



Cheshire East Local Plan

Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

Matter 5: Town Centres and Retail

Hearing date: Wed 20 Oct 2021

Introduction

1. This hearing statement has been prepared by Cheshire East Council in response to the Inspector's Matters, Issues and Questions for the Examination Part 1 [INS/08] and addresses Matter 5: Town Centres and Retail.
2. The abbreviations used in this hearing statement are as defined in the Inspector's MIQs.

Key Documents

3. The following key documents are relevant to this response:
 - Local Development Scheme [BD 02]
 - Congleton Borough Local Plan First Review and saved policies list [BD 06]
 - Borough of Crewe and Nantwich Replacement Local Plan 2011 and saved policies list [BD 07]
 - Macclesfield Borough Local Plan and saved policies list [BD 08]
 - Council response to Inspector's initial question [CEC/01]
 - Threshold Policy for Main Town Centres Uses Impact Test. Evidence and Justification Report [ED 16]
 - Cheshire East Retail Study Partial Update, 2020 [ED 17]
 - Alderley Edge Settlement Report [ED 21]
 - Alsager Settlement Report [ED 22]
 - Audlem Settlement Report [ED 23]
 - Bollington Settlement Report [ED 24]
 - Bunbury Settlement Report [ED 25]
 - Chelford Settlement Report [ED 26]
 - Congleton Settlement Report [ED 27]
 - Crewe Settlement Report [ED 28]
 - Disley Settlement Report [ED 29]
 - Goostrey Settlement Report [ED 30]
 - Handforth Settlement Report [ED 31]
 - Haslington Settlement Report [ED 32]
 - Holmes Chapel Settlement Report [ED 33]
 - Knutsford Settlement Report [ED 34]
 - Macclesfield Settlement Report [ED 35]
 - Middlewich Settlement Report [ED 36]
 - Mobberley Settlement Report [ED 37]
 - Nantwich Settlement Report [ED 38]
 - Poynton Settlement Report [ED 39]
 - Prestbury Settlement Report [ED 40]
 - Sandbach Settlement Report [ED 41]
 - Shavington Settlement Report [ED 42]
 - Wilmslow Settlement Report [ED 43]
 - Wrenbury Settlement Report [ED 44]
 - Hot Food Takeaway Background Report [ED 50]

- SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]

Retail Hierarchy (Policy RET 1)

Q77 Should the new local centres proposed as part of the strategic allocations in the LPS be included as ‘local urban centres’ or ‘neighbourhood parades of shops’ in the retail hierarchy in Policy RET 1, to ensure that, once built, there is a clear and effective policy framework for guiding future development, including changes of use, within them?

4. Individual settlement reports [ED 21-ED 44] have been prepared, using a consistent methodology, to justify the proposed approach and definition of LUCs and NPS in the SADPD. The SADPD approach to the retail hierarchy is also consistent with that advanced in criterion 1 of LPS Policy EG 5 ‘Promoting a Town Centre First Approach to Retail and Commerce’. Policy wording included as part of the strategic allocations in the LPS provide a clear and effective policy framework, including the scale of retail uses expected to support their overall delivery. Indeed, Policy RET 2 ‘Planning for retail needs’, criterion 1, refers to the delivery of sites allocated in the LPS as a way that retail convenience and comparison floorspace arising in the borough is expected to be met (see SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] pp266-267). However, it is not until detail has been provided through a planning application/permission or indeed until an allocation has been built out, can a full understanding of factors including the scale and form of an individual centre be appreciated. It is the Council’s position that the status of new local centres proposed as strategic allocations in the LPS would be an issue best considered as part of any update to the Local Plan. By which time, several of the centres will have been built.
5. ¶133 of the NPPF notes how policies in Local Plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. As noted in the Council’s LDS [BD 02] (¶ 2.7), this period ends on 26 July 2022 for the LPS. The Council intends to adopt a new Local Plan well ahead of 2030, which is the end of the LPS plan period. The period covered by the new plan will extend beyond 2030.

Q78 Based on the evidence submitted, is Policy RET 1 justified in designating Dean Row Road as a local urban centre or should it be designated as a local centre?

6. As highlighted in the Council’s ‘SADPD Regulation 20 Representations Statement (Consultation Statement Part II)’ [ED 56a] (pp267&268) the approach to the retail hierarchy in respect of Local Centres is consistent with that reflected in the strategic LPS Policy EG 5 ‘Promoting a Town Centre First Approach to Retail and Commerce’, criterion 1.
7. As justified in the Wilmslow Settlement Report [ED 43] (Table 8 & ¶¶ 5.6), following a detailed review of several relevant factors across several centres, Dean Row Road is recommended as a LUC.

Q79 Should the proposed minor amendment to paragraph 9.6 in the justification to Policy RET 1, which seeks to ensure local urban centres are included within the definition of ‘town centres’, be considered as a Main Modification? Should the definition of a ‘local urban centre’ in the Glossary to the SADPD be similarly modified? Would these changes be consistent with national policy?

8. As highlighted in the Council’s ‘SADPD Regulation 20 Representations Statement (Consultation Statement Part II)’ [ED 56a], p267, Policy RET 3 ‘Sequential and impact tests’ confirms the defined centres where the policy would apply, which are principal town centres, town centres, local centres or local urban centres (as set out in the footnote to criterion 1). In ¶9.6, the Council’s intention was for reference to ‘local urban centres’ to be deleted from the last sentence of the paragraph. This change was recorded in the schedule of changes document [ED 01c] but due to a typographical error this change was not made to the tracked change version of the Plan [ED 01a]. The Council would like therefore to propose this as a Main Modification to the Plan as follows: to amend paragraph 9.6 (shown as bold and struck through text): “for the avoidance of doubt, ~~local urban centres and~~ neighbourhood parades of shops do not fall within the definition of town centres in the glossary of the NPPF”
9. Similarly, following the Modification proposed above and for consistency in approach, a Main Modification to the definition of a ‘local urban centre’ in the glossary to the SADPD is proposed as follows (shown as bold and struck through text): “Local urban centre: Defined area comprising of a range of shops and services that generally function to meet local, day-to-day shopping needs, sometimes including small supermarkets. Local urban centres ~~do not~~ fall within the definition of town centres.” [ED 01a], p193.
10. The proposed Main Modifications above reflect the recommendations of the Cheshire East Retail Study Partial Update, 2020 [ED 17], ¶¶ 7.4.1, prepared by WYG (now Tetra Tech) who recommended the change to the status of LUCs (as defined centres) to afford LUCs policy protection and for the Policy (RET 3) to be in accordance with the NPPF. Changes to Policy RET 3 have resulted in consequential amendments to Policy RET 1, including those outlined above. It is considered that the approach to Policy RET 1 is consistent with ¶86 a) of the NPPF in defining a network and hierarchy of town centres and promoting their vitality and viability, and with the definition of a town centre in the glossary of the NPPF.

Boundaries to Town, Local and Urban Centres, and Neighbourhood Parades

Q80 Are the boundaries for the principal town centres, town centres, local centres, local urban centres and neighbourhood parades, as proposed on the draft Policies Map, consistent with national policy aims for town centres, positively prepared and justified by proportionate evidence, and would they be effective in guiding development proposals for main town centre uses alongside the relevant policies in neighbourhood plans? In particular:

- a. **Macclesfield**: Is the exclusion of the properties to the west around Christ Church and in Roe Street and to the north of King Edward Street from the town centre boundary justified, based on the evidence in the Retail Study Update¹ and the Macclesfield Settlement Report², and consistent with national policy in ensuring the vitality of town centres?
- b. **Alsager**: Is the exclusion of Milton Park, Alsager Fire Station, Alsager United Reformed Church, Wesley Place Church and the frontage between 33-41 Lawton Road from the town centre boundary, consistent with national policy in contributing to a positive strategy for the centre, which will allow it to grow and diversify in a way that can respond to rapid changes in the retail and leisure markets?
- c. **Hightown, Biddulph Road, Congleton**: Is the proposed boundary to the neighbourhood parade of shops justified on the basis of proportionate evidence or should it include the adjacent pet food store to the east on Biddulph Road?
- d. **Knutsford**: Should the proposed Town Centre boundary be expanded to include room for the town centre to accommodate the forecast growth in convenience goods retail floorspace and to support the housing growth planned for the town to 2030?
- e. **Nantwich**: Is it evident how a decision maker should react to applications for development within the area of the town centre boundary where it overlaps with the Snow Hill Site LPS 47? Are Policies RET 3 and RET 7 consistent with the provisions of LPS 47 for this area?
- f. **Poynton**: Should the town centre boundary for Poynton be aligned with the boundary defined in the Poynton Neighbourhood Plan (PNP) or would the PNP boundary be superseded by the boundary proposed on the SADPD Policies Map once adopted? If not, and they are intended to operate alongside each other, is it evident how a decision maker should react to development proposals that

¹ Core document ED17

² Core document ED35

are within the PNP town centre boundary, but not within the SADPD boundary, how the respective policies would operate in tandem? Where they are in conflict, which one would take precedence in accord with paragraph 30 of the NPPF?

11. The approach to town centres in the SADPD is consistent with:
 - LPS Policy EG 5 ‘Promoting a town centre first approach to retail and commerce’, in which the justification text states that the SADPD would define retail boundaries and include detailed policies (see LPS [BD 01], ¶11.43).
 - ¶86b of the NPPF, which asks that Local Plans “Define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre”
12. Individual settlement reports [ED 21-ED 44] have been prepared, using a consistent methodology, to justify the proposed approach and definition of retail boundaries. The approach has been appropriately informed by proportionate evidence including legacy local plan boundaries [BD 06 – BD 08], Neighbourhood Plans (where relevant), monitoring/site visits and the WYG Retail Study (2016), as updated by the Cheshire East Retail Study Partial Update, 2020 [ED 17], where recommendations were made on the appropriateness of retail boundaries.
13. The definition of retail boundaries inevitably involves some professional judgement, having careful regard for national planning policy and looking at the characteristics of an area on the ground. The approach and methodology to defining retail boundaries has been clearly stated in the individual settlement reports and are consistent with the definition of town centres/primary shopping area as set out in the NPPF.
14. The suite of retail and town centre policies contained in the SADPD, when read alongside LPS Policy EG 5 ‘Promoting a town centre first approach to retail and commerce’, provide for an appropriate basis in guiding development proposals for main town centre uses alongside the relevant policies in Neighbourhood Plans.

Q80a. Macclesfield

15. The reasons for the exclusion of these two areas from the town centre boundary is explained in Table Macclesfield 4: ‘Macclesfield Town Centre justification’ of the Macclesfield Settlement Report [ED 35] (pp14-15).
16. As noted above, the definition of town centre boundaries inevitably involves some professional judgement having careful regard for national planning policy and looking at the characteristics of an area on the ground.
17. The area around Christ Church consists predominantly of residential properties, which do not fall within the list of main town centre uses given in

the NPPF Glossary. Having regard to the description of a town centre, also in the NPPF Glossary, which includes the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area, this area around Christ Church is correctly shown outside the town centre boundary.

