signal junction which is considered an unsafe movement and although banned, there is a likelihood this would occur.
- 12.13 The LHA/TfGM considered the above safety issues would have an unacceptable highway safety impact. The development proposal is thereby contrary to the Policies E5, E6, T1 and T8 of the Tameside UDP and paragraph 111 of the National Planning Policy Framework.

Revised Proposals

- 12.14 To address the above concerns the applicant has focused upon improvements to the existing access arrangements at the Snipe Retail Park. The latest proposals are still met with objection from the LHA and TfGM, who have identified that the entrances into Lord Sheldon Way northbound, Manchester Road eastbound and the entrance into the retail park are too narrow to safely accommodate the two traffic lanes which are proposed. The tracking information which has been supplied only shows one vehicle at a time making these manoeuvres, and these indicate that if a HGV is making these manoeuvres, then only one lane can be safely used. Additionally, the LHA and TfGM are unsure that the widening of Manchester Road will provide much additional benefit to mitigate for the increase in traffic movements from the development and this view is also taken on the additional left/ahead lane from the retail park. In addition to this it is noted that the footway on Manchester Road, that the proposed left turn will sit on is currently occupied by services which could prove a considerable constraint.

Traffic Signal Capacity

- 12.15 The LHA and TfGM have identified that the increased traffic volumes generated by the proposed development will lead to over saturation of the traffic signal junction on all approaches to the Snipe Retail Park. The initial modelling of the junctions indicated that without development in years 2021, 2026 and 2031 the traffic signals operate below 90% capacity. In 2031 without development the signals are forecast to operate at 95% capacity. In the with development scenarios of the store being operational, the signals would operate above capacity in the years 2026 100% and 2031 107% during peak periods.

- 12.16 An alternative proposal has been put forward by the applicant which would ban the left turn from the site access at the traffic signal junction. With the additional traffic predicted from the Aldi Store, TfGM has expressed a concern that the results of analysis show that the junction would operate over capacity in the evening peak and Saturday afternoon peak periods resulting in further delay and congestion for vehicles within the area.
- 12.17 Following a detailed assessment of the proposals it is not considered that the application would suitably mitigate the associated impact of the development. The store would attract additional traffic movements to the existing retail park placing additional strain upon existing junctions which would operate beyond capacity. The resultant congestion upon the surrounding network would be unacceptable and the application has failed to demonstrate that they can be appropriately mitigated. Consequently, it is considered that the proposal would be contrary to the Policies S3, T1 and T8 of the Tameside UDP and paragraph 111 of the National Planning Policy Framework (2021).

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is located in flood zone 1 and is at the lowest risk of flooding. The majority of the site is laid to hard surfacing and there would be no significant increase to the size of this area.
- 13.2 A Drainage Strategy and Flood Risk Assessment has been prepared and submitted with the application. This concludes that infiltration would not be suitable at the site such that the proposal is to discharge surface water via an attenuated system to an onsite culvert (which also required diversion). The LLFA has reviewed and raised a number queries relevant to the design and capacity. It is also suggested that the culvert may need to be revised further to ensure no encroachment would occur from the building.
- 13.3 There are not considered to be any fundamental drainage issues on the site. The observations raised by the LLFA in their review can be adequately addressed through the detailed design process. Ultimately a planning condition would be sufficient to ensure that the design and drainage strategy would be adequate for the site.
- 13.4 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

14. GROUND CONDITIONS

- 14.1 Historically the site is in the location of the former Snipe Colliery. As such, there are coal mining features and hazards which need to be considered. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the mining report which has been reviewed as acceptable by the Coal Authority in their assessment. No conditions are recommended.
- 14.2 The EHO has recommended that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy. This is considered reasonable to ensure that occupiers of the unit will not be exposed to any potential risks.

15. ECOLOGY

- 15.1 The NPPF emphasises that planning policies and decisions should contribute to and enhance the natural and local environment. The submission includes a phase 1 habitat survey and bat survey, which has been reviewed by the Greater Manchester Ecology Unit. The consultation response accepts that there are no significant ecological issues. The existing buildings to be demolished have negligible potential to host roosting bats. Issues relating to bats, nesting birds, invasive species and biodiversity enhancement measures can be resolved via condition and/or informative.

16. AIR QUALITY

- 16.1 The development is located within an air quality management area (AQMA). It is recognised following an assessment of the Transport Assessment that the development would result in an increase in vehicle trips to and from the site and an increase in congestion on the surrounding highway network. The associated impacts of this traffic would have a negative impact on air quality within the AQMA and surrounding areas. Without an Air Quality Impact Assessment it is not possible to determine how significant the worsening of local air quality from traffic generated by the development would be. The inability of the application to assess or mitigate this impact is considered to be contrary to UDP policy MW14 Air Quality.

