

Application No: 20/1988N

Location: Corner of West Street & Vernon Way, Crewe, CW1 2NG

Proposal: Erect a single-storey fast food drive-thru building and other associated works, including internally illuminated advertisements,

Applicant: Sears, Real Estate Investors Plc

Expiry Date: 09-Jul-2020

SUMMARY

Full planning permission is sought to erect a restaurant and drive-through sited within part of the existing private pay and display car park which is located off West Street on the northern side of the side of the town centre. The car park serves the Market Centre.

Part of the site is allocated for retail development within Crewe Town Centre and the principle of uses including restaurants with drive-through restaurants is therefore acceptable. The development accords with Policies EG.5 of the CELPS and Policy S.6.2 of the Crewe and Nantwich Local Plan.

The design of the proposals have been subject to significant revision during the course of the application to ensure an acceptable relationship with the Market Centre and is an appropriate design solution for this town centre site, in compliance with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

From the assessment of submitted highway data including the parking demand survey accompanying the application, together with the sustainability of this town centre location, the Highway Officer considers the proposed loss of parking spaces to be justified, access arrangement to be satisfactory and the impact upon the highway to be acceptable.

Taking into account the town centre location of these proposals, and also the objectives of the NPPF and Planning Practice Guidance, there is no planning policy basis or evidence based local planning guidance to warrant the refusal of this application on the grounds of public health.

The development is acceptable in terms of its impact upon the residential amenities of nearby dwellings air quality and trees surrounding the site.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to planning conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Anthony Critchley for the following reasons;

"I note comments from Crewe Town Council 'the building fails to meet requirement 'd' of LPS1 that buildings should be of high design quality. This is a prominent site and the building is highly visible from 3 sides. The building as a whole is a standard corporate design which pays no respect to local vernacular or heritage. It presents a particularly grim elevation to Vernon Way. The Town Council has no issue with corporate branding, but the building design and quality of material on this prominent corner site must be improved. ii. There is a complete absence of soft landscaping within the site. LPS1 'e' requires the provision of green infrastructure. Whilst the site is bounded on two sides by existing landscaping, additional planting, including trees, within the site is required to soften its appearance".

These reasons alone in my opinion should be scrutinised by Members of the Planning Committee and the opportunity for the applicant to answer any shortcomings with the application. Other comments made have been regarding the Public Health aspect of the application, in close proximity to an education facility. Whilst I appreciate there has to be an element of personal responsibility, there are grave concerns from members of the public, citing similar planning applications from other Authorities as precedent to reject "Many authorities have blocked similar proposals, including Halifax Derbyshire, Palmers Green and Wallington on traffic grounds, and the High Court intervened in Tower Hamlets Newcastle and Somerset due to the proximity of a school. I hope that you will agree to the advice from Public Health England to oppose this application, please read it, part of it is worth quoting in full: "Both the built and natural environments can have an influence on our health".

Further comments passed to me have been regarding the economic and environmental impact of this outlet, should it go ahead. Raising questions of the footfall and the benefits of to the local economy, particularly Crewe Town Centre. One reservation I have in this respect is whether or not the jobs are properly paid (real living wage) with decent contracts. Local people are desperate for decent wage roles in the town

Regarding the environmental comments, I refer back to Crewe Town Council, who state "The existing landscaping on West Street and Vernon Way already traps substantial amounts of litter which is hard to remove. The plans propose only 2 litter bins within the red line area. More bins are required" This is absolutely the case and can hopefully be addressed. One local resident has stated that the location of the plans are unsuitable "The location in question is already gridlocked during rush hour and this would exacerbate it." Cheshire East Council has set out strong and ambitious environmental targets regarding decarbonisation and carbon neutrality, these should be taken into account when considering traffic, air pollution and stationary vehicles in this particular location ".

PROPOSAL

Full planning permission is sought to erect a restaurant and drive-through accommodated within a detached, single storey building. The existing vehicle access serving the Market Centre from West Street will be utilised and new/enhanced pedestrian accesses to the site provided.

The existing pay & display car park is to be remodelled and reduced from a total of 133 parking spaces to a capacity of 73 spaces. A drive-through lane is proposed around the proposed building.

The proposals have been revised during the course of the application. This includes changes to its siting and design and pedestrian access arrangements. In particular this includes changes to its detailed design of elevations and also the re-siting the restaurant unit to a position closer to the main pedestrian route which passes through the Market Centre between West Street and Victoria Street.

SITE DESCRIPTION

The application site comprises part of the existing private pay and display car park which is located off West Street and on the northern side of the side of the town centre. The car park serves The Market Shopping Centre.