18. Roe Street is situated to the opposite side of Churchill Way from the proposed Primary Shopping Area and, overall, is predominantly residential in character. As such it was judged to appropriately lie outside the town centre boundary.
19. The area to the north of King Edward Street contains a mix of main town centre and non-main town centre uses. Overall, it was not considered to be predominantly occupied by main town centre uses and therefore placed outside of the town centre boundary. It was recommended in the WYG report that an area immediately to the north of King Edward Street be included in the boundary. The Council acknowledges that this smaller area, immediately adjacent to the Council's proposed town centre boundary, is predominantly occupied by offices, a main town centre use. As such, taken on its own, it could appropriately sit within the town centre boundary and the Policies Map could be amended to that effect.

Q80b. Alsager

20. The Alsager Neighbourhood Plan³ was made on 15 April 2020 and defines a town centre boundary (Map TC1) to which the SADPD is consistent with. The Examiner's 'Report on Alsager Neighbourhood Plan 2018-2030'⁴ (¶4.25) found that the excluded areas to the east and west of the centre do not function as part of the main retail core of the town and the central part that is excluded is predominantly residential. The Examiner also agreed with the justification for the new boundary.
21. As highlighted in ¶5.1 of the 'Alsager Settlement Report' [ED 22] the Council's policy position on retail and town centre matters has been derived to be consistent with national policy. A consistent methodology has been applied to determine the extent of town centre boundaries, which is based on the definitions in the NPPF for a primary shopping area and town centre. Using the methodology, the extent of the town centre and primary shopping area in Alsager was defined; this forms part of a positive strategy for the future of the town centre, as required by NPPF ¶86 b).
22. Policy RET 1 'Retail hierarchy' defines a hierarchy of town centres of which Alsager is classed as a 'town centre'. This is a requirement of NPPF ¶86 a) to allow growth and diversification in a way that can respond to rapid changes in the retail and leisure markets. Therefore, the exclusion of the relevant areas is consistent with national policy as the definition of the boundary contributes to a positive strategy for the town centre.

³ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/alsager-neighbourhood-plan.aspx>

⁴ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/alsager-neighbourhood-plan.aspx>

Q80c. Hightown, Biddulph Road, Congleton

23. The proposed boundary to the neighbourhood parade of shops is justified based on proportionate evidence included in ¶¶5.32-5.34 and Table Congleton 11 (pp28-29) of the Congleton Settlement Report [ED 27]. The definition of boundaries inevitably involves some professional judgement, having careful regard for national planning policy and looking at the characteristics of an area on the ground. As defined in the glossary in the SADPD, neighbourhood parade of shops comprises of a small group of shops serving the day to day needs of residents, generally within a very localised catchment. It is considered that the boundary for the neighbourhood parade of shops in Hightown, Biddulph Road, meets that definition in respect of grouping and the types of shops available.

Q80d. Knutsford

24. Policy RET 2 'Planning for retail needs' confirms that retail convenience and comparison floorspace need arising in the borough over the remaining plan period will be met principally through the delivery of sites allocated in the LPS, further retail development in central Crewe and central Macclesfield on sites in town centre boundaries and the delivery of Site LPS 47 'Snow Hill, Nantwich'.
25. The proposed town centre boundary in Knutsford is justified based on proportionate evidence included in the Knutsford Settlement Report [ED 34], ¶¶5.21–5.31. In addition, WYG (now Tetra Tech) did not recommend any further changes to the town centre boundary in the Cheshire East Retail Study Partial Update, 2020 [ED 17], ¶¶2.2.8–2.3.10. Without prejudice to the Council's position regarding how additional convenience floorspace provision should be addressed, it is, in any instance, extremely difficult to see how the town centre boundary could be adjusted in a way that could accommodate further such floorspace.

Q80e. Nantwich

26. The proposed retail boundaries in Nantwich are justified based on proportionate evidence included in the Nantwich Settlement Report [ED 38], ¶¶5.21–5.34.
27. The Snow Hill site (Site LPS 47) is a strategic allocation in the LPS. The intention of the policy is to support the regeneration of the site to strengthen the existing town centre.
28. Reference should also be made to the Council's response to Q84 of this matter statement. The Council has proposed Main Modifications to Policy RET 3 'Sequential and impact tests', to refer to schemes not requiring a sequential/impact assessment when brought forward in accordance with the development plan. It is considered that this proposed Modification should provide sufficient guidance to the decision maker as to how they should react to applications for development outside or on the edge of the town centre boundary in Nantwich but in the Snow Hill allocation in the LPS. Applications

for development within the town centre boundary will not have to undertake a sequential test or impact assessment given its location in a defined centre.

29. Policy RET 7 'Supporting the vitality of town and retail centres' refers primarily to principal shopping areas and seeks, through criteria 3, to support the provision of retail (Use Class E(a)) and the retention of main town centre uses within the primary shopping area. This is considered to be consistent with the intention of Site LPS 47 to support a comprehensive mixed-use regeneration of the site to strengthen and enhance the existing town centre. The uses listed in criterion 1 of Site LPS 47 includes retail and several other main town centre uses.
30. There is a small area of Site LPS 47 that overlaps with the proposed Welsh Row LUC. Again, Policy RET 7 refers to the support for additional retail uses in local urban centres, subject to considerations of scale and function and the retention of main town centre uses. This is considered consistent with the intention of Site LPS 47 for the reasons set out in the preceding paragraphs.

Q80f. Poynton

31. As highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p267), based on the evidence set out in the 'Poynton Settlement Report' [ED 39], a separate town centre boundary for the purposes of the SADPD policies is justified.
32. The PNP⁵ was made on 21 November 2019 and defines a town centre boundary (Policy TCB 1) to support the specific policy approach and objectives stated and evidenced in the PNP. As set out in ¶5.21 of the 'Poynton Settlement Report' [ED 39] the SADPD proposes its own retail policies, including providing further guidance on the application of the sequential and impact test. Therefore, appropriate town centre boundaries and primary shopping areas need to be defined to show where these retail policies apply.
33. A consistent methodology has been applied to determine the extent of town centre boundaries in the SADPD, which is based on definitions in the NPPF for a primary shopping area and town centre. Part of this work entailed the consideration of areas within the PNP town centre boundary that are not within the proposed SADPD boundary (Poynton Settlement Report [ED 39] ¶5.30), however it was concluded that these areas should not be included in the SADPD town centre boundary.
34. As the PNP and SADPD boundaries have been produced to support the individual documents' policy approaches and objectives, it is intended that they operate alongside each other, as implied by ¶5.31 of the 'Poynton Settlement Report' [ED 39]. ¶9.33 of the SADPD [ED 01a] in the supporting text to Policy RE7 'Supporting the vitality of town and retail centres' notes that Neighbourhood plans may include their own retail and town centre policies,

⁵ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/poynton-neighbourhood-plan.aspx>

including the definition of town centre related boundaries, where relevant, to support the specific policy approach and objectives as stated and evidenced in the neighbourhood plan.

35. The PNP policies that relate to the town centre (TCB 2, TCB 3 and TCB 4) do not appear to conflict with those in the SADPD, therefore the policies are able to operate in tandem. In particular, both the SADPD and PNP centres are 'defined' in development plan documents. If the case arose that there was a conflict, then the SADPD would take precedence, in accordance with NPPF ¶30, as this would be adopted most recently. For applications that sit outside the SADPD boundary, Policies RET 1 and RET 7 would not apply and decisions would revert to consideration of material DPD policies, including those in the PNP.

Planning for Retail Needs (Policy RET 2)

Q81 Do the sites allocated in the LPS, retail opportunities in the Principal Town Centres of Crewe and Macclesfield, and site LPS 47 at Nantwich provide the capacity to deliver the convenience retail floorspace needs of Cheshire East up to 2030? If so, where is the evidence to demonstrate this and that there is sufficient additional floorspace capacity at these sites, which has not already been taken account of in the Retail Study Update, to meet the convenience retail floorspace needs at town level identified in Table 9.2 of the SADPD?

Q82 Should further sites be allocated in Macclesfield, Congleton, Knutsford, Middlewich and Nantwich to ensure the retail floorspace needs identified in Table 9.2 of the SADPD for each settlement can be met within the plan period?

36. The following text forms the Council's response to questions 81 and 82 of the Inspectors Matters, Issues and Questions [INS/08].

37. The Cheshire East Retail Study Partial Update, 2020 [ED 17] ¶¶3.4.1-3.4.2, identified that since the 2018 Update report there has been:

- a decrease in forecasted per-capita expenditure rates;
- an increase in forecast internet spend;
- higher forecasted floorspace efficiency;
- an increase in retail planning permissions / commitments floorspace.

38. The report identified that, cumulatively, these changes are likely to have the effect of reducing the potential future level of assessed floorspace capacity across Cheshire East. The Cheshire East Retail Study Partial Update, 2020 [ED 17] (¶2.6.3) also notes that the full implications of COVID-19 are not yet known, and that the following 6-12 months are likely to be very challenging for retail and leisure businesses across the borough, which in some cases could have a significant impact on the composition and occupancy rates within centres in Cheshire East. COVID-19 may also have accelerated trends for online ordering and delivery of shopping. The degree of uncertainty regarding the projections for available expenditure are particularly uncertain at the

moment with a number of significant political and economic events (such as Brexit / price changes in the energy market) combining to provide limited confidence of retail need estimates further into the plan period. In these circumstances it is appropriate to ensure that reviews of retail need are carried out with appropriate frequency.

39. In addition, changes to the Use Class Order have involved amendments whereby use classes A, D and B1 were deleted and replaced with use classes E and F, and in some cases, uses moved to Sui Generis. This may allow for increased flexibility for high street uses in existing buildings to move between commercial, business and service uses (or a mix of such uses) without necessarily needing planning permission, subject to any limitations.
40. There are also Neighbourhood Plans in the borough which may support additional retail provision subject to the requirements of Plan policies. An example of this is policy ER2 'Retail Development' in the Knutsford Neighbourhood Plan (made in May 2019). This policy, amongst other things, allows for new small scale convenience retail development outside of the town centre within large residential schemes and where it meets an identified localised need. Reference is also made in the policy to the north and west of the town. The explanatory text, in ¶8.4 of the Neighbourhood Plan, defines small scale as 280m² net sales space.
41. Therefore, and as highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p268), the Council considers that a cautious approach should be taken towards planning for further retail development, whilst allowing for a strategy which makes provision to plan positively to meet identified needs.
42. The Cheshire East Retail Study Partial Update, 2020 [ED 17] (¶4.2.6) confirms that once commitments have been taken account of, there is no cumulative capacity requirement for additional convenience floorspace across Cheshire East in the period up to 2030. As confirmed in ¶9.7 of the SADPD, the Cheshire East Retail Study Partial Update, 2020 [ED 17] identifies no need for additional comparison floorspace in the borough up to 2030.
43. The Cheshire East Retail Study Partial Update, 2020 [ED 17] also identifies that, given the size of Cheshire East and whilst there may be no retail convenience capacity at a borough wide level, there may be overtrading of food stores in one or two towns and accordingly convenience floorspace is assessed on a town-by-town basis. Overtrading is observed where the survey derived turnover exceeds that expected of the 'benchmark' (or company average) turnover expected for that store. It is important to note that stores frequently operate successfully at levels above and below benchmark levels. The outcomes of the town-by-town assessment of convenience floorspace is reflected in Table 9.2 of the SADPD.
44. The convenience retail floorspace identified at town level in Table 9.2 of the SADPD is predominately driven by an identified overtrading of the store, from comparing the survey derived turnover with the 'benchmark' turnover expected for each store. Whilst a survey derived turnover more than benchmark levels

presents a theoretical need, there is a material difference to a situation where need arises from an absence of provision of food stores. The imperative to address the situation may be less urgent, unless the theoretical additional capacity arising in such a situation is further supported by clear evidence of qualitative factors (such as highway/car parking congestion; servicing/re-stocking issues; in-store congestion etc).

45. Since the completion of the Cheshire East Retail Study Partial Update, 2020 [ED 17], there are examples (set out in Table 1, below) of LPS sites coming forward that may include an element of convenience floorspace.

Settlement	LPS Reference	Planning Application Reference	Notes
Crewe	LPS 1 (Central Crewe)	21/2067N – Royal Arcade, Crewe – Hybrid planning application comprising: (i) Full planning application for the demolition of the existing bus station and creation of new bus station and multi-storey car park; and (ii) Outline application (including means of access) for mixed use town centre development including café/restaurant, leisure, gymnasium, bowling, complementary retail uses (class E) and cinema (sui generis) use and associated public realm works.	At the meeting of the Strategic Planning Board of the 15 September 2021, there is a resolution to approve this planning application, subject to conditions. The outline element of the planning application includes references to complimentary retail uses (class E).
Crewe	LPS 4 (Leighton West, Crewe) & LPS 5, (Leighton, Crewe)	19/2178N – Land off Minshull New Road, Crewe – Outline planning approval for the development of up to 850 residential units, land reserved for new primary school, a local centre	In November 2020, the Council resolved to approve planning permission, subject to a S106. Local centre comprises up to 4,400sqm of floorspace which may include retail uses and offices, and health/community facilities.
Congleton	LPS 27 (Congleton Business Park Extension)	19/5596C – Land off Viking Way, Congleton – outline planning application for residential development, employment and	In March 2021, the Council resolved to approve outline planning permission, subject to a S106. Draft condition includes references to a foodstore

		commercial floorspace and a local centre.	comprising of 1,300 (sqm) net floorspace of which 80% (1,040sqm net) would be for convenience retail floorspace.
Handforth	LPS 33 (North Cheshire Garden Village, Handforth)	19/0623M – Land to the east of A34 and south of A555, Handforth, Cheshire – hybrid application including a new mixed-use settlement for a Garden Village at Handforth including a local centre	Application not yet determined – includes references in the retail statement addendum to retail floorspace not exceeding 2,550 sqm.
Knutsford	LPS 36 (North West Knutsford)	18/3672M – Land East of Manchester Road, Knutsford – Outline application (with all matters reserved for future approval) for a residential-led (Use Class C3) development, including a local centre and other uses	In February 2019, the Council resolved to approve outline planning permission, subject to a S106. Includes a proposed local centre, draft condition notes that it should be no more than 1,000 sqm gross floorspace. No individual retail unit shall be more than 450 sqm gross. The convenience goods floorspace in any one retail unit should not exceed 280 sqm net.
Nantwich	LPS 47 (Snow Hill, Nantwich)	18/6313N – Car Park, St Anne’s Lane, Nantwich – Proposed mixed development of 31no. apartments, hotel, restaurants, retail units and associated car parking, including the demolition of No 17 Welsh Row	Decision notice issued in November 2020 includes 670sqm gross retail floorspace.

Table 1: Examples of retail applications / permissions since the completion of the 2020 Retail Study Update.

46. The above examples of post Cheshire East Retail Study Partial Update [ED17] commitments further reduce the identified capacity. On balance, given the factors outlined above and the examples of LPS sites that are still coming forward in line with their allocation, the Council has come to the reasonable judgement that the criteria outlined in Policy RET 2 is the most appropriate

approach for the Council to take without the need for further retail allocations in the SADPD, particularly in the context where the Cheshire East Retail Study Partial Update, 2020 [ED 17] identifies no convenience capacity requirements at a borough level.

47. The PPG⁶ states that it may not be possible to accommodate all forecast needs for town centre uses in a town centre, such as whether there are physical or other constraints which make it inappropriate to do so. Planning Authorities should plan positively to identify the most appropriate strategy for meeting the identified need (our emphasis).
48. The Council's strategy in respect of retail need is to plan positively to provide the most appropriate strategy. This involves the identification and acknowledgement of a theoretical need for additional floorspace in certain towns over the plan period; a commitment to provide regular review of retail needs; proactive monitoring as set out in the SADPD Monitoring Framework ([ED54], pg 5); and appropriate development management policies to assess application proposals as they emerge.

Q83 Should the proposed local centre within the North Cheshire Garden Village site and those identified as part of other LPS sites, be separately listed in Policy RET 2 as a principal means for meeting the retail floorspace needs of the borough?

49. As highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p269), Policy RET 2 (criterion 2) specially refers to 'the delivery of sites allocated in the LPS that include an element of retailing to meet local needs'. Such a reference in the policy would apply to the North Cheshire Garden Village (as Site LPS 33) and other allocations in the LPS, where relevant. There is no need to separately list LPS sites on this basis.

Sequential and Impact Tests (Policy RET 3)

Q84 As drafted are the sequential and impact tests set out in Policy RET 3 consistent with national policy? Would they be effective in respect of applications for main town centres uses, which accord with site allocations in the LPS, but are located outside of an existing centre?

50. The Council considers policy RET 3 to represent a suitable approach to the sequential and impact assessment as written. However, to assist decision takers, and for reasons of clarity and effectiveness, the Council would like to propose Main Modification(s) to criteria 1 and 2 of Policy RET 3, as follows:

1. In accordance with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', a sequential test will be applied to planning applications for main town centre uses that are **not neither** in a defined centre **nor in accordance with an up-to-date Plan**. Main town centre uses should be located in designated centres, and then in edge-of-centre locations, and

⁶ Paragraph 005 Reference ID: 2b-005-20190722

only if suitable sites are not available or expected to become available within a reasonable period, should out of centre sites be considered. In terms of edge and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.

2. Development proposals for retail and leisure uses that are located on the edge or outside of a defined centre, **are not in accordance with an up-to-date Plan** and that exceed the floorspace thresholds set out in the table below, will have to demonstrate that they would not have a significant adverse impact on...

51. It is considered that Policy RET 3, when read alongside the proposed Modifications outlined above, would be in accordance with ¶¶87-91 of the NPPF and would provide for an effective policy framework for applications for main town centres uses, which accord with site allocations in the LPS, but are located outside of an existing centre.

Q85 Are the impact test thresholds defined in Policy RET 3 justified as appropriate on the basis of proportionate evidence?

52. The impact test thresholds are justified based on the 'Threshold Policy for Main Town Centre Uses Impact Test Evidence and Justification Report' [ED 16]. Following a detailed assessment of relevant factors, Table 5.1 of the 'Threshold Policy for Main Town Centre Uses Impact Test Evidence and Justification Report' [ED 16] recommended the impact test thresholds for the borough included in Policy RET 3. The Cheshire East Retail Study Partial Update, 2020 [ED 17] (p32) reviewed the impact threshold recommendations based on updated evidence and concluded that the locally set threshold levels were still appropriate.

Q86 Is it clear in criterion 2ii of Policy RET 3 whether or not the assessment of impact on the vitality and viability of any existing centre should include neighbourhood parades of shops?

53. The introduction to criterion 2, of Policy RET 3, notes that the assessment applies to proposals for retail and leisure uses located on the edge or outside of a defined centre (defined as principal town centres, town centres, local centres or LUCs). Given this context, and that criteria 2(i) and 2(ii) make references to centres and town centre (in criterion 2(ii)) then it is considered that the assessment of impact on the vitality of existing centres does not include neighbourhood parades of shops. NPS are defined as an area serving the day to day needs of residents, generally serving a very localised catchment. ¶9.13 of the SADPD refers to applicants engaging with the Council at an early stage to discuss the implementation of the impact test. This will assist applicants and decision takers in providing clarity on its scope of the overall assessment.

Q87 Should criterion 3 of Policy RET 3 be modified to apply the impact test to extensions to edge or out of centre stores, where the floorspace of the extension is below the relevant threshold, but the resultant cumulative floorspace of the store would be above the threshold? Would this be justified and consistent with national policy in safeguarding the vitality and viability of existing centres from the potential loss of anchor tenants?

54. ¶190 of the NPPF refers to local planning authorities applying the impact assessment if the development is over a proportionate, locally set threshold. As such, the approach set out in criterion 3 of Policy RET 3 is consistent with the intention of national planning policy, relating directly to the development proposal and in applying to new floorspace. Therefore, this should safeguard the vitality and viability of existing centres from the potential loss of anchor tenants, with modifications to criterion 3 not needed.

Restaurants, Cafés, Pubs and Hot Food Takeaways (Policy RET 5)

Q88 Is the restriction on the hours of opening of hot food takeaways within 400m of secondary schools and 6th form colleges in criterion 3 of Policy RET 5, justified based on the evidence provided⁷ and consistent with national policy? What regard has been given to guidance from local public health services on this issue and to evidence of obesity levels in Cheshire East or the concentrations of hot food takeaway uses within close proximity of secondary schools and colleges?

55. The 'Hot Food Takeaway Background Report' [ED 50] highlights the findings of the Cheshire East Joint Strategic Needs Assessment Report 'Excess Weight 2019'⁸. The 'Excess Weight' report identified that although the prevalence of overweight and obesity among both adults and children in Cheshire East is lower than nationally, there are small areas, particularly in Crewe, where this is not the case. In comparing the prevalence of obesity at a national and local level, it is also important to bear in mind that, at a national level, nearly one third of children aged between 2 and 15 have excess weight. 16% of children aged between 2 and 15 are obese and an additional 13% are overweight⁹. The 'Excess Weight' report identified that 30.2% of Year 6 children in Cheshire East were of excess weight in 2017/18 with 16.5% of these classified as obese. The percentage of children with excess weight in this age group was highest in Crewe but it was also significant in other towns across the borough too¹⁰. In addition, there are secondary schools within some areas of the borough that coincide with higher concentrations of hot food

⁷ Core Document ED 50

⁸ https://www.cheshireeast.gov.uk/council_and_democracy/council_information/jsna/living_well_working_well.aspx#LifestyleChoices

⁹ Health Survey for England 2019 Adults and Children overweight and obesity report, NHS, 2019 available at <https://digital.nhs.uk/data-and-information/publications/statistical/health-survey-for-england/2019>

¹⁰ See the second table on page 6 of the 'Excess Weight' report: https://www.cheshireeast.gov.uk/council_and_democracy/council_information/jsna/living_well_working_well.aspx#conditions

take-aways. Amongst other measures, the Report found that there is a need to consider the regulation of hot food takeaways and access to green space in more deprived areas.