17. OTHER ISSUES

- 17.1 The economic benefits of the development are recognised although no substantive detail has been provided by the applicant and consideration also needs to be given to those lost from the existing Pizza Hut restaurant. Nonetheless, it is acknowledged that the scheme would result in creation of employment opportunities in the operational phase, together with the additional employment and economic investment benefits arising from the store construction period. In accordance with Paragraph 81 of the NPPF, the need to support economic growth and productivity is relevant to the assessment process.

18. PLANNING BALANCE AND CONCLUSION

- 18.1 In addressing the principle, the proposed development proposes a town centre use outside of designated centres. However, a sequentially preferable site appears to be suitable for the development within Droylsden town centre.
- 18.2 The assessment of the planning merits has identified four clear separate areas of objection which are deemed to result in conflict with policies of the Development Plan and National Planning Guidance. The identified issues relating to the stores location (sequential test) design, access arrangements and potential impact upon local air quality collectively reinforce why the location is not deemed suitable to support the Aldi food store. Whilst the attributed job creation would be of a benefit this would not mitigate the perceived harm associated with the leakage of further convenience expenditure from Droylsden town centre, the impacts upon the local highway network and the adverse impact upon the amenity and environmental quality of the area.
- 18.3 Chapter 2 of the NPPF is clear that the three overarching objectives for achieving sustainable development are interdependent and need to be pursued in mutually supportive ways. In this respect it is not considered that the economic, social or environmental objectives would be demonstrably achieved.
- 18.4 The NPPF places great importance on the need to achieve well-designed places, setting out that the creation of high-quality buildings and places is fundamental to what the planning and

development process should achieve and that good design is a key aspect of sustainable development. The development fails to foster a well-designed built environment and fails to respond to and sit sympathetically within its physical context.

- 18.5 The application is accompanied by insufficient information to demonstrate that the development would have an acceptable impact on the surrounding highway network and local air quality.
- 18.6 In reaching a conclusion a balanced assessment has been undertaken of the proposals including the associated economic benefits resulting from the investment. The objections raised by third parties and technical consultees are persuasive, and confirm that there is no reasonable justification to depart from established town centre policy, urban design practice and highway safety requirements. To permit the development would be prejudicial to the vitality of Droylsden town centre, local environmental quality and highway safety and capacity of the locality. It is therefore not considered that the proposals pass the sustainability test laid out within the NPPF.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. There is a sequentially preferable site that is available and potentially suitable to accommodate the proposed foodstore development. When demonstrating flexibility on issues such as format and scale, it has not been adequately demonstrated by the applicant that this alternative site is not suitable. As such, it is considered that the application proposal fails to satisfy the sequential test at paragraph 87 of the NPPF and thus a reason to refuse the application at paragraph 91 of the NPPF applies. The proposal is also contrary to saved Policy S3 (New Retail Developments Outside Town Centres) of the Tameside Unitary Development Plan.
2. The existing interface between Snipe Retail Park and Manchester Road is poor. The proposed layout, scale, elevational treatment and landscaping of the building would create an inward facing form of development which would fail to uplift the appearance of the retail park and the result would have a negative appearance from surrounding public vistas on a major public highway. The absence of active frontage to the surrounding public realm would be particularly harmful, where the dominant elevations and exposure of service and plant areas would reflect negatively on the locality leaving a damaging legacy and undesirable precedent. Consequently the proposals would be contrary to Policies C1 (Townscape and Urban Form) of the Tameside UDP and chapter 12 of the National Planning Policy Framework.
3. The site is located within an area which is prone to traffic congestion with existing junctions operating at or close to capacity. The traffic modelling undertaken of the Manchester Road / Snipe Retail Park shows that the development will have a detrimental impact on the highway network and will result in large queues resulting in an increase in congestion and highway safety issues within the locality to the detriment of existing highway users. Consequently, it is deemed that the proposal would have an unacceptable and adverse impact upon highway safety contrary to the UDP policies T1, and S3. The associated harm which would occur warrants refusal against the provision of paragraph 111 of the NPPF.
4. The application has not been supported with an Air Quality Assessment. The site falls within a designated Air Quality Management Area, an assessment of the transport impact has identified additional highway congestion resulting from the development. The absence of an air quality report means that it is not possible to assess the impact the

development would have upon local air quality, consequently the proposals are considered to be contrary to UDP policy MW14 (Air Quality) and NPPF paragraph 186.