To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards

B Axcell, B Barr, D Earl, G Friend, T Higgins, L Hoyle, C Jordan, L Ladbury, F Rashid, G Settle

28 September 2011

Development Management Committee
Thursday, 6 October 2011 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Jennie Cordwell, Democratic Services Assistant – Telephone: (01925) 442111, Fax: (01925) 656278, E-mail: jcordwell@warrington.gov.uk

AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item 1. Apologies for Absence

To record any apologies received.
<table>
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<tr>
<th>Item</th>
<th>Code of Conduct - Declarations of Interest</th>
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<tbody>
<tr>
<td></td>
<td>Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.</td>
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</table>

3. **Minutes**

To confirm the minutes of the meeting held on 15 September 2011 as correct records.

4. **Planning Applications (Main Plans List)**


5. **Results of Planning and Enforcement Appeals**

Report of the Executive Director Environment and Regeneration Services.

5.1 **51 Shoreham Drive, Penketh, Warrington**

5.2 **Culcheth Sports Club, Charnock Road, Culcheth**

**Part 2**

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

**NIL**

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Agenda Item 3

DEVELOPMENT MANAGEMENT COMMITTEE

15 September 2011

Present: Councillor T McCarthy (Chair)
Councillors B Barr, T Higgins, L Ladbury,
J Richards, G Settle B Axcell and F Rashid

DM26 Apologies for Absence

Apologies for absence were received from Councillors D Earl and G Friend.

DM 27 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
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<tr>
<td>C Barr</td>
<td>DM29</td>
<td>Councillor Barr had held informal discussions with the applicant and had attended Lymm Parish Council meetings when the matter had been discussed. However, Councillor Barr had not expressed an opinion on the matter at any stage and approached the item with an open mind.</td>
<td>Councillor Barr remained in the meeting, took part in the ensuing discussion and voted thereon</td>
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</table>

DM 28 Minutes

Resolved,

That the minutes of the meeting held on 14 July 2011 were agreed as a correct record and signed by the Chair.

DM29 Consideration of Possible Enforcement Action (Waste Transfer and Skip Hire Business) – ADS Camsley Lane, Lymm

The Executive Director for Environment and Regeneration submitted the report to enable members to consider and determine the expediency to take enforcement action over breach of conditions relating to the operation of a waste transfer station at ADS Camsley Lane, Lymm.

Members were provided with a history of previous planning history including an application for Lawful Development Certificate that had been considered by and subsequently refused by the Planning Application Sub-Committee (PASC) at their meeting of 22 June 2011.

The recommendation within the report was that that enforcement action not be considered at this point and that the site operator be given a 56 days time limit to submit a planning application. The Development Services Management informed Members that since the publication of the report a planning
application had been received that addressed issues relating to the original planning permissions granted in 1992 and 2010. This application would be presented to the PASC at a future meeting.

Representations were made for and against the proposal.

   Resolved that Members noted the report and determined not to take enforcement action at this time.

DM 30  Section 106 Quarter 1 Annual Performance Report 2011/12 (April 2011 – June 2011)

The Committee considered the report of the Executive Director of Environment and Regeneration which provided Members with a breakdown of outstanding S106 agreements and their current position within the monitoring database for the first quarter of the year.

The report identified the continued economic slow down and how reduced development activity had impacted upon commuted payments secured through the planning obligations mechanism.

The report highlighted that during the period 1 April – 30 June 2011 the value of signed agreements was £250,062.00, payments received were £422,427.99 and monitoring fees received were £1,603.00.

Resolved

   That the report be noted.

Signed……………………

Dated .. ……………………
Application Number: 2011/18512

Location: 810, Europa Boulevard, Burtonwood And Westbrook, Warrington, WA5 7TY

Ward: Westbrook

Development: Proposed change of use of the existing storage warehouse (use class B8) to a Next Home and Garden store (use class A1) with associated works comprising a single storey side extension to provide servicing, conservatory and garden centre floorspace, the installation of a mezzanine within the warehouse for sales, new car parking, provision of ancillary plant and associated alterations and improvements to the external elevations of the warehouse and store.

Applicant: Next Group Plc

RECOMMENDATION: Approve subject to Section 106 Agreement

Conditions:

Standard Time limit - full 3 years
Plans compliance
Landscaping to be implemented
Local employment agreement to be agreed & implemented
Measures for renewable energy to be agreed
Acoustic insulation of external plant
No deliveries etc outside 0700-2000 Mon-Fri; 0900-1700 Sats; not at all Sundays etc
No customer admitted to outside 08.00 and 21.00 on any day.

