

SOUTHERN PLANNING COMMITTEE UPDATE – 3rd October 2018

APPLICATION NO: 18/3123N

PROPOSAL: Erection of a new foodstore (Use Class A1), access, substation and associated car parking and landscaping.

ADDRESS: Land south east of Crewe Road Roundabout, University Way, Crewe

APPLICANT: Aldi Sores Ltd

Supporting Information

In response to the publication of the committee report the applicant has submitted letter, a legal opinion and a number of CGIs to show the proposed store with the landscaping after years 1, 5 and 10. These are summarized as follows;

- The site measures 1.87 hectares. The site forms 0.48% of the current land supply. Only 58% of the site is developable (the rest is given over to landscaping/habitat creation). This means that of the 386.12 hectares of employment land over the plan period only 0.28% would be lost.
- The Site Allocations Document states that the overall employment land requirement includes an allowance for existing and allocated employment sites that are lost to other uses.
- The planning benefits outweigh the small loss of employment land.
- The closure of the existing store in 2020 without replacement would result in a gap in provision.
- The consultation response from the Skills and Growth Company does not consider the suitability of the site in regard to its neighbours and surrounding environment.
- The Councils tree officer is now satisfied with the information which has been submitted.
- In terms of Great Crested Newts (GCN) the development would provide mitigation. It is inappropriate that the committee report states that the impact upon GCN fails the tests within the Habitat Directive. The impact upon GCN would be less than any B class development.
- The applicant considers that the replacement store is in the interests of public health/safety as the absence of the Grand Junction store will result in greater pressures on the highway network and increased environmental pressures for visitors to the Nantwich Road store.
- The social and indeed economic benefits of the proposal are highly important in regard to job creation. The allocated use of the site is not a reason to fail public health/safety test within the Habitat Regulations.
- There is no satisfactory alternative for B uses on this site as there is no such scheme.
- Strongly disagree with reason for refusal 4. Setting is not about visibility but the experience of the heritage asset. The proposals would preserve the significance of the heritage assets.

- The development would provide a substantial green buffer to the heritage assets. As officers have previously approved a large office scheme which was taller it would be contradictory to refuse this application of heritage grounds.
- Reasons for refusal 2, 3 and 4 are without merit and unsubstantiated
- Reason for refusal 1 is a departure to the development plan but would result in the loss of a nominal amount of employment land. As part of the planning balance and significant public interest of the scheme should be taken into account.

Officer Response

The comments made in relation to the loss of the employment site are noted. However these points were produced by the agent in earlier submissions and were not accepted.

As stated within the main report the reasons for refusal in relation to Great Crested Newts is a result of the failure of this development against the Habitat Directive tests (public health/safety test and the satisfactory alternative test), and the harm to heritage is due to the less than substantial harm not outweighed by the public benefits). Both reasons would fall if the decision taker found that the benefits of the scheme and loss of employment site was outweighed as part of a planning balance.

The Impact of the Proposal on the Vitality and Viability of Surrounding Centres

An update has now been provided from WYG into the existing retail units occupied by Aldi. WYG state that *'Unfortunately, there is of course the potential for the proposal to result in a retailer relocating from a town centre unit to the retail park and I can understand why that would be a concern to the Council and other town centre stakeholders, particularly given current vacancy rates and other town centre healthcheck indicators'*.

It has to be acknowledged that this situation could happen at any time should a retailer choose to vacate a premises from the retail park leaving a unit available. Without control over the use of the floorspace or the imposition of a 'no poaching' condition on the retail park, this could continue to take place.

However, in this case, Aldi could vacate the unit regardless of the proposed development, and an alternative retailer could occupy the unit without any further involvement from the Council (perhaps except elevational changes etc). In short, given that the application only relates to the application site and the current site is out of control of the applicant and retailer. There is no method by which the Council can control the current floorspace and restrict it from being occupied by another town centre operator unless a subsequent application was to be submitted on the existing unit for other material works.

In terms of the potential implications to the town centre should a retailer choose to relocate, the impact will be negative but WYG do not consider that

a retailer's relocation would cause a significant adverse impact on the town centre as a whole. In any event, as stated above, this is unfortunately uncontrollable by the Council given that this unfortunate (and far from ideal) circumstance could happen at any point without the Council's involvement. There is no way to force Aldi to stay at the retail park, and no way given the current controls to force a retailer to remain in the town centre.

Trees

Amended plans and additional information has been submitted which provides greater clarity and address most previous concerns in relation to the trees on and adjoining the site. This is subject to the imposition of planning conditions relating to tree protection measures, the submission of an Arboricultural Method Statement and a management plan for the Valley Brook woodland edge. Reason for refusal 2 has now been addressed and will be removed from the recommendation.

The proposed boundary fencing style has been revised for some sections which is welcomed. The 1.5 close boarded fence has been retained to the south of the access to the service area. The Councils Tree Officer is of the view that a more open style fence (perhaps an open mesh metal) would allow views to the Valley Brook woodland edge. This matter could be controlled by the imposition of a planning condition.

RECOMMENDATION:

REFUSE for the following reasons;

- 1. The proposed development is located within an area allocated for employment uses as part of Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The loss of the site for employment purposes would not maintain an adequate and flexible supply of employment land within this part of the Borough and insufficient reasons have been advanced to justify a departure from this policy. As a result the proposed development would be contrary to Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EG3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**
- 2. There is a small population of Great Crested Newts present at a pond a short distance from the application site and this proposed development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**

3. The proposed development would result in less than substantial harm to the heritage assets which adjoin the site. As the principle of the proposed development on a site allocated for employment uses is not accepted there are not considered to be public benefits which outweigh the harm. The proposed development is contrary to Policy SE 7 of the Cheshire East Local Plan Strategy, BE.7 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice