
Examination of the Cheshire East Local Plan Site Allocations and Development Policies Document

Hearing Statement on behalf of Eskmuir Securities Ltd

Prepared by:

Savills
2 Kingsway
Cardiff
CF10 3FD

1. Introduction

- 1.1. Eskmuir is the owner of the Grosvenor Shopping Centre (“GSC”) and the former Cheshire Building Society (“CBS”) which are located centrally within Macclesfield Town Centre and within the Primary Shopping Area.
- 1.2. The GSC is occupied by a range of independent and national retailers and food and drink operators. Since acquiring the GSC in 2011, Eskmuir has invested significantly to improve the quality and vitality of its assets, and by implication Macclesfield Town Centre, including the £11m redevelopment of the former CBS under planning reference 13/3082M (as amended by ref. 15/4086M). The redevelopment has been completed and the anchor tenant, TK Maxx, has been trading since August 2018.
- 1.3. Reflecting their commitment to Macclesfield Town Centre, Eskmuir has been consistent in its approach to responding to planning applications, supporting appropriate developments within Macclesfield Town Centre and objecting to proposals where they would cause harm and be detrimental to the health of Macclesfield Town Centre both on a solus and cumulative basis. This has been realised through objections at Barracks Mill, Handforth Dean Retail Park, and Lyme Green Retail Park.
- 1.4. Aligned with this, Eskmuir has also been consistent in responding to local planning policy consultations progressed by CEC, including the SADPD having responded at Issues and Options, First Draft, Publication Draft, and Revised Publication Draft stages.
- 1.5. Given Eskmuir’s ownership in Macclesfield, their commitment to enhancing and improving Macclesfield Town Centre, and their continued and consistent approach to responding to planning applications and local planning policy consultations, it is evident that Eskmuir should be considered to be a key stakeholder in the preparation of the SADPD.
- 1.6. As part of the examination of the SADPD, a letter was published on 27th August 2021 by the Programme officer which confirms the commencement of the examination and includes a series of Matters, Issues and Questions (MIQs) that will form the basis of the various hearing sessions. Given Eskmuir’s interests, these comments relate to “Matter 5 – Town Centres and Retail”. Each question of relevance to Eskmuir is responded to in turn below.

2. Planning for Retail Needs (Policy RET 2)

- 2.1. 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?**
- 2.2.** This policy projects the convenience floorspace capacity as of 2030, before stating that this requirement is to be met through the delivery of mixed-use sites allocated in the Cheshire East Local Plan Strategy (CELPS) which contain a retail element, retail development on sites within Crewe and Macclesfield Town Centres, and the delivery of the CELPS retail allocation at Snow Hill, Nantwich.
- 2.3.** Eskmuir supports the approach taken in Policy RET 2 which recognises that additional retail floorspace should and can be delivered in Macclesfield and Crewe Town Centres without the need for further retail allocations.
- 2.4. 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?**
- 2.5.** In line with Eskmuir's answer to Q81, it is suggested that there is no need to identify additional sites for the delivery of retail floorspace within Macclesfield.

3. Sequential and Impact Tests (Policy RET3)

- 3.1. 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?**
- 3.2.** This policy relates to how applications for main town centre uses will be considered when proposed in edge or out of centre locations. The policy is of particular importance to Eskmuir given their clear commitment to Macclesfield Town Centre and their consistent, and justified, concerns towards proposals for out of centre retailing where they would cause harm to its viability and vitality.
- 3.3.** The importance of ensuring policies relating to out of town retail development are robust is of particular relevance at present following the recent announcement that M & S is to relocate from its store in Macclesfield Town Centre to a unit at Barracks Mill in an out of centre location.
- 3.4.** Since the consultation on the Publication Draft in August 2019, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 have come into force, the effect being that Classes A1, A2, A3, Class B1, and various operations that were Class D1 and Class D2 have been combined into a single new class known as Class E.
- 3.5.** The approach taken in Part 2 of Policy RE3 is for a sequential test to be required for all “retail and leisure uses that are located on the edge or outside of a defined centre” where they are above 500sqm in Principal Town Centres, 300sqm in Town Centres and 200sqm in Local Centres. Eskmuir suggest that there is a requirement for the policy to make specific reference to the uses and parts of the revised Use Class Order that it relates to, for example Class E(a-d) and Sui Generis (k-t).
- 3.6.** Eskmuir also wish to reiterate concerns that Policy RET3 does not adequately reflect the approach required by Paragraph 87 of the National Planning Policy Framework (“NPPF”) (July 2021) for flexibility when undertaking a sequential test. To be in accordance with national planning policy, and therefore found sound, it is strongly recommended that this sentence is added to the end of Part 1 of Policy RET3.
- 3.7. Q85 - Are the impact test thresholds defined in Policy RET 3 justified as appropriate on the basis of proportionate evidence?**
- 3.8.** Given the unprecedented number of proposals for out of centre retailing in Cheshire East in recent years and their solus and cumulative harm upon the health of designated centres such as Macclesfield, the use of a locally set threshold that is lower than the national threshold is supported and 500sqm appears a suitable threshold.

