

**STRATEGIC PLANNING COMMITTEE – 12 JUNE 2013**

**UPDATE TO AGENDA**

**APPLICATION NO: 12/1212M**

**LOCATION LAND AT CHURCHILL WAY, DUKE ST, ROE ST, SAMUEL ST, PARK LN, WARDLE ST, WATER ST, EXCHANGE ST, WELLINGTON ST & GT.KING ST, MACCLESFIELD TOWN CENTRE.**

**UPDATE PREPARED 10 JUNE 2013**

Fifteen testimonials have been submitted by the applicants in support of the scheme from:

- Antony Allen (Chair of i-Macclesfield Youth Club)
- Bex Clark (Macclesfield-based graduate)
- Gary Henfrey (G&H Scaffolding)
- Jennie Johnson (chief executive of Kids Allowed)
- Rachel and Harvey Allcock (Macclesfield residents)
- Marjorie Potts (owner of Vogue Eleven)
- Rosemary Millican (Belvoir Lettings)
- Aaron Shackleford (Shackleford Pianos)
- Jim Hourie (local resident)
- Natalie Corden (local resident)
- Bernard Barrett (local resident)
- David Burge (works in Macclesfield)
- Steve Oliver (chief executive of Music Magpie)
- Vicky Richards (university student)
- Paul Roberts (owner of Scissors hairdressers)

The salient points are as follows:

-Consider that the town centre has been in continual decline and that if the scheme isn't approved this would continue and Macclesfield would fail to recover economically which would affect existing businesses

-Macclesfield does not have the right retail and leisure offer or career opportunities and that this fails to attract people into the town

-The town centre is run down, there are more empty shops and it is in need of modernisation.

-Consider opposition view is naïve to think that focusing solely on independent traders is the way to improve the town centre as independents have come and gone because of lack of footfall.

-Investment would be positive for the town by injecting life back into the high street and attract young audiences, more footfall and create a lively evening economy, it will also bring some much needed employment to the area, both during the construction stage and when the development is complete

- Online retailing will grow with less transactional retail activity in town centres. Some businesses and online retailers like Apple and Amazon are keen to provide a 'shop window' where customers can try items before they buy, so there'll still be demand for the right type of retail space.

-The town centres with the best chance of surviving and thriving are those that can adapt by providing the right mix of activities to bring in footfall and spend. That has to be a mix of retail – multiples, independents and high quality food - alongside cinemas, restaurants and other leisure activity. A town centre without one or more of these is likely to struggle, as these uses are mutually dependent.

-Silk Street Scheme is sensitive to silk heritage

-The idea that people won't walk from one side of the town to the other if Silk Street goes ahead is ridiculous because they do it now and there is nothing to pull them in.

-A lot of towns that have got the formula right working on the idea that different quarters offer different things. The wider vision is important to consider and Silk Street has a valid place in that. I keep coming back to the fact that we need to bring people in to make the town a better place – they are our lifeblood after all.

A further comment in support of the application which comments that the town centre looks run down and old looking and if nothing is done it will only get worse. With the new development, the town centre will attract more footfall and create a lively evening economy, it will also bring some much needed employment to the area, both during the construction stage and when the development is complete.

A letter from Eskmuir Securities Ltd has been submitted to Councillors lobbying for the application to be deferred by members of the Strategic Planning Board.

## **OFFICER APPRAISAL**

The testimonials submitted do not raise any new issues in respect of the application. The issues raised have already been considered within the committee report.

Eskmuir, in a letter to Councillors on 6<sup>th</sup> June 2013, have made a series of comments about the handling of the application. These points and Officers responses are noted below.

1. Officers refused to commission an independent retail study.

This is not true.

The facts are that Officers have said on numerous occasions to Eskmuir's retail representatives that such a study was not required because:

- i) *There is no legislative requirement for such a survey.*

In summary, Planning policy only requires the type of impact assessment suggested for developments of over 2500 sqm, for out of town centres. This development is of course in the designated town centre.

Equally, paragraphs 3.20 and 4.25 of the PPS4 clearly support the schemes provision of "*modern, quality retail and other facilities in order to remain competitive, innovative and efficient*" and indicates that quantitative need assessments should be updated every 5 years and that these assessments should not be used "*over prescriptively*". The current White Young Green Cheshire Retail Study is just over 2 years old of course.

- ii) *The scheme is clearly in line with a variety of planning policies*
- iii) *The range of existing information available to the Council is relevant and up-to-date for the purposes of assessing the application.*

Officers have repeatedly asked Eskmuir's representatives to provide evidence as to where in legislation it says such a retail assessment required (in letters dated 31<sup>st</sup> October 2012 and 4<sup>th</sup> February 2013). They have failed to answer this question.

