

Application No: 14/4901N

Location: Macon Industrial Park, Macon Way, Crewe, CW1 6DG

Proposal: Variation of condition 13 (range and type of goods to be sold) attached to planning permission 12/0316N. Proposed new build, non-food retail unit, up to 3715 sq.m. (Class A1\_ including access and associated infrastructure

Applicant: B&M Retail Ltd

Expiry Date: 29-Jan-2015

### **SUMMARY**

It is considered that the removal of condition 13 would have a detrimental impact upon the vitality and viability of Crewe Town Centre and would not be in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 23 of the NPPF.

### **RECOMMENDATION:**

**Refuse**

### **PROPOSAL:**

It is proposed to remove condition 13 of planning permission 12/0316N that was granted in outline for a non-food retail unit, up to 3517 square metres.

The condition states that:-

*The range and type of goods to be sold from the non-food retail units hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.*

*Reason: To protect the vitality and viability of Crewe Town Centre in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

### **SITE DESCRIPTION:**

The site extends approximately 0.82 hectares and is located approximately 0.6km north of Crewe Railway Station (as the crow flies). The site is bordered by the national railway line to the west filtering into Crewe Railway Station. Located to the north and south of the application site are a number of commercial properties. Furthermore, a number of residential properties stand on the opposite side of Macon Way, which is located to the east.

The development site is presently derelict vacant land. The site used to be occupied by a car dealership, formerly known as Bristol Street Motors. The site is relatively flat with access on to the service road, which runs parallel to Macon Way.

The western perimeter of the site is clearly demarcated with an existing tree line approximately 2m to 3m high and beyond this is the railway line beyond. There is a mix of residential and commercial properties within the immediate locality and the application site is located wholly within the Crewe Settlement boundary.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 23 to 27.

### **Development Plan:**

The Development Plan for this area is the Crewe & Nantwich Local Plan

The relevant Saved Policies are: -

E7 (Existing Employment Sites)

S.10 (Major Shopping Proposals)

S. 12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2 Sustainable Development

PG2 Settlement Hierarchy

EG 5 Promoting a Town Centre first approach to Retail and Commerce

## **CONSULTATIONS:**

**Highways:** The key difference from a traffic generation point of view is the food retail element of the variation; however, given the small floor area specified, it is unlikely to result in a material increase in traffic generation, when compared to that set out in the Transport Assessment produced in support of the previous planning permission.

**Environmental Health:** No Objections

## **REPRESENTATIONS:**

One letter of objection has been received that considered it an attempt to mislead neighbours into ignoring this actual application in order to reduce objections. At the original planning committee meeting, the fact that the original request was for bulky "non food" type sales and the submitted building design was quite small compared to the size of the car park, and therefore didn't match the request was discussed. The committee said then that they would only allow expansion of retailing beyond the railway because of the bulky non food condition. It was predicted in that meeting that the developer would return later and attempt to have the conditions altered to match the submitted design, the design made it unlikely that a retailer of bulky items with low sales volumes would be interested in taking it. The developer is attempting to circumvent council policies by basically submitting an application in two stages.

Another letter supporting this and any other applications for the site as at present as there are presently problems with parked cars in the service road.

## **APPRAISAL:**

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape and diversity.

Social Sustainability – The application raises no specific issues in respect of landscape and diversity.

Economic Sustainability – The application proposal would undermine the role of Crewe Town Centre and be a threat to vitality and viability.

## **Principle**

The site is in an 'out of centre' location – there is an obvious physical disconnection from Crewe Town Centre and it does not form part of Grand Central Retail Park. Access to the proposed unit would be off Macon Way. Crewe Town Centre has a number of vacant units with a number of retailers on short term lets. The element of convenience goods / toys etc which this application is seeking to allow for should be focused within the Town Centre as per the NPPF emphasis. It is noted that there is a B&M in the Town Centre which sells these goods.

Grand Central Retail Park is predominantly a non-food out of centre retail-park (although there is some convenience provision). However, the approval of the variation of condition to allow for open class A1 use in this case would set a precedent for other plots of land fronting Macon Way that in time could further dilute the vitality and viability of Crewe Town Centre. This is further emphasised within the NPPF in paragraph 23 that sets out the need to '*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*'. It seeks to ensure that major town centre uses are located within the town centre unless a sequential assessment is undertaken.

The originally approved application (12/0316N) undertook a sequential assessment on the basis of it being a 'bulky goods' unit and as such it was concluded that it could not be accommodated within the Town Centre and is appropriate to be approved in this out of centre

location. The supporting retail statement to this application sets out that it does not seek to revisit the sequential assessment even though there is a shift in the nature of the unit to now sell a wider range of goods (which could be located in the town centre) and the fact that this has not been undertaken does not comply with the NPPF (however minor the changes).

Thus, the application is considered to be unacceptable as it is considered that it would be likely to have a detrimental impact on the vitality and viability of Crewe Town Centre.

### **Other Material Considerations**

The applicants may have a larger proportion of “food” floor space in other stores but any condition to approve and restrict the areas being proposed in this instance would prove virtually impossible to monitor and enforce. Thus, it is not considered any restrictive condition would be feasible or practically enforceable.

### **Planning Balance**

In the planning balance it is considered that this would not be in the interests of both Council and National objectives and to remove condition 13 would be likely to impact detrimentally on the role and vitality and viability of Crewe Town Centre contrary to the provisions of the Local Plan and the NPPF.

### **RECOMMENDATION**

**Refuse for the following reason:-**

**It is considered that the removal of condition 13 would have a detrimental impact on the vitality and viability of Crewe Town Centre and would not be in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 23 of the NPPF.**

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