The site occupies a slightly elevated position on the corner of West Street and Vernon Way. A service yard and the side elevation of the Market Centre (Argos) lie adjacent to the southern site boundary.

RELEVANT HISTORY

A series of applications relate to development at units of the Market Centre over the years but none are not relevant to the consideration of this application.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SC1 - Leisure and Recreation
SC3 – Health and Well-Being
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE12 – Pollution, Land Contamination and Land Instability

Borough of Crewe and Nantwich Replacement Local Plan 2011

The relevant Saved Policies are:

S.1 – New Retail Development in Town Centres

S.6.2 – The Market Centre Extension, Crewe

BE.1 – Amenity

BE.3 - Access & Parking

BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land

TRAN.3 – Pedestrians

TRAN.5 – Provision for cyclists

National Policy

The National Planning Policy Framework

Planning Practice Guidance

CONSULTATIONS (External to Planning)

United Utilities: Drainage conditions suggested.

Head of Strategic Infrastructure: No objection subject to a condition requiring details covered cycle parking to be provided and approved.

CEC Environmental Health: No objection. Conditions recommended in relation to the provision of Vehicle Charging Points, Use of Ultra Low Emission Boilers and remediation of contaminated land.

VIEWS OF THE TOWN COUNCIL

Crewe Town Council: Object to this application on the following grounds;

Crewe Town Council welcomes the additional investment in the Town Centre, and the opportunity to create an interesting active frontage to this important site at the corner of two main routes through the town. However, the details submitted do not satisfy the site-specific principles set out in Policy LPS1 of the Local Plan Strategy, and as such the Town Council objects to the detail of the currently submitted plans for the following reasons:

- i. The design of the building fails to meet requirement 'd' of LPS1 that buildings should be of high design quality. This is a prominent site and the building is highly visible from 3 sides. The building as a whole is a standard corporate design which pays no respect to local vernacular or heritage. It presents a particularly grim elevation to Vernon Way. The Town Council has no issue with corporate branding, but the building design and quality of material on this prominent corner site must be improved.*
- ii. There is a complete absence of soft landscaping within the site. LPS1 e requires the provision of green infrastructure. Whilst the site is bounded on two sides by existing landscaping, additional planting, including trees, within the site is required to soften its appearance.*
- iii. There are no obvious safe pedestrian or cycle linkages from the site, with its 68-cover restaurant to the rest of the Market Centre, or to West Street. The development therefore fails to comply with LPS1e and g. It is important that this development is integrated into the town centre, to support footfall in the town centre.*

In addition to the concerns above, this type of development can unfortunately lead to increased litter in the surrounding areas. The existing landscaping on West Street and Vernon Way already traps substantial amounts of litter which is hard to remove. The plans propose only 2 litter bins within the red line area. More bins are required, and the applicant should be asked to submit a litter management plan to show how litter both on and off-site will be minimised. Contributions to replacement landscaping which is easier to manage would be welcomed.

OTHER REPRESENTATIONS

A total of 13 letters of objection have been received raising the following points;

- No need to build on car park and should occupy alternative premises within Crewe town centre

- Loss of convenient car parking within town centre and site can be put to better use

- Are the 75 spaces being lost here surplus to requirement or will additional car parking need to be provided within the town centre?

- Increase in traffic and highway safety risks

- Increase in traffic congestion in busy area of the town

- Surrounding area has already numerous takeaways and restaurants

Development will have an adverse impact on the health and wellbeing of the local population

- No need for another fast food outlet given high obesity rates in Crewe and promotion of healthy eating

- Fast food outlet undesirable within the town centre,

- Increase in litter

- Environmental impact resulting from production of Beef cattle products

- Use of petrol and diesel vehicles accessing development due to lack of infrastructure for electric cars will increase carbon dioxide emissions

- No tree planting to offset carbon footprint of the development or absorb fumes from vehicles

- No wildlife habitat

- Development will not benefit the local economy with any jobs created being low paid/part time

- Competition with other outlets which will ensure that units elsewhere (Market Hall or Royal Arcade redevelopment) remain empty

- Will not bring the footfall needed to regenerate the retail in the town centre

- Local Authorities elsewhere have blocked similar proposals elsewhere on traffic grounds and proximity to a school

- Close proximity to Crewe Engineering and Design UTC will render the school's healthy eating policy pointless

- Contrary to advice of Public Health England for authorities to tackle the growth of fast food outlets to ensure that children make healthier choices, whether on their way to and from school or out with friends.