- 3.9. 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?**
- 3.10.** Eskmuir suggest that there should be a requirement for retail impact tests to be undertaken for 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
- 3.11.** Fairly modest extensions to existing out of centre stores could deliver units that are of a size that they either attract a tenant from a designated centre or facilitate a tenant that would have an adverse impact on the health of designated centres. Policy RET 3 as worded at present would fail to manage this. The proposed re-wording of the second sentence relating to applications to vary the range of goods will need to be altered to reflect the splitting of the paragraph.
- 3.12.** Linked to the above, Eskmuir is concerned that, at present, the policy only applies to Class E(a) uses and not to other Class E uses that could, through there extension be harmful to the viability and vitality of designated town centres.
- 3.13.** Eskmuir therefore suggest that criterion 3 of Policy RET 3 should be worded as follows with new text underlined and text to be removed struck through:

“All proposals to extend existing Class E(a, b, c, or d) and Sui Generis (k-t) stores in 'edge-of-centre' or 'out-of-centre' locations ~~should~~ must also be accompanied by an impact assessment, where the ~~additional floorspace proposed~~ total size of the store exceeds the relevant impact test threshold. Proposals to vary the range of goods permitted to be sold should also be accompanied by an impact assessment where the necessary impact test threshold has been exceeded.”

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

- 4.1. **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?**
- 4.2. Eskmuir provided extensive comments on the extent of the Primary Shopping Area (PSA) for Macclesfield as part of the consultation on the First Draft Cheshire East Local Plan: Site Allocations & Development Policies Document in 2018.
- 4.3. These comments, drawing upon analysis of vacancy rates and the balance of uses, suggested that the extent of the PSA should have been reduced from that shown at First Draft stage to remove areas along Jordansgate, Mill Street, and Chestergate that were the very fringes of the extent of retail uses within Macclesfield.
- 4.4. These changes were incorporated into the Publication Draft version and the Revised Publication Draft versions of the SADPD. Eskmuir is therefore supportive of the approach taken in defining the extent of the PSA within Macclesfield.

5. Residential Accommodation in the Town Centre (Policy RET 8)

- 5.1. 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?
- 5.2. Eskmuir's position on proposals for new residential accommodation is clear and has been reflected in the comments provided by Eskmuir to various proposals for such developments within Macclesfield close to the GSC.
- 5.3. Eskmuir broadly welcome additional residential uses in Macclesfield Town Centre (because they generate greater levels of footfall and expenditure locally) so long as their introduction does not result in the loss of active uses at ground floor level (which would harm the town centre's viability) and does not undermine the ability of the GSC to operate without restrictions on opening and delivery hours (as its planning permission permits).
- 5.4. At present, Policy RE8 offers clear support for the introduction of residential uses within town centres but neither prevents the loss of active uses at ground floor level or gives appropriate consideration to the agent of change principles. Accordingly, Eskmuir suggest that Policy RET8 is re-worded as follows (with new text underlined and text to be removed crossed through):

- "1) The provision of additional residential accommodation in principal town centres and town centres, as defined on the adopted policies map, will be supported in principle, ~~including through:~~*
- i. the conversion of under-utilised upper floors of commercial buildings into flats;*
 - ii. the inclusion of new homes as part of town centre mixed-use development schemes so long as active uses are retained at ground floor level; and*
 - iii. the redevelopment of existing sites, including car parks, where the requirements of Policy INF 2 'Public car parks' are suitably addressed.*
- 2) In line with Policy ENV 15 'New development and existing uses', proposals for new residential accommodation in the town centre should be integrated effectively with existing businesses and community facilities.*
- 3) Proposals for residential accommodation in the town centre should ensure:*
- i. appropriate and safe access arrangements;*
 - ii. secure, well designed and accessible cycle parking; ~~and~~*
 - iii. appropriate and well located waste and recycling facilities; and*
 - iv. that appropriate mitigation measures are incorporated in accordance with the "agent of change" principle such that there is no impact on the continued operation of existing commercial premises"*

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

- 6.1. 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?**
- 6.2.** Eskmuir have provided comments throughout various consultations on the SADPD which suggest that there is sufficient encouragement for good quality design is contained within Policy GEN1 (Design Principles) and even Policy SE1 (Design) of the Cheshire East Local Plan Strategy and, hence, this policy appears superfluous and should be removed.