WYG in their independent retail assessment confirmed that such a study was not required under current planning legislation, reinforcing Council Officers earlier stated position and highlighting Eskmuir's unsound one.

2. An offer to meet with the Council's consultants to explain retailer demand, lease renewal terms and provide general first-hand information regarding the retail market was refused.

To be clear, WYG contacted Savills when writing their review, as they were unclear on some of their commentary in their evidence. They were told by the contact at Savills that they were instructed by their client not to liaise with WYG in any way. This information was relayed to the Development Management and Building Control Manager who can confirm that this is what he was told by WYG.

Therefore, this evidence is contrary to the third paragraph of Eskmuir's letter which states:

*“However, our repeated offers to meet with the Council's consultants to explain retailer demand, lease renewal terms and provide general first-hand information regarding the retail market have been refused throughout the three month preparation period”.*

To be a truly independent assessment, and as a consequence of the above, the Council choose not to ask WYG to contact either the applicant and their retail representative or the objectors and any of their retail representatives to ensure:

- Neutrality;
- No undue influence was put on WYG;
- That no claim of favouring one side or another can have occurred.

Officers are still of the opinion that this is the fairest and most equitable position to take.

### 3. The Retail Study should have been made available for comment for longer.

There is no legal requirement to publicise any report for any length of time on the Council's website.

The Officer report was published in time and in line with national requirements to produce reports and relevant information at least 5 working days before publication. The retail report was actually published 6 clear working days before the meeting. As such, the Council has carried out its statutory duties.

### 4. Recognising adopted policy to protect the Prime Shopping Area

Eskmuir have claimed that the independent retail study does not address the need *“to protect the Prime Shopping Area”*. Officers would make two points on this.

Firstly, Eskmuir are wrong that the policy seeks *“to protect the Prime Shopping Area”*. Rather it seeks to ensure it is *“consolidated and enhanced”* with the aim of maintaining and enhancing its vitality and attractiveness and addressing the *“considerable competition”* the town faces.

Secondly, this issue is dealt with at length in the independent retail assessment and in the Officer report. As such, it is difficult to see how such an argument is sustainable, particularly when it is recognised that the current Macclesfield Local Plan does not identify an actual Primary Shopping Area consistent with the definition in the NPPF.

### 5. The importance of an open and transparent approach

Again Eskmuir contend that the Council refused to commission a retail study. For the reasons stated above in point 1, this is clearly not the case.

Furthermore, in view of the fact that the Council has produced reports in time, in line with national requirements (point 3), it is difficult to see any merit in the claim that the Council has shown unwillingness to test retail impact.

Eskmuir also claim that a presentation made by Officers on 23<sup>rd</sup> November 2012 was “*universally supportive*” and shows bias. What the letter does not say is that Officers were extremely clear to not give any opinion at this presentation.

To illustrate this, Mr Irvine, at the start of his presentation clearly stated that it was prepared:

*“so you can make an informed decision on whether this scheme is a good thing or bad thing for the Town”*

and that it hoped to provide a background:

*“so (the audience) can make an informed decision on the Silk Street “*

It was ended by stating that:

*“So to finish, it’s not for me to tell you what to think about this scheme, it’s for you to decide”.*

Ms Wise took a similar approach.

All the information used was referenced and it was made clear what statements were based on Wilson Bowden information and what came from other sources. No statement was made whether Officers supported or were against this scheme. This approach was taken quite deliberately by Officers to avoid exactly this sort of criticism.

In these circumstances, it is difficult to see how the handling of the retail study “*demonstrably falls short of this expectation*”, particularly as the retail study is not required under planning legislation.

Members will also recognise that their Committee report makes clear reference to what is a planning consideration and what weight should be applied to information.

## 6. Overview

The report has already been forwarded to the Secretary of State to consider as stated in the report.

For information, each year many thousands of applications are made, but the Secretary of State calls-in only a very small number. He will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- May conflict with national policies on important matters;
- May have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- Could have significant effects beyond their immediate locality;
- Give rise to substantial cross-boundary or national controversy;
- Raise significant architectural and urban design issues; or
- May involve the interests of national security or of foreign Governments.

Officers do not consider that this application raises any of the above issues, particularly since this is a scheme on an allocated site, for its allocated uses. However, ultimately this is a decision for the Secretary of State and not this Committee.

Therefore, the recommendation remains for approval.