Two representations have been received in support of the proposal;

- Would benefit the town in addition to delivery of proposed town centre redevelopment

A further representation has been received which neither objects or supports the application and raises the following points

- The application site is currently a surface car park, within the Crewe Settlement Boundary and would bring economic benefits to the area it is acceptable in principle.
- Although there are no standalone restaurants or drive through restaurants within the vicinity, the design is complementary to the existing shopping centre and a subordinate addition to the centre.
- Trees along West Street and Vernon Way are retained provide some screening along Vernon Way minimising the impact of illuminated signs on the street scene and highway safety.
- The development being a sufficient distance from the nearest residential properties (131-133 Market Street) to not cause a visual intrusion or environmental disturbance to the residents of this property.
- Crewe has three Air Quality Management Areas (AQMA) and a condition is recommended to ensure electric vehicle the infrastructure is provided and maintained. A scheme to mitigate any dust emissions should also be conditioned.
- Planning Practice Guidance relating to health and well being, requires that Local Planning Authorities have regard “to proximity to locations where children and young people congregate such as schools, community centres and playgrounds” The site is located close to Crewe Engineering & Design UTC and contrary to the Government Planning Practice guidance and is a reason for refusal.
- A cycle/pedestrian route should be provided between the shopping centre and the restaurant to allow for safe access for all users of the site. The number of cycle parking spaces should increase from 4 to 6 as per Cheshire East's Cycling Strategy (2017).
- Pedestrian/cycle link improvements including the provision of an off-road pedestrian/cycle path between Vernon Way and the proposed development, and between the Market Shopping Centre should be secured.
- Whilst siting away from the University Technical College would be preferred, the application has to be weighted in terms of design, amenity and highway concerns. Further information is required of measures the developer will implement to ensure the scheme complies with the Government Planning Guidance relating to health and well being.
- In terms of amenity the development would be contrary to Policy BE.1 of the Local Plan.
- The proposal would be acceptable in regard to design standards and highway safety and adhere with the relevant policies within the NPPF and Cheshire East Local Plan.

APPRAISAL

Principle of Development

The site is within the town centre boundary of Crewe, but outside of the boundary for the Central Crewe Strategic Location under Policy LPS1 as shown in Figure 15.2 of the CELPS.

CELPS Policy EG5 promotes a town centre first approach to retail and commerce, and the Local Plan Strategy notes that town centres will be promoted as the primary location for main town centre uses. Main town centre uses include restaurants and drive through restaurants (Use Classes A3 & A5). Crewe is also a principal town in the hierarchy of retail centres in Cheshire East and will consequently be supported by a range of retail and other town centre type uses.

Therefore, the principle of development of siting the proposed restaurant and drive -through within the defined town centre is acceptable.

The site is partially allocated for relating and/or leisure/entertainment uses by Saved Policy S.6.2 (The Market Centre Extension, Crewe) of the Crewe and Nantwich Local Plan. This notes that development of site S.6.2 will only be permitted where a shortfall in car parking provision can be mitigated through additional provision on site or within walking distance, or alternatively by a commuted sum to fund improvements to public transport and cycle network serving the town centre.

However, this development relates to a small and partial redevelopment of the allocated site, with over 50 % of car parking spaces being retained. As set out in the Highway section below, the proposal itself would not have a shortfall of parking provision and nor would the proposal result in the unacceptable loss of parking spaces in this location following the consideration of parking demand and footfall surveys.

In addition, issues relating to the of the design scheme which has been significantly revised during the course of the application, and matters relating to amenity, traffic generation and health concerns are addressed below.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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'

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1 and SD2 of the CELPS

The proposals have been subject to significant revision during the course of the application.

The building has been relocated to a less prominent position away from the car park boundary from Vernon Way. This ensures that from the corner of Vernon Way and West Street, the restaurant /drive- through will be viewed against the backdrop of the taller flank elevation of the Market Centre, and will not appear as unduly prominent stand-alone development within the car park. In addition, the repositioning of the building has achieved a much-improved relationship with the main pedestrian route which approaches the Market Centre from the West Street pedestrian crossing.

The proposed pedestrian access arrangements from the main footpath route, combined with an active frontage to the restaurant and provision of external dining space facing towards the Market Centre, ensures greater connectivity between the Market Centre and the development, with greater potential for foot based custom.

In addition, a range of changes have been made to the detailed design and materiality of the building, including the use of a combination of traditional brickwork and detailing, higher quality

cladding and increased areas of glazing. This has ensured an appropriate and more bespoke solution for this town centre site, satisfactorily reducing the standardised, commercial branding of the scheme originally proposed.