56. However, although childhood obesity is higher in households with lower incomes, it is not an issue exclusive to children from lower income households. In almost every school there will be children from families with a wide range of incomes and other circumstances. The SADPD seeks to respond to this issue in a broad way through this policy, putting in place an approach borough-wide that can support healthier lifestyles for all young people in Cheshire East.
57. The Council considers that the policy approach is proportionate. It does not seek to apply a moratorium on hot food take-aways but only to limit the opening time of new hot food take-aways within 400m of secondary schools and sixth form colleges to 5pm weekdays only. Town and local centres would be excluded from this requirement.

Neighbourhood Parades of Shops (Policy RET 6)

Q89 Should criterion 1 of Policy RET 6 seek to protect future neighbourhood parades of shops, where these are proposed within the strategic site allocations in the LPS?

58. Please also refer to the response to Q77. It is considered that the LPS sets out an appropriate policy context for allocated sites to be brought forward in line with the development plan. It would be for a future Local Plan update to consider the role and function of individual centres, once built, using a consistent methodology, across several centres in the borough.

Q90 Is criterion 2 of Policy RET 6 justified and consistent with national policy in seeking to protect Class E(a) and F2(a) shops within neighbourhood parades of shops? Is it likely to be effective in achieving this given that the 2020 amendments to the Use Classes Order permit changes of use within Classes E and F to other non-retail uses without the need for planning permission?

59. The intention of criterion 2 of Policy RET 6 is to support local retail provision in line with criterion 5 of LPS Policy EG 5 'Promoting a Town Centre First Approach to Retail and Commerce', which states 'small parades of shops will be protected where they are important to the day to day needs of local communities'.
60. The 2020 amendments to the Use Classes Order may limit the effectiveness of criterion 2 of Policy RET 6 and, on that basis, the Council would like to propose the following Main Modification(s) to the policy and supporting text:

To delete criterion 2 from Policy RET 6:

~~2. Development involving the loss of existing use class E(a) and/or F2(a) shops in neighbourhood parades of shops will only be permitted where~~

~~it has been demonstrated that there is no reasonable prospect of the existing class E(a) and/or F2(a) use continuing in the premises because of the absence of market demand.~~

To delete paragraph 9.27 from the supporting information to Policy RET 6:

~~9.27 To demonstrate the absence of market demand under the second clause of the policy, the council will normally expect the premises to have been properly marketed through a commercial agent for at least 12 months, at a market value that reflects the use, condition, quality and location of the premises, and that no purchaser or tenant has come forward.~~

Supporting the Vitality of Town and Retail Centres (Policy RET 7)

Q91 Are the Primary Shopping Area boundaries for the principal town centres and town centres, and the boundaries for local centres and local urban centres, as defined on the draft Policies Map, justified based on proportionate evidence of the extent of the main shopping frontages?

61. Individual settlement reports [ED 21-ED 44] have been prepared, using a consistent methodology, to justify the proposed approach and definition of retail boundaries. The Council's policy position on retail and town centre matters has been derived to be consistent with national policy. The methodology applied through relevant settlement reports to determine the extent of primary shopping area boundaries is based on the definition contained in the NPPF for a primary shopping area. Using the methodology, the extent of primary shopping areas has been defined on the policies map; this forms part of a positive strategy for the future of the town centre, as required by NPPF ¶86 b).

Q92 Is Policy RET 7 consistent with national policy and would it be effective in allowing centres to diversify in response to rapidly changing market circumstances and to allow a suitable mix of uses, including housing?

62. Policy RET 7 is consistent with ¶86 b) of the NPPF, in that it defines the extent of primary shopping areas (alongside the Policies Map) and makes clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.

63. The policy seeks to support and retain town centre uses, as set out in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p275) and is also responsive to market conditions and refers to testing market demand. This allows centres to diversify in response to rapidly changing market conditions. The 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p274) also highlights that the policy recognises that the definition of main town centre uses includes several different town centre related uses, allowing for a suitable mix of uses.

64. Policy RET 7 relates principally to primary shopping centres, local centres and LUCs. For primary shopping areas in town centre locations, the supporting text, in ¶9.30, makes clear that primary shopping areas remain the focus of retail uses in town centres and the policy seeks to support their vitality and viability. ¶9.30 also recognises that town centre locations may change over time towards the introduction of other uses including leisure etc, but it is important to retain a retail function in town centres, particularly in the primary shopping area where retail uses can be concentrated.
65. For local centres and LUCs, it is important for those often-smaller centres to retain a retail function to meet local, day-to-day shopping needs.
66. The 2020 amendments to the Use Classes Order have involved amendments whereby use classes A, D and B1 were deleted and replaced with use classes E and F, and in some cases, uses moved to Sui Generis. This may allow for increased flexibility for high street uses in existing buildings to move between commercial, business and service uses (or a mix of such uses) without necessarily needing planning permission, subject to any limitations.
67. In relation to housing, the Local Plan is intended to be read as a whole, therefore Policy RET 8 'Residential accommodation in the town centre', which supports the provision of housing in principal town centres and town centres would need to be considered.