Description

- Full application for new development which would link the existing Next fashion store with the existing adjacent warehouse – to facilitate the development and change of use as described above
- The two buildings are currently linked by a narrow covered corridor
- Additional retail space would be created by the conversion of the warehouse building – for the sale of “Home” products including furniture and bulky items
- A large new single level conservatory would link the two buildings to provide a garden centre type outlet – which would include an outdoor sales area, surrounded by glazing
• A new covered service area to the south of the warehouse building is proposed – although there would be no change to current service access arrangements
• The parking near the warehouse is currently unmade, and tends to be used informally
• 130 additional car parking spaces are proposed, together with cycle parking
• Approx 100 jobs would be created (FTE)
• No trees would be removed from the site periphery. The landscaped strip between the buildings would be re-configured and planted to create a more attractive entrance and to soften the parking areas

Location

• The site is located off a cul-de-sac off the main Europa Boulevard through Gemini
• The existing fashion store unit is attached to the adjacent unit – currently occupied by Boots
• The existing warehouse is situated approx 38 metres to the south – to which the fashion store is linked by a covered corridor
• At its closest point, the edge of the application site is approx 45m from houses on Newbridge Close which are located on the other side of Cromwell Avenue. New parking at the site would be at least 60m from houses on Newbridge Close, and the proposed new built development would be approx 115 away from those houses – which is further away than the existing warehouse building

Relevant History

The existing warehouse building was built in 2002 – with the link corridor added shortly afterwards.

Main Issues and Constraints

Principle/Retail Policy
Highways
Detailed matters; Design, Landscaping etc

Key policy/guidance checklist

Supplementary Planning Guidance/Documents:
Design and Construction
Planning Obligations

Adopted Warrington UDP policies:-

| TCD1; LUT1; DCS1; | Principle/Retail Policy | Notwithstanding conflict with policies aimed at concentrating significant new retail development within town or other centres, it is considered that the potentially negative impact of the proposal on the viability, vitality, diversity and |
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The attractiveness of Warrington town centre – and on other retail centres in the Borough - is outweighed by the likely benefits which would accrue from the proposed development. Such benefits include job creation – and the securing of a base in the Borough for a major national retailer – who seek to capitalise on their existing, successful presence at Gemini. The proposed Next “Home and Garden” format would be only the second such store format in England.

The application relates to a long standing and firmly established core of retail activity which will remain irrespective of the decision over this application.

If this development does not happen in this location it is extremely unlikely to be located elsewhere in Warrington.

This is new format for Next and assurances have been given that existing operations in the town centre are distinct, the subject of longstanding commitments and unaffected by the proposal tabled here.

**Highways**

Subject to conditions and subject to S106 Agreement to secure improvements to pedestrian and cycle access to/from the site, there is no objection in terms of accessibility to and from the site, parking or traffic impact.

**Detailed matters; Design, Landscaping etc**

Subject to conditions, the submitted detailed matters are considered to be acceptable.

**Responses to consultation** (Full details on file)

**Planning Policy**

Object (Appendix 1 – below):

The starting point for the consideration of retail development is national and local policy which support and town centre first approach

The proposed development is in an out of centre location. Policy creates a clear preference for retail development to be focused on town centres.

The applicant’s case in support of the development is centred on the character of the use; it unsuitability and limited scope for viability in a town centre as opposed to an out of centre location. It is also argued that there are no sequentially preferable sites. It is contended that sites within the centre are unsuited through size or availability and that sites on the edge of centre are not sequentially preferable to the Gemini site.
There are clear weaknesses in the applicants policy case and it has to be concluded that policy based objection to the proposal has considerable justification.

There is relevance in assessing the particular characteristics of this proposal and the context in which the development proposed would take place. In particular members may give consideration to the reality of this proposal causing harm to the level of retail activity which currently takes place in the town centre, and assess the potential loss of benefit to wider economic activity if the application is refused and the applicant chooses to locate outside the borough altogether.

Policy does focus on some specific characteristics of a particular retail use or user but in other regards cannot take account of the specific practices or aspirations of a particular retailer.

In this instance development relates to an established area of retail activity. If policy were applied to proposals to establish Gemini today there would be cause for strong objection. The retail area is long established and whilst it may divert retail activity from sequentially preferable locations it may be considered that it is better that the activity takes place in Warrington rather than outside the Borough.

Given the character of the use proposed it is considered highly unlikely that refusal to grant planning permission for the extension of an existing operation will lead to the development taking place a town centre or edge of centre location.

The applicant struggles to present this argument in formal terms in the context of retail policy, but it is considered that in this particular case it is possible for members to take account of a wider perspective, in a similar way to the approach adopted when the extension to the Marks and Spencer Gemini Store was extended.

**Highways**
Appendix 2 – below. No objection subject to conditions and subject to S106 Agreement to secure improvements to pedestrian and cycle access to/from the site.

**Environmental Protection**
No objection subject to conditions.

**Tree Officer**
No objection subject to condition.

**Social Regeneration**
No objection subject to condition.

**Environment Agency**
Confirm no comments.
United Utilities
No objection.

Parish Council
No response.

Ward Member (Cllr)
No response.

Responses to Notification (Full details on file)

Neighbours
No response.

Conclusions and reasons for recommendation

Approval is recommended subject to conditions; subject to S106 Planning Obligation and subject to referral to the National Planning Casework Unit.

Notwithstanding conflict with policies aimed at concentrating significant new retail development within town or other centres, it is considered that the potentially negative impact of the proposal on the viability, vitality, diversity and attractiveness of Warrington town centre – and on other retail centres in the Borough - is outweighed by the likely benefits which would accrue from the proposed development.

It is not considered either that the proposal would seriously limit or prejudice the ability of the Council to plan positively in order to underpin and secure investment in Warrington Town Centre, the Bridge St area and other areas – because these other areas would remain as the prime focus for retail uses and for a wide range of other “town centre” uses.

By reason of the scale and nature of the proposed development, it is considered necessary that referral to the National Planning Casework Unit is necessary, should Members resolve to approve the application subject to conditions and subject to S106 Agreement as set out in this report.

Appendix 1 – Comments from WBC Planning Policy –

<table>
<thead>
<tr>
<th>Proposals</th>
<th>The above planning application seeks to convert the existing warehouse facility adjacent to the Next store at Gemini Retail Park to create 4,207 sq m of additional gross retail floor space to form a new Next ‘Home and Garden’ store.</th>
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<tr>
<td></td>
<td>The site lies within an identified ‘Existing Employment Area’ (Policy EMP4). (As does the all retail development in the area)</td>
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<td></td>
<td>Retail development is defined as a main town centre use</td>
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<tr>
<td><strong>Policy Considerations</strong></td>
<td>within PPS4 and the site lies outside of any centre designated by UDP Policy TCD1</td>
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<td>The key policy consideration is to assess whether the proposed floor space is justified in this out of centre location considering both the sequential and impact tests set out in National Policy and any other material considerations.</td>
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<td>Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth was published in December 2009. The statement also promotes the vitality and viability of town and other defined centres and aims to direct development to identified centres.</td>
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<td></td>
<td>In addition, Planning Policy Guidance (PPG13): <em>Transport</em>, also provides guidance to LPAs to ensure that policies for retail and leisure seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments.</td>
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<td>PPS4 takes a wide-ranging and positive view of economic development.</td>
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<td></td>
<td>Plan making policies EC1 and EC2 advise that LPAs must take account of both the quantitative and qualitative need for additional floor space for different types of retail developments in planning positively for town centre developments. Policy EC2 specifically advises regional and local planning authorities to plan for sustainable economic growth.</td>
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<td>In relation to retail and development management policies, PPS4 places emphasis on the sequential and impact test. The relevant polices to properly assess this application are policies EC10, EC14, EC15, EC16 and EC17. I will deal with each policy in turn:</td>
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<td><strong>EC10: Determining planning applications for economic development:</strong> The policy outlines that LPAs should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. Policy EC10.2 sets out five impact considerations that any planning application for economic development must be assessed against. The submitted supporting planning statement considers each one in turn. Comments in relation to the criteria considered are</td>
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set out below:

**Carbon Dioxide Emissions, Climate Change and Accessibility**

The application comprises the internal alteration of an existing building and the construction of a conservatory-style enclosure. The applicant therefore argues that the proposed development will enable more efficient use of an existing unit which will use significantly less energy and resources than the construction of a brand new standalone retail unit and conservatory-style enclosure.

The applicant also argues that the site is accessible by sustainable means of transport and is located within an established retail destination. The Next ‘Home and Garden’ store will support linked trips to other destinations within the retail park, improve local consumer choice, and reduce the need to travel to destinations further afield. The statement concludes that the proposed development is consistent with the objective to limit carbon dioxide emissions.

It is questionable whether the idea of linked trips can be applied to visiting different retailers in one such a location, or whether it is more applicable to the benefits that arise from visiting a number of different uses for a number of different reasons in, for example, a town centre. It is also questionable whether the layout of the Gemini area would actually lend itself to trips between, Next, Marks and Spencers, Ikea and Boots. There are no formal routes, footpaths or crossing points between these stores, and trips to Ikea may be to purchase more bulky goods. The environment at Gemini is that of a business park and the retail uses that exist are freestanding and are not connected in the way that units on a purpose-built retail park would be.

Whilst the adaptation and change of use of an existing building will inevitably use less energy than the construction of a new building, it is not accepted that the site can be easily accessed by public transport. The statement (paragraph 4.10) only briefly describes one mode of public transport in which to access the site in and the majority of visitors would travel to the area by private car. In addition, since the warehouse facility is being removed from the Gemini area, the store will presumably require deliveries from an alternative location, therefore increasing the number of trips to the store and increase carbon dioxide emissions.
The proposal site is certainly less accessible than a town centre site, would encourage fewer linked trips and would arguably increase carbon dioxide emissions.

**Design**
This is primarily a Development Management consideration. The applicant outlines that the new conservatory-style enclosure and garden centre compound will be constructed of quality materials to create an attractive and more active frontage. The area in which the ‘conservatory’ and garden centre will replace includes an underused car parking area, and it is therefore argued that this will visually improve the area and the existing blank façade of the access link building.

**Economic and Physical Regeneration**
The statement outlines that the proposed development will enable Next ‘Home and Garden’ to occupy an existing storage unit in an established retail destination. The applicant argues that approval of this application will facilitate the use of an existing building for a more high value economic use that will generate additional employment and will significantly upgrade the quality of the existing unit and deliver substantial physical improvements across the site.

Gemini is an established employment location which is appropriate for warehouse uses, which is being lost. Physical regeneration in an employment area is not a primary consideration. The jobs associated with the warehouse will now be displaced outside of this employment area.

**Employment**
The statement outlines that the proposal would create a total of 97 full and part time positions although the exact number of full time equivalent positions is unclear. The application outlines that short term employment opportunities will also be created during the construction phase and that such opportunities should be welcomed and encouraged, particularly in the current economic climate.

Whilst there is no clarity over full time equivalent employment generation, employment opportunities are welcomed in the borough where the development is located in appropriate, accessible and sustainable locations and where the proposals are consistent with other parts of the development plan. This is not considered to be the case in this instance.
Summary of Policy EC10
The statement concludes that the scheme will not result in any significant adverse impacts in relation to Policy EC10 of PPS4.

In response to this conclusion, the proposal is not considered to be accessible by a choice of means of transport in this out of centre location. The potential benefits of the proposal in terms of job creation have to be weighed against the consideration that a significant amount of additional retail floor space is proposed outside of any defined centre and whether such floor space could have an impact on those centres.

The potential impact on the economic and physical regeneration of the town centre could be seriously prejudiced through this proposal. Whilst there are benefits, these are not explicit and must be weighed against other policy considerations. It therefore cannot be agreed that the proposals would not result in any significant adverse impacts. It is therefore contrary to Policy EC10 of PPS4.

EC14- Supporting evidence for planning applications for main town centre uses:
This policy identifies that applications for main town centre uses which are not in an existing centre nor allocated in an up-to-date development plan must be accompanied by a Sequential Assessment. It also makes specific reference to applications to remove conditions changing the range of goods sold. An Impact Assessment is required for developments over 2,500sq m gross or any local floorspace threshold. This is to identify any applications that are likely to have significant impact on Warrington Town Centre or other defined centres in the hierarchy.

The applicant has provided a sequential and impact assessment. The assessment and conclusion of these are addressed when considering Policy EC15 & EC16. These are considered below.

EC15- The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan:
The policy advises that LPAs should ensure that all in-centre options have been thoroughly assessed before
less central sites are considered. Sites should be assessed for their availability, suitability and viability.

It is noted the applicant has carried out a sequential assessment and considered 8 properties; 4 of which are within the Retail Core of Warrington Town Centre, and 4 are within the Warrington Town Centre boundary.

It is understood that the proposed tenant requires a net floorspace of 4,207 sq m. However, no information or indication of expected rental costs at the Gemini site have been provided. In addition, the applicant argues that the bulky goods nature of the Home and Garden product range means that a retail warehouse facility with surface level car parking is essential.

I will deal with each site in turn:

PLEASE SEE ATTACHED TABLE AT THE END OF THIS REPORT ON PAGE 23
The applicant concludes that none of the eight units assessed above are available, suitable or viable to accommodate the scale and type of retail floor space proposed.

Many of the units have been discounted due to viability reasons although no indication of the typical rents associated with the units assessed have been provided compared with the typical rents expected to be paid for such a store.

The applicant outlines in paragraph 5.38 that all sites which the Council have suggested have been carefully considered. This is not correct. The applicant has failed to consider the following 4 units which were included in the suggested sequential sites list:

1. Vacant unit at Riverside Retail Park
2. Vacant unit at Pinners Brow Retail Park
3. Vacant unit at Alban Retail Park
4. Vacant unit on Winwick Road

All of the above are being marketed at present. Whilst these are also considered to be edge or out of centre sites, they are nevertheless in sequentially preferable locations than the application site with existing retail permissions.

It is particularly important to note that a similar Next Home facility is currently operated from Manchester City Centre which the applicant has failed to mentioned in their submission. The store is incorporated into a wider retail scheme and adjacent to a mixed use leisure development, similar to the vision for the type of development being promoted in Bridge Street. The store sells a similar range of ‘Home’ goods to those which are proposed to be sold from Gemini. In addition, furniture sold is ordered in store and delivered to customers homes, therefore capable of operating quite successfully from a town centre location.

Given that the sequential test has not detailed viability issues, show flexibility or addressed all appropriate units, it cannot be agreed that there is “no justification for resisting this application on sequential grounds.” (para 5.39 of supporting statement)

Accordingly, it can not be agreed that the proposal satisfies the requirements of Policy EC15.

**EC16- The impact assessment for planning**
applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan:

As previously explained under policy EC14, an impact assessment is required for a retail use of this size in an out of centre location.

Policy EC14.7 explains that the assessment of impact should focus on the first 5 year period after the implementation of the proposal.

The applicant outlines in paragraph 6.4 of their statement that they anticipate the proposal will be implemented shortly after approval and therefore it would be appropriate to assess the impacts at 2016. If the permission is to commence shortly after the approval, it is difficult to understand why this would require five years to implement.

Turnover

The applicant firstly considers the likely turnover arising from the proposed floorspace and the likely catchment area before assessing impact in detail.

The applicant outlines that the proposed store is expected to achieve a sales density of £2,700 per sq m at 2011.

Table 6.1 of paragraph 6.5 sets out the projected turnover calculations for the additional floorspace at both 2011 and 2016. The expected turnover at 2011 is calculated to be £7.9m per annum and £8.5m per annum at 2016.

The statement details that the sales density achieved by the garden centre floor space will be lower than that within the Next Home unit, as the sales densities for garden retailers reported by Mintel in its UK Retail Rankings 2010 report, such as the Garden Centre Group and The Garden and Leisure Group, are typically below those reported for home and furniture retailers, such as Ikea and Habitat. Nevertheless, in the absence of any further evidence or established precedent for Next conservatory-style enclosure and garden centre floor space, the applicant’s have assumed an average sales density for the ground and mezzanine sales areas for a typical Next Home store and included the garden centre and conservatory floor space.

This approach seems reasonable and these assumptions have been used to assess the overall impact of this potential commitment later in this policy response.
Catchment Area of the Proposed Floor space

It is correctly outlined that the catchment area of Warrington Town Centre is identified in the Warrington Retail and Leisure Study of July 2006 (WRLS), and extends some 15km from Warrington to encompass Runcorn, Widnes, Ashton-in-Makerfield, Lowton, Irlam, Bowden, and parts of Northwich and Knutsford. The applicant explains that the scheme is broadly similar to that of Warrington Town Centre but given the location and proximity to the M62 motorway, the catchment area is expected to extend further north than that of Warrington Town Centre to encompass Prescot, St Helens and Leigh. The main centres in which the applicant has focused on to assess the potential impacts of the application scheme are Warrington, St Helens and Widnes. It is understood that St Helens MBC and Halton BC have been consulted.

Impact Assessment Policy EC16

The policy advises that LPAs must assess the impact of the proposals for main town centre uses that are not in a centre against a number of tests:

The justification statement deals with each one in turn and comments in relation to the criteria considered are set out below:

a. **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**

Warrington Town Centre

The statement outlines that the 2009 Regeneration Framework for Warrington sets out the Council’s plans for the renaissance of Warrington Town Centre. It proposes a programme of major investment for the development of the Bridge Street Area, Cockhedge Quarter, Warrington Waterfront, Palmyra Quarter, and Bank Quay Gateway areas, as well as to maximise the potential offered by the recent redevelopment of the Golden Square Shopping Centre. Next are already represented Warrington Town Centre and are committed to maintaining their presence in this prime location. The range of goods that will be accommodated in the proposed Next Home store will be significantly different to Next’s typical high street offer, which is more focused on clothing, footwear and accessories.
The statement goes onto conclude that, “The proposed scheme is unlikely to have any material impact on Next’s town centre store or, indeed, the Council’s plans to capitalise on the new opportunities offered by the redeveloped shopping centre”. Paragraph 6.21 details the “Council’s Bridge Street Area redevelopment programme which “aims to deliver the comprehensive regeneration of the area between the town centre and the waterfront to create a new shopping, leisure, residential, business area. Whilst this scheme incorporates a significant element of new retail floor space, encompassing a new foodstore and other retail uses, the proposed development will not undermine the delivery of this scheme.” Paragraph 6.23 states that “the proposed development for a single retail warehouse unit within an established retail destination is unlikely to have a material adverse effect on operator demand or investor confidence in any wider investment”.

The conclusions made by the applicant are strongly disputed. The scale of retail floor space proposed in this location could have a serious detrimental impact on retailing within Warrington Town Centre and allowing further cumulative retail development in peripheral locations will only exacerbate this problem.

Given that the Council is actively promoting the Bridge Street area for mixed use development, it is supercilious to state that “Proposed development will not undermine the delivery of this scheme.” The next five years will be critical in the viability of this scheme (2016 is the year in which the applicant has assessed the impacts of the scheme.)

The applicant’s conclusion in relation to impact EC16a is strongly disputed. Continuing to allow this and similar out of centre development could seriously compromise the viability of the Bridge Street and other town centre schemes.

St Helens and Widnes

The statement also makes reference to potential impact on St Helens and Widnes Town Centres. Whilst I am not familiar with the particular circumstances and schemes within the adjacent boroughs, any consultation response from such authorities should be carefully considered.