It is therefore considered that the development is of a siting and design which complies with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

Highways

The proposal is for a drive-through restaurant within the existing private pay and display car park located off West Street on the edge of Crewe town centre. The car park caters for The Market Shopping Centre.

The site is a short walk from adjacent shops and there is established footway infrastructure from the site to the wider Crewe area including to the bus station which is approximately a 5 minute walk away.

During the course of the application changes have been made to the layout, parking provision and access.

Access

The existing signalised vehicle access from West Street into the market centre and will remain unchanged.

The proposed development will generate 100 to 150 two-way vehicle trips during the Saturday afternoon peak, and a large proportion of this will be trips already on the network passing by or from customers visiting from other nearby shops. The Highway Officer considers that the impact on the wider impact on the local highway network will be acceptable and no concerns are raised in respect of traffic management or highway safety issues.

The existing access arrangements within the site will however be altered to enable improved pedestrian access to the site from the Market Centre and town centre shopping area to the south. This will enable pedestrian access to the site without having to walk through the existing vehicle access.

An improved pedestrian access from the north will also be provided with the removal of part of the boundary wall adjacent to the existing vehicle access. Again, pedestrians will now be able to walk into the site from the north without having to walk through the vehicle access.

Parking

The development will be built on part of an existing pay and display car park (car park 1) which has an existing capacity of 133 spaces. This car park and the adjacent Market Centre pay and display car parks have a total capacity of 293 parking spaces.

It is acknowledged by the Highway Officer that the development would result in the loss of 60 parking spaces representing 45% of car park 1 and 20% of total car park capacity. This reduces capacity to 73 spaces within car park 1, and a total of 233 spaces respectively. To address this,

the applicant has carried out a parking demand survey to determine if sufficient capacity would remain after the loss of spaces. The survey was carried out on a Saturday afternoon and indicated a demand of 165 spaces.

Importantly, the parking survey was carried out a few days prior to first UK Covid-19 lockdown, and to compensate for any reduction in parking demand the applicant carried out a footfall survey and compared this with footfall surveys undertaken the previous 7 Saturdays. This showed that footfall had reduced by approximately 16%. The parking demand has been re-calculated to take account of this, and indicates that demand would be for 192 spaces, and spare capacity would be 41 spaces.

There would also be additional demand for the Burger King restaurant, but it is considered that a significant proportion of this would be for the drive-through, or from customers already shopping within the town centre.

In term of the drive-through facility, the Highway Officer notes that there is stacking space for 10 cars, not including additional space within the car park if required, and this is considered acceptable.

The Highway Officer also points out that parking restrictions along Vernon Way and West Street will prevent parking adjacent to this busy junction and at the access into the Market Centre.

Sheltered cycle storage for 6 cycles is proposed. However, the Highway Officer considers that the onsite storage needs to be increased to accommodate an additional cycle. It is recommended that a condition is imposed requiring approval of full details of covered, cycle storage provision.

Summary

From the assessment of submitted data and the parking demand survey, coupled with the sustainability of this location, the Highway Officer considers that the loss of parking spaces is justified and the impact of the proposal on the highway network is acceptable. No objection is raised to the application, subject to a condition requiring details of cycle parking to be submitted and approved.

The proposed development is therefore considered to be in accordance with Policy BE.3 (Access & Parking) of the CNRLP and Appendix C (Parking Standards) of the CELPS.

Amenity

As stated above, the site is located within the defined town centre and as such it is not considered that there would be any adverse impact on residential amenity. Indeed, the nearest residential properties to the restaurant/drive through are located over 60m to the north and beyond the opposite side of West Street.

The Environmental Protection Officer has recommended that conditions be imposed in respect of addressing potential contamination which may have arisen from previous uses of the site, and informatives should be attached to protect against noise, disturbance and dust during the construction of the development.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The Environmental Health Officer has advised that the impact upon air quality will be mitigated with the imposition of a condition requiring the provision of electric vehicle charging points of satisfactory specification and a further condition to ensure that the building will only be served by ultra low emission boilers.

Landscape and Trees

There are existing trees to the north, west and east around the perimeter of the site which make an important contribution to the street scene and which will filter views of the development from Vernon Way and West Street. All the trees lie outside of the defined site boundary, although a few of the tree canopies extend over the site. Although as the trees increase in size, some minor pruning may be required where tree canopies overhang the site, the Tree Officer advises that the proposals will not result in any significant arboricultural impact.