Residential Accommodation in the Town Centre (Policy RET 8)

Q93 Is Policy RET 8 consistent with national policy in supporting housing in the borough's centres as part of a suitable mix of uses to maintain vitality and viability? Should the policy also be applied to local centres and local urban centres?

68. Policy RET 8 (criterion 1) supports the provision of housing in principal town centres and town centres as part of a mix of uses – this is demonstrated through criteria 1. i and 1.ii, which refer to the conversion of *upper* floors of commercial buildings and mixed-use development schemes respectively. As highlighted in ¶9.34 of the SADPD, town centre living adds to the vitality of town centres.
69. Policy RET 8 is therefore consistent with ¶86 f) in the NPPF in recognising that residential development often plays an important role in ensuring the vitality of centres and to encourage residential development on appropriate sites.
70. The role and function of local centres and LUCs is often to provide access to local day-to-day shopping needs. Therefore, the scope for the introduction of residential accommodation through SADPD policy is more limited to reflect the role and function of those individual centres.

Q94 In combination with Policy RET 7, would Policy RET 8 be effective in maintaining the primary shopping and commercial function of existing centres?

71. As set out in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p276) ¶9.36a has been added to the supporting information of Policy RET 8 to make an appropriate cross reference to the requirements of Policy RET 7 to ensure that primary shopping areas remain the focus for retail uses in town centres to support their vitality and viability. It is considered that Policies RET 7 and RET 8, when read alongside each other, will help support the vitality and viability of the primary shopping area. Policies RET 7 and RET 8 have been considered through the Cheshire East Retail Study Partial Update, 2020 [ED 17], ¶¶7.6.1 – 7.7.2, which recognises that the policies are appropriately worded. The study notes how as many town centres evolve, residential use is going to play an increasingly important part in providing an appropriate, balanced, and vibrant range of uses ([ED17, ¶7.7.2).

Q95 In the light of the recent changes which have taken place in town centres and the reduction in demand for retail and commercial floorspace, particularly during the Covid-19 pandemic, is a more radical approach justified to re-allocate some areas of the Borough's centres for housing and reduce pressure on greenfield sites?

72. As set out in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p275) the scope and purpose of the SADPD is to meet the requirements of ¶11.43 of the LPS, that is to define retail boundaries and include detailed policies on retail matters. Settlement reports have been prepared for PTs, KSCs and LSCs that considered the retail function of centres in the borough.
73. The 'Cheshire East Retail Study Partial Update, 2020' [ED 17] ¶¶8.2.1 – 8.2.3 recognises that the full implications of COVID-19 are not yet known and understood. However, based on information at the time of preparing the report, it is considered that most centres in Cheshire East are vital and viable.
74. The Local Plan Monitoring Framework [ED 54] has been drafted to consider the extent to which local plan policies are being achieved. This process will enable the Council to assess whether the local plan is being implemented effectively and will highlight any issues that could prompt revision of the local plan ([ED 01a, ¶13.1-13.2).

Environmental Improvements and Design in Town Centres (Policy RET 9)

Q96 Does Policy RET 9 serve a clear purpose in addition to the design principles established for all development proposals in Policies SE 1 and GEN 1, and is it consistent with national policy in avoiding unnecessary duplication?

75. As highlighted in the 'SADPD Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p277), Policy RET 9 builds on Policies SE 1 and GEN 1 and sets out several specific principles for town centre developments. This is to ensure that the practical and day to day activity of a town centre is considered in the design of buildings and spaces. Policy RET 9 therefore serves a clear purpose and is consistent with national policy. It is considered that several of the town centre design principles relate well to the list of factors outlined in ¶130 of the NPPF, particularly ensuring that development is safe, inclusive, and accessible for existing and future users, and that well-designed places are achieved.

Crewe Town Centre (Policy RET 10)

Q97 In light of the Council's answer to Initial Question 9¹¹, should the Development Areas for Crewe town centre be added to the Policies Map to ensure the geographical representation of Policy RET 10?

76. The Council has addressed this point in its response to Initial Question 9 [CEC/01] and would be happy to make this change if the Inspector considers this necessary for soundness, particularly to assist in the effective implementation of this policy.

Macclesfield Town Centre (Policy RET 11)

Q98 In the light of the Council's answer to Initial Question 9, should the Character Areas for Macclesfield town centre be added to the Policies Map to ensure the geographical representation of Policy RET 11?

77. The Council has addressed this point in its response to Initial Question 9 [CEC/01] and would be happy to make this change if the Inspector considers this necessary for soundness, particularly to assist in the effective implementation of this policy.

Q99 Should the Grade II* listed Christ Church and its surrounding area be incorporated as a character area into Policy RET 11 for Macclesfield town centre and its environs?

78. The Character Areas for Macclesfield town centre and the policy requirements for these areas have been derived from the Macclesfield Town Centre

¹¹ Pages 21-23 of Examination document CEC/01

Strategic Regeneration Framework 2019¹², as noted in ¶9.57 of the SADPD. These Character Areas are focused on the town centre itself and aimed at addressing its various development and investment needs. The introduction of a Character Area outside the town centre would not fit within the scope and purpose of the policy. However, this should not be taken to infer that regeneration and investment in other sites and areas within Macclesfield should not be supported. Strategic Location LPS 12 'Central Macclesfield' says that the Council will look to maximise opportunities for the improvement and regeneration of Central Macclesfield and lists a range of ways through which this could be achieved.

¹² https://www.cheshireeast.gov.uk/business/major_regeneration_projects/town_centre_vision/macclesfield-town-centre-regeneration.aspx