

Application No: 16/3433N

Location: Grand Junction Way, Crewe, Cheshire

Proposal: Demolition of an existing building, part demolition of the former pet hire building, erection of a retail unit (Class A1) measuring 1,207 sq.m. (GIA), alterations to access road, service area and car park layout.

Applicant: Triton Property Fund

Expiry Date: 13-Oct-2016

Summary

The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications.

However there is considered be a sequentially preferable site which is available within Crewe Town Centre. On this basis paragraphs 24 and 27 of the NPPF advise that the application should be refused.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Brookfield, Cllr Flude, Cllr Faseyi and Cllr Damian Bailey for the following reasons:

The planning application is too significant for many reasons and needs input and consideration of Committee Members. The request is based upon the following:-

1) Following the closure of BHS and the announcement that Marks & Spencer there is grave concern about the town centre and it has been acknowledged by the Council Leader, Portfolio Holders and Local Members together with the Town Council, South Cheshire Chamber of Commerce and other Stakeholder and Retail Representatives that connectivity and connection between the extremely busy Grand Junction Retail and the town centre is key. It is imperative that the town centre sustainability is considered for local residents in particularly those who are elderly or disabled and are not able to access the Grand Junction Retail Park as this is not served by adequately by local transport.

Furthermore the increased floorspace this planning application together infill builds (such as Costa

etc) and past expansions of existing units equates to well over 4,000sqm - if all this had been considered as a single application then an Impact Assessment would be a requirement. We understand that a Cabinet Meeting at Cheshire East in April 2015 endorsed a policy approach as follows "from a planning perspective, the primary objective must be to protect the Town Centre from uses, within it and in the wider area, that will undermine its vitality and viability as a Town Centre". This application undermines the Council's own policy approach.

2) We have grave concerns about the proposed new service access via Rainbow Street. Rainbow Street's junction with Earle Street is close to the foot of Earle Street Bridge - opposite Brierley Street, a residential street giving access to a primary school, sports ground and public car park. This is already a congested area and is hazardous the increase in HGVs in turning and accessing will impact further and in our opinion will not be safe. We would also draw attention to the possible increased detriment to air quality in this area where there are residential properties. There is already standing traffic in this area which will be worsened by increased HGV activity.

3) Rainbow Street is a small side street currently used as an access to the former PET hire building and other small business units. These businesses generate a lot of traffic including pedestrians and during the daytime there is on street parking on both sides of the road. The increased HGV traffic will be detrimental to the existing businesses in terms of congestion, environment and health and safety.

4) The proposal would result in the closure of the existing service road. Grand Junction Retail then only has one access and egress. We accept the service road is not established but in an emergency would be available - this proposal would eliminate this. Is it appropriate that a development of this size in this location with the numbers of vehicles attending has only one entrance/exit?

5) We continue to stress the impact the ever increasing Grand Junction Retail Park has on nearby residents. There is inconsiderate parking in the side streets when all the spaces are full on the park's retail park, increased littering and noise implications.

Based upon the above we would be grateful if Planning Officers and the Chair of the Committee would give serious consideration that the application is called in and put before a Planning Committee for due consideration'

PROPOSAL:

This is a full application for the demolition of an existing unit (located to the east of the site and accessed off Rainbow Street) and the partial demolition of part of the former P.E.T unit and the erection of a new retail unit (Class A1).

The new retail unit would be sited between the existing Sports Direct and Hobbycraft units. The unit would replace an existing service road which provides access to the rear of the existing retail units.

The proposed retail unit would have a gross internal area of 1,207sq.m. This consists of 594sqm at ground floor and 613sqm at mezzanine level (the floorspace at mezzanine level is greater than ground floor as it extends over the ground floor entrance feature).

The proposed development would provide a new vehicle turning area to the rear of the Sports Direct unit and highway works at the junction of Earle Street and Rainbow Street.

The development would result in the demolition of 312sq.m of gross internal floor space as part of the former PET unit and as a result this development would provide a net additional retail floor space of 895sq.m.

SITE DESCRIPTION:

The application site is an irregular shaped parcel of land within the Crewe Settlement Boundary.

The site includes Rainbow Street (and areas of highway land at either side of the junction with Earle Street), part of the former P.E.T unit, a utilitarian building to the rear of the former P.E.T plant hire unit, an existing service road from the retail park and areas of hardstanding/external storage.

RELEVANT HISTORY:

15/5777N - Demolition of An Existing Unit, Erection Of A Retail Unit (Class A1) Measuring 1,207sq.m. (GIA), Alterations To Access Road, Service Area And Car Park Layout – Withdrawn 1st April 2016

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

23-27 Ensuring the Vitality of Town Centres

32 Promoting Sustainable Transport

56-68 Requiring good design

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside.

The relevant Saved Policies are: -

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

S.10 (Major Shopping Proposals)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations

Cheshire Retail Study Update 2016

The Crewe Town Centre Regeneration Delivery Framework for Growth

CONSULTATIONS:

CEC Flood Risk Manager: Conditions suggested.

United Utilities: No objection – conditions suggested.

CEC Environmental Health: Condition suggested in relation to contaminated land. Informatives suggested in relation to hours of construction and contaminated land.

CEC Regeneration: The premises at 29 Queensway (the former BHS Unit) is both suitable and viable to accommodate the occupier requirement identified at Grand Junction Retail Park by the applicant.

CEC Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition.

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council: Object to this proposal for the following reasons:

- The new service access via Rainbow Street is intended for use by HGVs. After the proposed re-alignment it will join Earle Street close to the foot of Earle Street Bridge, almost opposite Brierley Street. Brierley Street is a residential street which also provides access to a primary school, public car park and sports facility. There is already traffic congestion at this point, and the additional HGVs turning movements will cause severe adverse impacts on congestion and safety.
- Rainbow Street is currently exclusively used as an access to the former PET hire building, River and Reef Aquatics and the small light industrial units on the west side of the street. These businesses generate a lot of traffic, and during the daytime there is on street parking on both sides of the road. If this application is approved, there is potential for conflict between service vehicles accessing Grand Junction Retail Park and vehicle movements associated

with the Rainbow Street units and between service vehicles and parked cars. Restricting on-street parking could seriously affect the businesses operating there, endangering their viability. The 5 spaces proposed on the east side of Rainbow Street will not adequately replace the amount of on-street parking currently available.

- The proposal would result in the closure of the existing service road. There is only one entrance and exit to Grand Junction Retail Park. The service road which would be lost provides an alternative route in and out of the estate which is capable of being used in extreme emergency (albeit not public and not established).
- The increased floor space on the retail park together with the different types of use classes that are now located there have had a significant adverse impact on the amenity of residents in terms of disturbance, littering, parking and traffic congestion.
- Cheshire East Council's Cabinet on Tuesday 21st April 2015 endorsed a policy approach as follows "from a planning perspective, the primary objective must be to protect the Town Centre from uses, within it and in the wider area, that will undermine its vitality and viability as a Town Centre." The current application is for a 1,207 sq. m. unit. This is in addition to the 1,207 sq. m. of new floor space approved in July 2015 (15/2570N and 15/2571N) and the further 1,955 sq. m. of additional floor space approved in the last 3 or 4 years as extensions to Aldi, Next, and Unit 8 together with the creation of two new units adjacent to Costa Coffee. If the current applications are approved this would represent a cumulative increase of 4,214 sq. m. If this had been submitted as a single application it would have required an impact assessment under para 26 of the NPPF, and the application of a sequential test. The Town Council is concerned about the impact of the current application on its own, and cumulatively with previous approvals, on the viability and vitality of the town centre and on traffic congestion on Earle Street and adjoining roads. It considers that it is contrary to the policy approach adopted in April 2015 outlined above.
- Since the submission of the first application (15/5777N) for the proposed development, there has been significant deterioration in retail provision in Crewe Town centre through the closure of BHS, and the announcement that Marks and Spencer will close its town centre store and relocate to the retail park. Not only does this emphasise the vulnerability of retailing in the Town Centre, it means that two large retail premises are available or about to become available in the town centre. The proposed new store at Grand Junction would not now pass the sequential test if it were applied. Cheshire East Council is therefore requested to take these new circumstances into account when determining this application.

REPRESENTATIONS:

Letters of objection has been received from 7 households/businesses raising the following points:

- The supporting Transport Assessment and Design and Access Statement include numerous errors
- The application does not include a choice of transport modes and does not improve life for the mobility impaired
- The development is contrary to the NPPF
- Net decrease in parking spaces on the retail park
- A number of bus services within the vicinity of the site have been withdrawn
- There is no public transport to and from the retail park
- Pedestrian access to the site is not good with narrow footways and severe gradients on Earle Street bridge
- Poor pedestrian and cycle links between the town centre and the retail park
- The delivery vehicles to the retail park are made using 16.5m articulated vehicles

- There is constant vehicle queuing along Earle Street
- Safety issues in terms of accessing the site from Earle Street when turning into Rainbow Street
- If allowed the development would improve the business interests of the applicant at the expense of the business on Rainbow Street
- Security concerns for the businesses on Rainbow Street
- Rainbow Street is not lightly trafficked is not correct
- The difficulty when exiting Rainbow Street onto Earle Street has not been addressed
- Pedestrian/highway safety
- The demolition and construction phase will affect the adjoin businesses
- Dust pollution during the demolition phase
- Dust will impact upon the adjacent aquatics business and will contaminate the life support system impact upon livestock
- The development could impact upon the quality of the water supply to the aquatics business on Rainbow Street
- The highway works on Rainbow Street will have an impact upon the existing businesses on Rainbow Street
- The existing footpath along Rainbow Street is not safe
- Lack of pre-application consultation
- Litter problems from the retail park
- Increased pollution
- Increased traffic congestion
- The development will add to existing congestion problems
- Earle Street is used by emergency vehicles and the development could disrupt access for emergency vehicles
- Existing traffic congestion issues caused by Brierley Street School
- The occupancy of the unit should be restricted to A1 bulky goods (no food or clothing)
- The BHS unit is vacant and should be considered
- The Council should discourage out of town developments

APPRAISAL

Principle of Development

The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. The Cheshire Retail Study 2016 identifies that the Grand Junction Retail Park is an edge-of-centre location.

Within the town centre the Cheshire Retail Study 2016 identifies that Crewe Town Centre has a higher number of vacant units than the national average but that the majority of the vacant units are small to medium in scale. However the report also concludes that the town centre is well represented in terms of the convenience (food, drinks, tobacco, newspapers/magazines, cleaning materials, toiletries) and comparison goods provision (all other goods) but is under-represented in terms of its service provision.

The Cheshire retail Study then goes onto conclude that the health of Crewe Town Centre has declined in recent years and that it is evident that positive steps have already been taken to attracting new investment in Crewe via the production of the Crewe Town Centre Regeneration

Delivery framework for Growth in addition to the Councils acquisition of the Royal Arcade site with the intention of delivering a leisure-led mixed use development.

The development would provide a new retail unit with an internal floor space of 1,207sq.m. In addition the development would result in the demolition of 312sq.m of gross internal floor space as part of the former PET unit and as a result this development would provide a net additional retail floor space of 895sq.m.

Impact Assessment

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF.

The point raised by the Town Council and Ward Members in relation to the cumulative impact of developments is noted. However it is only possible to consider each individual proposal in terms of threshold for the impact assessment.

As long as it can be demonstrated that there are no sequential preferable town centre or edge-of-centre sites then the development is highly unlikely to have a significant impact upon investment in Crewe Town Centre. Crucially, an impact assessment is not required as part of this application due to the modest scale of the proposed development.

Sequential Test

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused.

Outside of Crewe Town Centre policy S.10 of the Crewe and Nantwich Replacement Local Plan only relates to major proposals (defined as those with a gross floorspace of over 2500sqm). As a result this policy does not apply to this application.

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

Where a proposal fails to satisfy the sequential test it should be refused.

The applicant states that proposed development seeks to meet the requirements of large format, retail warehouse occupiers and that any alternative sites need to be able to accommodate the total floorspace to be created at the application site (1,207 sq. m).

The sequential test only allows the consideration of town centre or edge of centre sites that are available. It does not ask whether such sites are likely to become available during the plan period or over a number of years (this was determined in a SoS decision in East Northamptonshire in 2014).

A sequential test has been undertaken and this considers the existing vacant units within Crewe Town Centre. The largest vacant units in Crewe Town Centre are 29 Queensway (the former BHS Unit) (2,818sq.m), (Burford House (523sq.m) and 39 High Street (796sq.m). It should be noted that Burford House measures 1,671sq.m but only 523sq.m is available to let.

In this case the agent states that the proposed development is to meet the requirements of a large format retail warehouse and any alternative sites need to accommodate the total floorspace of 1,207sqm subject to the application of flexibility. The applicants have stated that to demonstrate flexibility they would be looking at sites between 1,000sqm and 1,400sqm.

The largest unit available within Crewe Town Centre is the former BHS Unit. The applicant has stated that this unit is not sequentially preferable for the following reasons;

- The BHS unit provides an oversupply of floorspace
- The site is earmarked for a wider development of the Royal Arcade site and as a result there would only be an option of a short term lease
- The BHS Unit has dual customer entrances and service points, multi-level trading. Issues of service access as well as fire escape provision impose limitations on the scope of reoccupation
- The costs of undertaking works to sub-divide the building would be significant
- The vacant unit does not benefit from direct car-parking provision which would suit a retail warehouse operator

The Councils Economic Development Officer has responded by stating that;

- The vacant BHS Unit is suitable for a range of retail uses not just a department store
- The previous occupant only utilized the ground floor for retail with the upper floors used for storage, office space and staff facilities
- The cost of the sub-division of the unit would not be significant
- The occupant would benefit from two customer entrance points and would be free to use either of both entrances
- The Council has not committed to demolishing 29 Queensway as part of a wider redevelopment and it is available on either a short or long-term lease, since it is capable of being retained within a new redevelopment,
- Lease terms are available from the Council's agent. These are negotiable and are not limited to short term periods only.
- Surfaced car-parking is available within 2 minutes on the vacant BHS Unit
- The unit does not require comprehensive redevelopment and is situated in the centre of the town in a high footfall location.

On this basis it is considered that there is a sequentially preferable site which could accommodate the proposal. On this basis the development fails the sequential test.

In this case there are no other units over 1000sqm and the applicant has looked at whether any of the vacant units could be amalgamated to form a larger unit of more than 1000sqm. The

applicants have stated that there are a number of location where units could be amalgamated as listed below;

- 79 and 79A Victoria Street (total size 450sqm)
- 37 and 39 Victoria Street (total size 230sqm)
- 36 and 38 Victoria Street (total size 390sqm)
- 21 and 23 Queensway (total size 410sqm)
- 69 and 71 Market Street (total size 440sqm)
- 267 Edleston Road, 42 High Street and 44-46 High Street (total size 770sqm)
- 2, 4 and 6-10 High Street (total size 300sqm)
- 25 and 27 High Street (total size 1,570sqm)

In this case the amalgamated units would not meet the requirements of sites between 1,000sqm and 1,400sqm. In terms of the site at 25-27 High Street the applicant has also commented that the site is within a secondary frontage, the buildings are of a poor state of repair with low foot fall. The applicant has also stated that the proposed development of this unit would require significant capital expenditure and comprehensive redevelopment and that the current configuration of floor space meets the previous leisure use and is not suitable to meet the requirements of a large format retail operator.

The applicant has stated that the former PET Hire unit adjacent to the Grand Junction Retail Park measures 1,150sqm. However the owner of this unit in formal discussions with a potential future occupier of this unit and that the unit is currently subject to a planning application (16/3452N) to improve the environment and linkages to the town centre and the wider retail park and this forms part of the negotiations with the potential future tenants.

Overall, it is considered that there is a sequentially preferable site occupying an in-centre location within Crewe which would meet the applicant's needs. The National Planning Policy Framework document states that Councils should *'allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available'*.

On this basis the development fails the sequential test and should be refused in line with paragraphs 24 and 27 of the NPPF.

Highways Implications

The application would involve the closing of an internal access road within the Grand Junction Retail Park which would result in the use of Rainbow Street as the main service access to the units on the western side of the retail park.

Within Rainbow Street the gable wall of the former PET unit will be demolished and moved eastwards into the site. The Rainbow Street carriageway width will be increased from 5.6m to 7.6m, additional parking bays, dropped kerbs and footway would be introduced. This will allow for HGVs to travel along Rainbow St while on-street parking is taking place.

At the junction of Rainbow Street and Earle Street a new 1.8m wide pedestrian refuge island would be created. Swept paths of 16.5m articulated and 10m rigid vehicles have demonstrated that these vehicles would be able to safely enter and exit via the new Rainbow St/Earle St junction.

Data on the existing HGV deliveries to the retail units along the western edge of the retail park have been provided and are shown in the table below.

Day	During trading hrs		Outside trading hrs	
	16.5m artic	7.5t Box Van	16.5m artic	7.5t Box Van
Monday	4	1	2	1
Tuesday	6	2	1	3
Wednesday	5	2	2	3
Thursday	4	1	1	2
Friday	5	2	2	2
Saturday	3	1	1	2
Sunday	3	1	2	2

The busiest day sees 12 deliveries although a number of these are smaller box vans. This averages at around 3 deliveries per week per unit; it would therefore be reasonable to assume the proposal for 1 additional unit would result in a few extra deliveries over a week.

The proposal will result in the same number of HGVs not having to route through the retail car park were a large number of pedestrians would be located.

The proposal is small in scale and as a stand alone unit it would generate around 1 vehicle per minute during a weekday evening or a Saturday afternoon peak hour.

As this proposal would be located within an existing retail park close to the town centre it is accepted that a proportion of the trips generated to the new unit will be linked trips and as such the number of additional vehicle trips will be less than that of a standalone unit.

The traffic impact on the road network capacity will therefore be minimal.

Response to highways objections

A number of the objections refer to the site not being sustainable. This is not accepted as the site is located in close proximity to Crewe Town Centre. The site is accessible via foot, bicycle and bus.

The parking provision on the wider retail park is considered to be acceptable and the site would be accessed via linked trips by visitors to the retail park.

The development would provide a pedestrian island at the junction of Rainbow Street and Earle Street and this would help to maintain the existing pedestrian connections between Crewe Town Centre and the retail park.

Finally a number of the letters of objection refer to the issues associated with the construction phase of the development upon the existing businesses which are located on Rainbow Street. In this case it is noted that such works may cause some levels of disruption (as it would on any site where highway works are involved). However such works would be temporary and would be managed in a way to minimise the impact upon the existing businesses and residents in proximity to the site. As such this issue could not be used as a way to resist this development.

Highways Conclusion

The proposed development would be situated within a sustainable location and would not adversely impact on the local highway network capacity.

The proposed improvements to the pedestrian infrastructure, and the widening and improvements to Rainbow Street, would allow for safe two-way vehicle movement and would suitably mitigate any adverse impact on pedestrian infrastructure.

Amenity

The site is located within an existing retail park between two retail units. There are no residential units in close proximity to the site and as a result it is not considered that the development will have a detrimental impact upon residential amenity through overbearing impact, loss of light or loss of privacy.

In terms of litter generation it is not considered that a proposed retail unit would generate litter. There are existing bin facilities on the retail park for patrons to use.

Noise

Given the scale of the development, intervening land uses and separation distances involved it is not considered that the development would have a detrimental impact upon amenity due to noise. This is supported by consultation response from Environmental Health.

Air Quality

The applicant has submitted a Transport Statement addressing the potential impact of the proposed development on the existing infrastructure. The site is already an existing retail park occupying numerous retail units being accessed daily by customers. The site is easily accessible by all means of travel both car and non-car travel. It is therefore deemed that the proposal will provide a sustainable development in transport terms.

In order to ensure that sustainable vehicle technology is a real option for future occupants / future patrons at the site to ensure that one fast (7Kv) charge point shall be provided and shall be made publically available. This will be secured through the imposition of a planning condition.

The issue of dust from the demolition and construction works will be controlled through the use of a standard condition which relates to dust control.

Contaminated Land

The application area has a history of factory, works, electricity substation and former pond use and therefore the land may be contaminated. Furthermore the site is within 250m of an area of ground that has the potential to create gas.

As a result a condition will be attached in relation to contaminated land as requested by Environmental Health.

Design

The proposed development relates to an elongated flat roofed unit which would be sandwiched between two existing retail units on Grand Junction Retail Park.

The front elevation includes a projecting gable at first floor level which would be supported by brick plinths. The materials that would be used are brick and cladding to match the adjacent units.

The detailed design would not appear out of character on this modern retail park and the detailed design complies with the NPPF and Policy BE.2.

Flood Risk and Drainage

The application site is an existing area of hardstanding and the Council's Flood Risk Manager has confirmed that he has no objection to the development subject to the imposition of planning conditions.

Economic Benefits

The proposed development would provide economic benefits which weigh in favour of this development which would result in the creation of 13 new full time equivalent (FTE) positions which will generate £166,842 per annum in wages.

CONCLUSION

The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications.

However there is considered to be a sequentially preferable site which is available within Crewe Town Centre. On this basis paragraphs 24 and 27 of the NPPF advise that the application should be refused.

RECOMMENDATION:

REFUSE for the following reason;

1. In this case there is an available unit within Crewe Town Centre which is currently available. This application fails to satisfy the sequential test and as such the development is contrary to Paragraphs 24 and 27 of the NPPF.

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 her 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.