Birchwood, Stockton Heath and Westbrook District Centres
Paragraph 6.36 of the planning statement outlines that they are not aware of any existing, committed or planned investment in Birchwood, Stockton Heath or Westbrook District Centre and there would therefore be no subsequent impact.

A recent permission for an extension to the Birchwood Shopping Centre has not been considered. Any retail development of the scale proposed in peripheral locations could potentially compromise its viability to commence.

**b. The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer**

The statement outlines that “The modest amount of additional floor space proposed will not significantly affect the vitality and viability of Warrington, St Helens, or Widnes Town Centres, or any other centres. The proposed store will make a positive and welcome contribution to promoting consumer choice. The existing range of ‘Home’ goods available in Warrington is extremely limited. There is no standalone ‘Home’ store and the Riverside and Gemini stores are able to offer a very limited ‘Home’ product range due to floor space constraints. The new store will therefore allow not only an expansion to provide a full range of ‘Home’ store products. This will offer Warrington’s residents much greater choice in bulky ‘Home and Garden’ goods in a location which allows for competition between retailers and reduces the need to travel."

Paragraph 6.44, of the applicant’s statement goes onto outline that “Warrington Town is a healthy town centre with a particularly strong comparison sector, and will not be threatened by the application proposal. Whilst the health checks study identifies the development of town centre uses such as retail in out-of-centre locations as a threat to the vitality and viability of Warrington Town Centre, the proposed new floor space will be used for the sale of predominantly bulky goods, which are not typically sold from town centre locations. Indeed, the proposed new floor space will play a complimentary role to the facilities available in Warrington Town Centre in terms of retail offer, and that the application scheme will improve local consumer choice.”

In response to this, a proposal of 4,207sq m of additional retail floor space is not considered to be “moderate”. The
vitality and viability of Warrington could be significantly harmed. Vacancies within the Town Centre are already above the national average (Town Centre Health Check 20110, paragraph 7.2) and allowing further retail development in peripheral locations will only exacerbate this problem.

The location of the proposal would not reduce the need to travel. Whilst the range goods may enhance consumer choice for ‘Home’ products within the Next portfolio of stores, it would arguably compete with provision within Warrington Town Centre. Promoting such a use in future developments such as Bridge Street could increase consumer choice for home goods within the Town Centre, provide the opportunity for linked trips with other retail and leisure uses in a highly accessible location. This would provide a true complementary role to the town centre.

The Warrington Retail Study also makes a number of references to the type of retail floor space within the edge and out of centre locations in Warrington and the threat they pose. Paragraph 4.22 of the retail study concludes that the extent of the edge/out of centre offer that competes directly within the town centre in many instances is a major weakness. Paragraph 6.12 notes that “Retail warehousing is well provided for in the borough and the quality of the offer is good. There should be no need for new bulky goods retail warehousing in the Borough during the study period.” Paragraph 10.32 goes onto conclude that, “There is no qualitative need for new retail warehousing as the local offer is already very good and there are several vacant units that could be used to accommodate any further demand”

c. The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan

There are no edge or out of centre sites allocated for retail development in the respective development plans in Warrington. This impact test is not applicable.

d. In the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, applicable, on the rural economy
The applicant’s assessment of the trade diversion and impact on stores and centres within the catchment area is presented in Table 6.2 of their statement.

As the additional floor space proposed will be used for the sale of home and home furnishing goods, the applicant outlines that the main diversion of trade to the proposed floor space will be from other stores retailing these products, and in particular, other national multiple operators. Representation of these types of operators in the smaller town centres and district centres within the catchment area is limited, the majority of trade will therefore be diverted from out-of-centre retail parks and freestanding stores, as well as Warrington and St Helens Town Centres, which provide the focus for these types of retailers within the catchment area.

The statement further explains that “much of the offer available within Warrington, St Helens and Widnes Town Centres is significantly different to that of the proposed Next ‘Home and Garden’ store, and it is therefore expected only a limited proportion of trade from these centres will be diverted. The expected trade diversion from Warrington, St Helens and Widnes Town Centres amounts to just a fraction of a percent of the comparison turnover of each of the centres, as shown in Table 6.2.”

The key consideration here is the impact on ‘In Centre’ locations. ‘Edge and out of centre locations’ have no policy protection by PPS4.

Whilst the applicant argues that the scheme will only to divert a limited proportion of trade from in centre locations; any impact will be dispersed thinly across a wide range of stores and that the offer currently available in town centres is significantly different to that of the proposed Next ‘Home and Garden’ store, it must be reiterated that this will continue to be the case if this type of proposal is permitted in peripheral locations. Allowing such a scheme will directly compete with the town centre, thus limiting the type of offer defined centres can provide.

**e. If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floor space) in relation to the size of the centre and its role in the hierarchy of centres**

PPS4 explains that it is only necessary to consider whether a proposal is of an appropriate scale if the
application site is located 'in or on the edge of a town centre'.

The applicant’s statement outlines that “This test is not, therefore, relevant to the current application, which concerns an out-of centre site. Nevertheless, the proposed scheme is of a scale appropriate to its location. All the retail units within Gemini Retail Park are large floorplate units. Indeed, the two largest stores within the retail park, Marks & Spencer and IKEA, provide around 14,200 sq.m and 21,200 sq.m of gross retail floor space, respectively. The proposed scheme will not therefore fundamentally alter the role or function of the wider retail park.

Whilst the scale of the proposal may be similar to the scale and nature within the Gemini area, the proposal of 4207 sq m of out of centre floor space is significant to the potential impact on Warrington Town Centre.

As the Warrington Retail and Leisure Study 2006 & 2009 identifies, there is already a large amount of out of centre floor space in the borough that directly competes with the Town Centre and continuing to allow out of centre development will have a cumulative impact on the Town Centre.

f. Any locally important impacts on centres under policy EC3.1.e

Policy EC3 of PPS4 sets the context for the assessment of application schemes against ‘locally important impacts’ and explains that local planning authorities, when formulating their development plan strategies, should ‘define any locally important impacts on centres which should be tested’. The applicant argues that as “such local impacts are yet to be defined by Warrington Borough Council, this test is not applicable”.

This is not the case. A key local consideration is the development of the Bridge Street area. This will be specifically incorporated into the development plan as it progresses. The potential impact on this scheme is already set out above.

EC17: The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan:

LPAs should refuse planning permission where the
applicant has not demonstrated compliance with the sequential approach or where there is clear evidence that the proposal could lead to significant adverse impacts.

It is considered that the applicant has not sufficiently addressed the sequential assessment and therefore it cannot be agreed that proposal would not cause any significant adverse impacts on Warrington Town Centre. The proposal cannot does comply with policies EC16 & EC17.

The RSS remains a consideration in Development Management decisions at present despite the Coalition Government’s intention to abolish it.

The impact of the proposed extension on the spatial planning strategy for the area is considered in paragraph 3.19. The submitted statement states that, “The proposed development accords with the Spatial Principles of the RSS and that Policy W5 identifies Warrington as a location where comparison retailing facilities should be enhanced and encouraged”. This statement is taken completely out of context, when the Policy W5 is considered in its entirety; it seeks to direct such facilities towards Warrington Town Centre not out of centre locations such as Gemini. The statement is therefore disingenuous and the proposal would not be in accordance with the RSS.

The Warrington Retail & Leisure Study (2006 and update in 2009) provides evidence to indicate that given current commitments, quantitative capacity for additional comparison floor space is entirely accounted for until 2011. The internal update of this study to take account of recent commitments now indicates that capacity is accounted for up to 2016. This is the year in which the applicant has assessed the impact of the proposal despite the applicant’s intention to implement the permission shortly after approval.

When factoring in the proposal at Next, this would mean that comparison floor space would be accounted for until around 2018. This proposal is expected to be operational significantly before this time.

It is important to note that the Council is also in receipt of additional retail applications in out of centre locations. Collectively the current proposals can be compared roughly the size of a third of the Golden Square extension in the town centre and would mean that comparison floor
space would be accounted for until around 2021, 10 years from now.

Whilst it is appreciated that quantitative assessments are no longer a requirement within PPS4 in development management decision, they are critical to plan positively for the future (Policy EC1). Such proposals limit the ability for the Council to plan positively to underpin and secure investment in Warrington Town Centre when capacity eventually emerges. The level of floor space proposed for this application alone as well other applications currently under consideration and cumulatively with existing provision within the borough pose a significant threat to the vitality and viability of Warrington Town Centre as a whole and longer terms corporate aspirations such as Bridge Street development.

The supporting statement concludes that, “This application accords with all relevant planning policy and will make a positive contribution to all of these factors. It is exactly the type of development the Government advises should be approved. For the reasons given in this statement and demonstrated in other supporting material, the proposed development accords with the strategic objectives and relevant policies of the development plan. The application is therefore ‘in accordance with the development plan’, as well as with relevant material considerations, and should therefore be supported.”

This statement is strongly disputed. The proposal is considered to be contrary to National, Regional and Local Planning Policy. The material considerations presented are not considered to outweigh the significant adverse impact this proposal would have on Warrington Town Centre.

There is already a large amount of out of centre floor space in the borough that directly competes with the Town Centre and continuing to allow out of centre development will have a cumulative impact on the Town Centre which could start to affect the viability of key corporate schemes such as Bridge Street.

Continuing to allowing such uses in peripheral locations will continue to set precedence and reignite interest in developing retail in the Gemini and adjacent areas. It would also set a precedent in terms of diminishing the weight that should be given to the Council’s adopted policy framework and associated evidence base that support the emerging Local Development Framework.
Conclusion

Allowing this proposal would undermine the key objective in PPS4 of promoting vital and viable town centres.

Given the comments above, there are significant policy objections to this proposal.