The site layout has been amended to include an area of green space on the frontage of the restaurant and outdoor seated area, which will allow the provision of some tree planting and soft landscaping. A condition is recommended requiring details of the design and specification of the landscaping scheme to be submitted and approved.

Health

Representations have raised concerns in respect of the impact on health from the proposed development, including its proximity to Crewe Engineering and Design UTC on West Street.

A key objective of the NPPF is promoting healthy and safer communities. In terms of improving health, reducing obesity and excess weight in local communities, Planning Practice Guidance (Paragraph: 004 Reference ID:53-004-20190722) states that;

Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission).

And adds;

Planning policies and proposals may need to have particular regard to the following issues:

- *proximity to locations where children and young people congregate such as schools, community centres and playgrounds*
- *evidence indicating high levels of obesity, deprivation and general poor health in specific locations*
- *over-concentration and clustering of certain use classes within a specified area*
- *odours and noise impact*
- *traffic impact*
- *refuse and litter*

The proposed restaurant/drive-through is located close to the Crewe Engineering and Design UTC located on the opposite side of West Street. Nevertheless, adjacent pedestrian crossing facilities provides direct pedestrian access to the wider town centre and consequently an existing range of fast food outlets are located on routes to/from the UTC within the locality.

It is important to note that the application site lies within the defined town centre and adjacent to the Market Centre shopping area. In planning policy terms town centre locations are supported for proposed A3/A5 retail uses, including restaurants /drive-throughs. It is also the case that given the distribution of existing uses and premises located within the Market Centre, it is not considered that this development would lead to over a concentration or clustering of A3/A5 uses in this area.

Draft Policy RET 5 'restaurants, cafés, pubs and hot food takeaways' in the publication draft Site Allocations and Development Policies document (SADPD) also notes that where hot food takeaways are located within 400 metres of a secondary school or sixth form college that conditions will be added to guide opening hours. The exception to this policy is where the scheme is located in a town centre. As such, in this case, the draft policy would not apply given its town centre location. In any event, draft policy RET 5 represents an emerging position and therefore, given its status can only be afforded limited weight.

Although the concerns raised with regard to overall health issues, such as obesity, are acknowledged, there is however no planning policy basis or available planning guidance, based on local evidence, which would justify the refusal of this application on the grounds of public health.

Litter

Although two bins are provided within the site, this considered insufficient to satisfactory address litter generated by the proposed development. It is recommended that a condition be imposed requiring a Waste Management Plan to be submitted and approved prior to the commencement in operation of the restaurant/drive, which provides details of additional refuse bin locations and other appropriate initiatives for the control of litter.

Other Matters

Representations have raised concerns as regards the nature and terms of potential employment at the development. However, such matters are governed by other legislation and are not therefore relevant planning considerations.

Issues relating to commercial competition, and preferences for locally independent retailers /restaurant as opposed to national operators, are not relevant planning considerations in respect of this application.

CONCLUSIONS

The site is allocated for retail development within Crewe town Centre and the principle of uses including restaurants with drive-through restaurants is therefore acceptable. The development accords with Policies EG.5 of the CELPS and Policy S.6.2 of the Crewe and Nantwich Local Plan.

The design of the proposals have been subject to significant revision during the course of the application to ensure an acceptable relationship with the Market Centre and is an appropriate design solution for this town centre site, in compliance with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

From the assessment of the highway data and the parking demand survey accompanying the application, together with the sustainability of this town centre location, the Council's Highway Officer considers the proposed loss of parking spaces to be justified, access arrangement to be satisfactory and the impact upon the highway to be acceptable.

Taking into account the town centre location of these proposals, and also the objectives of the NPPF and Planning Practice Guidance, there is no planning policy basis or evidence based local planning guidance to warrant the refusal of this application on the grounds of public health.

The development is considered to be acceptable in terms of its impact upon the residential amenities of nearby dwellings air quality and trees surrounding the site.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Standard time**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme to be submitted and approved**
- 5. Implementation of landscape scheme**
- 6. Cycle parking details to be submitted and approved**
- 7. Provision of Electric Vehicle Charging points**
- 8. Use of Ultra Low NOx Emission Boilers**
- 9. Submission of details for the remediation of contaminated land**
- 10. Submission of Verification Report for Remediation Strategy**
- 11. Details of any soils imported onto the site**
- 12. Works to stop if any unexpected contamination is discovered**
- 13. Surface water drainage scheme to be submitted and approved**
- 14. Foul and surface water shall be drained on separate systems**
- 15. Waste Management Plan to be submitted and approved**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice

