

**The Borough Council has been consulted by Cheshire East Council on an application** for full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore, parking and circulation spaces, formation of new pedestrian and vehicle accesses, landscaping and associated works at the former Twyford Bathrooms site, Linley Lane, Alsager.

The 2.34 hectare site is located to the east of Alsager town centre. The store will provide 3,903 square metres of floorspace (2,345 square metres net sales area), with 298 car parking spaces and a petrol filling station.

The access to the store would be via a new priority controlled roundabout junction with Linley Lane (A5011).

For the Borough Council's comments to be taken into account by the Cheshire East Council they must be received by them by 18 April.

### **RECOMMENDATION**

**That Cheshire East Council be advised that the Borough Council OBJECTS to the application on the grounds that further consideration should be given to the impact of the proposed foodstore on the trade of the Tesco store in Kidsgrove which could reduce linked trips into Kidsgrove Town Centre and could therefore harm the vitality and viability of the centre.**

### **Reason for Recommendation**

Although it is considered that with respect to Newcastle Borough, the proposal complies with national planning policy in terms of the sequential approach, there is concern that significant trade diversion away from the Tesco store at Kidsgrove is likely to have a negative impact on linked trips into Kidsgrove centre and therefore the proposed development would have an adverse impact upon the vitality and viability of Kidsgrove town centre.

### **Policies and Proposals in the Approved Development Plan Relevant to This Recommendation:-**

#### North West of England Regional Spatial Strategy to 2021 (2008)

- Policy DP1: Spatial Principles
- Policy DP2: Promote Sustainable Communities
- Policy DP3: Promote Sustainable Economic Development
- Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
- Policy W5: Retail development
- Policy RT2: Managing Travel Demand

#### Congleton Borough Local Plan Review (2005)

- Policy PS2: General Scale and Location of Development
- Policy PS3: Settlement Hierarchy
- Policy PS4: Towns
- Policy E10: Re-use or Redevelopment of Existing Employment Sites
- Policy S2: Shopping and Commercial Development Outside Town Centres

### **Other Material Considerations include:**

#### **National Planning Policy**

National Planning Policy Framework (March 2012)

### West Midlands Regional Spatial Strategy 2008 (RSS)

Policy UR3: Enhancing the Role of City, Town and District Centres

Policy PA13: Out of Centre Retail Development

### Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011 (SSSP)

Policy TC1: Ensuring the Future of Town Centres

### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements

The Newcastle-under-Lyme Retail and Leisure Study 2011

### **The Secretary of State's announcement of his intention to abolish RSS**

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

### **Applicant/Agent's Submission**

The application is supported by the following:-

- Design and Access Statement
- Planning Statement
- Retail Statement
- Transport Assessment and Draft Travel Plan
- Air Quality Assessment
- Drainage Strategy
- Ecological Impact Assessment
- Energy Assessment
- Flood Risk Assessment
- Ground Conditions Assessment
- Lighting Report
- Noise and Vibration Assessment
- Tree Survey
- Statement of Community Consultation

These documents are available to view both at the Cheshire East Council Offices and on the Cheshire East Council web site at [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk) under reference 12/0800C.

### **Key Issues**

As indicated above, the Borough Council has been consulted by Cheshire East Council on an application for full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore, parking and circulation spaces, formation of new pedestrian and vehicle accesses, landscaping and associated works at the former Twyford Bathrooms site, Lawton Road, Alsager.

The principal issue that could adversely affect the interests of Newcastle Borough is the matter of retail impact.

The National Planning Policy Framework published on 27 March 2012 states that there is a presumption in favour of sustainable development and for decision-making this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The guidance on retail development within the Framework could be considered to be an example of such specific policies.

Paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment in certain cases such as development of this scale. This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

The proposed development involves the erection of a food store of 3,903 square metres (gross area) (2,345 square metres net sales area). In this out of centre location the proposal could have the potential to have an adverse impact on the vitality and viability of existing retail centres. As far as the Borough Council is concerned it is Kidsgrove Town Centre that could potentially be most affected.

The application is accompanied by a Retail Statement and whilst it assesses the application against the provisions of PPS4 which has now been superseded by the NPPF, the issues of a sequential assessment of the site and an impact assessment remain relevant.

#### Sequential Assessment

In addressing this consideration the Retail Statement indicates that the identified need is for a main food shopping destination capable of meeting the weekly shopping needs of the catchment population and to provide improved consumer choice and competition. Therefore, the assessment has focused on sites that are capable of providing a main food shopping destination.

Within Newcastle Borough the following sites have been considered:

- Existing vacant units within Kidsgrove Town Centre
- Land off Heathcote Street, Kidsgrove
- Land between Liverpool Road and the East Cheshire railway line, Kidsgrove

The Statement concludes that existing vacancies within Kidsgrove Town Centre are considered unsuitable and unviable for a main shopping destination on the grounds that they are small format units with no dedicated car parking and therefore do not provide a genuine viable alternative main food shopping

destination for local residents. Regarding the sites on Heathcote Street, the report concludes that given the size and topography of the sites, they would be both unsuitable and unviable for this proposal and in respect of the land between Liverpool Road and the railway, it is argued that the site is too small to accommodate a main food shopping destination.

Regarding the vacant sites in Kidsgrove Town Centre and the land off Liverpool Road, your Officer agrees with the conclusions of the report. The sites on Heathcote Street were considered in detail in relation to a planning application and an appeal determined last year for a foodstore on Linley Trading Estate (Ref. 10/00080/OUT). That proposal was for a store of 1,356 square metres (gross area) compared to the store being considered here which would comprise 3,903 square metres of gross floorspace. In allowing the appeal, the Inspector concluded that the sites on Heathcote Street were not suitable for the type of development then proposed (which was for a much smaller store than that now proposed) for a number of reasons including the gradient of Heathcote Street and the difficulties of providing parking and servicing. The Liverpool Road site whilst flatter is smaller. Plans of these sites will be available for inspection at the Committee.

It is considered therefore that with respect to Newcastle Borough, the proposal complies with national planning policy in terms of the sequential approach.

### Impact Assessment

As referred to above, the NPPF states that for retail development outside of town centres of more than 2,500 square metres, an impact assessment should include assessment of :-

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

In relation to the first point, the Retail Statement only addresses the impact on Alsager and no reference is made to the impact on Kidsgrove in this regard. However, it is not considered that there is any existing, committed or planned public and private investment in Kidsgrove centre that would be affected.

In relation to the impact of the proposal on town centre vitality and viability, the Retail Statement states that the findings of a telephone household survey of 625 households within the Catchment Area have been used in order to establish the trading performance of existing centres within the Catchment Area. The Report goes on to identify levels of trade diversion to the proposed store that would result in an impact by 2014 of 16% on the existing Tesco store in Kidsgrove. However, it states that it is important to note that the findings of the household survey suggest that the Tesco store is trading well at above expected levels and that in this context, even after allowing for the trade diversion, the store will still trade at 59% above expected levels. It concludes that given this, the impact of the proposed development will not lead to the closure of the store as it will still maintain a healthy customer base.

An impact on the turnover of the existing Tesco store in Kidsgrove of 16% is considered significantly adverse. Although the applicant's Retail Statement claims that the store is trading well, this is contrary to the findings of the Newcastle-under-Lyme Retail and Leisure Study 2011. That document states that whilst convenience retail floorspace in Kidsgrove is trading at above company average levels collectively, the Tesco store displays below company average performance. It states that the result is that there is only limited capacity for additional floorspace.

Similar to the applicant's Retail Statement, to inform the capacity assessments referred to in the Study, the Retail and Leisure Study carried out a telephone survey of 500 households. The two surveys are of similar size and methodology and therefore, it is difficult to understand why they have produced such different results in relation to the trading performance of Tesco. Given the different conclusions reached however, sufficient doubt exists to lead your Officer to consider that the impact upon Tesco in Kidsgrove may be significant.

The Retail & Leisure Study states that the majority of people arrive in Kidsgrove by car (66%) and park at Tesco, Liverpool Road (39.4%). It is likely that having parked and shopped at Tesco, many people will then

use the other shops and services of Kidsgrove. There is concern that significant trade diversion away from the Tesco store is likely to have a negative impact on linked trips into Kidsgrove centre and therefore the proposed development would have an adverse impact upon the vitality and viability of Kidsgrove town centre.

**Background Papers**

Planning Policy documents referred to  
Planning files referred to

**Date Report Prepared**

29 March 2012