The proposals do not accord with the adopted development plan. It is therefore advisable that if this application is recommended for approval or the Development Control Committee are minded to approve the application, that further clarification is sought from the policy team in relation to conditions that may be required.

Given the circumstances outlined above, it would also be appropriate to refer the application to the National Planning Casework Unit for them to decide whether it should be called-in for decision by the Secretary of State.

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Appendix 2 – Comments from WBC Highways/Transportation

**Assessment**

A Transport Assessment has been submitted in support of the application. This tests the operation of the local highway network, with the proposed development, during a Saturday peak hour in the future year 2016, and has been informed by traffic counts undertaken in June 2011.

The TA states that the proposed development can be satisfactorily accommodated on the local highway network without significant detrimental effect, with the largest queuing and delay arising as a result of the proposed development expected to be from the existing site access onto Europa Boulevard.

Whilst the TA states that vehicular traffic arising from the proposed development can be accommodated on the local highway network, pedestrian access to the site is currently
sub standard and in need of considerable improvement.

There are informal unmade pedestrian footpaths running into the site from Cromwell Avenue to the south, and also from the north into the site from Europa Boulevard. Additionally, formal footway provision at the junction of the site access and Europa Boulevard only serves to direct pedestrians into the carriageway of the car park access currently serving Next and the adjacent Boots store.

The Council is currently implementing footway and cycleway creation along Cromwell Avenue and other footway / cycleway enhancements within the vicinity of the Gemini Retail Park area, which have been enabled as a result of financial contributions agreed with other developments in the local area.

We would therefore seek to agree a financial contribution with the applicant in order to enable pedestrian and cycle accessibility to the proposed development to be improved to an acceptable standard.

The financial contribution sought from a transport perspective will be based on the Council’s adopted Supplementary Planning Document, and the cost of proposed footway and cycleway works needed to improve pedestrian and cycle access to the proposed development.

We would therefore request confirmation from the applicant in respect of the daily increase in trips arising from the proposed development. This should take account of additional trips generated by the proposed change of use of existing B8 floor space to A1 retail, and new trips generated as a result of proposed additional A1 retail floor space.
<table>
<thead>
<tr>
<th>Premises</th>
<th>Location</th>
<th>Applicant's comments</th>
<th>WBC comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Boots building, Bridge Street</td>
<td>Retail Core</td>
<td>Hard to convert, Car parking/servicing/access are limited</td>
<td>Size of unit not specified. Such use in town centre could complement existing retail uses. Stated unviable but no information provide on rents</td>
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<tr>
<td></td>
<td></td>
<td>Not suitable or viable</td>
<td></td>
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<tr>
<td>2. Next to Andrew Harris Buttermarket Street</td>
<td>Town Centre</td>
<td>Site is too small at 1,054sq m. Let to Furniture Outlet Village, no longer available.</td>
<td>Agreed that the unit is smaller than required.</td>
</tr>
<tr>
<td>Next to Andrew Harris Buttermarket Street</td>
<td></td>
<td>Unsuitable and unviable</td>
<td>Not available.</td>
</tr>
<tr>
<td>Warrington</td>
<td></td>
<td></td>
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<tr>
<td>3. Cabinet Works, Barbauld Street</td>
<td>Retail Core</td>
<td>Site is unsuitable, would require substantial remodeling.</td>
<td>Site is not readily available for proposed use.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unsuitable and unviable</td>
<td>Size of unit not provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Stated unviable but no information provided on rents.</td>
</tr>
<tr>
<td>4. Technical School, Palmyra Square</td>
<td>Town Centre</td>
<td>Makes reference to Conservation Area Appraisal.</td>
<td>Whilst mix of uses envisaged in the CAA may not include a retail use, application has simply stated</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Building unsuitable and unviable for bulky goods retailing.</td>
<td></td>
</tr>
<tr>
<td>5. Former Littlewoods unit, Golden Square</td>
<td>Retail Core</td>
<td>Too small, only 2500 sq, restrict range of goods which could be sold.</td>
<td>No rental information has been provided to conclude unit is not viable.</td>
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<td></td>
<td></td>
<td>Access/servicing/car parking are not</td>
<td></td>
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<td><strong>6. Vacant units in Golden Square</strong></td>
<td>Retail Core</td>
<td>No vacant units which are individually or collectively capable of accommodating floorspace required. Not suitable or available. No details provided to indicate which units have been considered.</td>
<td></td>
</tr>
<tr>
<td><strong>7. Vacant Site at Wilson Patten Street</strong></td>
<td>Town Centre</td>
<td>Require complete redevelopment Site is too small. Unsuitable, unviable and inappropriate. No information provided on site size or rental values.</td>
<td></td>
</tr>
<tr>
<td><strong>8. Legh Street Baths</strong></td>
<td>Town Centre</td>
<td>Building not suitable. Remodeling and reconfiguration required. Appreciate site is not readily available for proposed use. Building now being demolished.</td>
<td></td>
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</tbody>
</table>