

East Staffordshire Local Plan Review

Retail Round Table Session (RTS) 9.30am on Friday 14 January 2005

Venue: Weaver Room, Town Hall, Burton upon Trent

Participants:

John Bagshaw	Inspector
Mike Hale	Planning Officer - Planning Inspectorate
Graham Machin (GM)	East Staffordshire Borough Council (ESBC)
Philip Somerfield (PS)	East Staffordshire Borough Council (ESBC)
James Norton (JN)	East Staffordshire Borough Council (ESBC)
Mr R Wain	Burton upon Trent Civic Society
Mrs S Wain	Burton upon Trent Civic Society
Christopher Quinsee	Roger Tym & Partners – Revelan Group

Although not a verbatim account, this note generally follows the sequence of the RTS, summarising the views expressed. Many of the questions asked by the Inspector are similar to those in the questions and issues paper, prepared in advance by the Inspector to aid the discussion.

1.0 Inspector's introduction & opening remarks

- 1.1 **The Inspector** welcomed the participants and thanked them for their position statements, which were taken as read. He outlined the proceedings and explained that the purpose of the RTS was to seek an updated overview of retail requirements for both convenience and comparison goods floorspace in addition to sources of land for retail provision. He also explained that it is not intended to explore the detailed merits of particular sites, as such matters will be dealt with separately, however some sites may be referred to in support of general points that are made during the session.
- 1.2 **The Inspector** explained that participants should consider that draft Planning Policy Statement 6 'Planning for Town Centres' contained two particularly significant proposed changes, which could become guidance before his report was issued:
 - para. 3.31 proposes extensions to existing retail stores need not be the subject of a sequential test.
 - para. 3.18 proposes retailers need not be required to split their departments and locate them at separate stores in order to satisfy the sequential test.
- 1.3 **ESBC(GM)** commented on the availability of a number of new documents available to the inquiry at the request of the Inspector:

- The appeal decision on the B&Q store at Wellington Road.
 - the ESBC resolution and report on the proposed Tesco extension at Uttoxeter.
 - the ESBC resolution and report on the Riverside Centre (CD A40/6).
- 1.4 **ESBC(PS)** agreed to receive an objection from Burton upon Trent Civic Society to the Riverside Centre proposals after the closing date for representations (5 January 2005).
- 1.5 **Participants** agreed to return to the issue of the Riverside Centre.

2.0 Quantitative need for additional retail floorspace

- 2.1 **The Inspector** introduced the issue of quantitative need for floorspace generally. It was noted that ESBC considered there was now additional need for convenience goods floorspace at Burton as explained at 1. and 2. of their position statement ESBC/RRTS/1. **The Planning Officer** sought clarification on the ESBC position in respect of comparison goods floorspace for Burton.
- 2.2 **ESBC** explained that there was a reduction from 15250m² to 2011 to 7163m² based on the updated information received in the Burton on Trent Retail Study Addendum (December 2004) CD/E2C. This calculation was based upon Burton's current market share reducing from 55% in the original study (CD/E2) to 45% (para. 2.21 of CD/E2C).
- 2.3 **Roger Tym & Partners** commented that the figure for comparison goods floorspace was the main difference between the (Chase & Partners) Burton on Trent Retail Study Addendum (CD/E2C) and their own update of the Burton on Trent Retail Study contained in the Appendices to their position statement 803/RRTS/1. Both updates to the original study had identified widely contrasting figures for comparison goods floorspace required in Burton (7163m² Chase & Partners v 21235m² Roger Tym & Partners).
- 2.4 **Roger Tym & Partners** then identified three main concerns and differences between the two studies:
- Although both studies end at 2011, Chase & Partners Burton on Trent Retail study (CD/E2) covers a shorter time period than the Roger Tym & Partners version and starting at 2004 rather than 2000. As there had been little development in the past 3 years a chunk of need from the earlier period had not been addressed.
 - Both expenditure and growth data are markedly different. The rate of per capita expenditure had been reduced without explanation from 3.9% to 3.5% and this compares with Tym's figure of 4.95%. Chase & Partners use a new formulae contained in Table 2 of the MapInfo document 803/RRTS/1(App2). This Table is an alternative to Table 3. For Chase & Partners study to be based on like for like data, they would have needed to use the orthodox trend based information

contained at Table 3 of the same document 803/RRTS/1 (App 2).

- Both studies originally used the 55% share in relation to the performance of Burton Town Centre. No explanation of the reduced share of 45% is given by Chase in the updated Burton on Trent Retail Study Addendum (CD/E2C).

- 2.5 **Burton upon Trent Civic Society** queried if either study took online shopping into account.
- 2.6 **Roger Tym & Partners** confirmed their study did and commented that this activity doubled during the first period of the report.
- 2.7 **ESBC** confirmed the Burton on Trent Retail study also took online shopping into account.
- 2.8 **The Inspector** asked for any further comments on the differences between the two studies.
- 2.9 **Roger Tym & Partners** were concerned that a figure of 55% for Burton's market share should be considered as a minimum and downgrading to a level of 45% share would not help Burton to compete in the retail market.
- 2.10 **The Inspector** asked if ESBC could expand on the reasons for the reduction in market share proposed in the Burton on Trent Retail Study Addendum (CD/E2C).
- 2.11 **ESBC** were unable to explain the differences and would have to refer to Chase & Partners to answer questions on the Burton on Trent Retail Study Addendum (CD/E2C).
- 2.12 **Roger Tym & Partners** agreed to go through the difference in methodology between the two studies in cooperation with ESBC following the RTS. They considered that a note comparing the two studies could be produced in around 2 weeks time.
- 2.13 **ESBC(PS)** suggested that an issue was whether Burton's existing stores should expand or whether new stores should be provided.
- 2.14 **The other participants** identified a number of settlements that Burton was in retail competition with, including Swadlincote, Derby, Tamworth and Lichfield. Reference was made to the Burton on Trent Retail study (CD/E2) where plan 1 of the Appendices contained travel to work areas.

3.0 **Bulky Goods Floorspace**

- 3.1 **The Inspector** asked for the views on the need for additional bulky goods floorspace.
- 3.2 **Roger Tym & Partners** referred to the Annex to their position statement 803/RRTS/1 which identifies a substantial under provision for DIY in Burton. Broadly they are in agreement with ESBC on this matter. They comment that Burton's current market share of DIY

spending was only about 33% which is low as DIY shopping is local in nature. This provided part of the justification for the Wellington Road (B&Q) proposal. They added that 25% of B&Q's turnover and 40% of Wickes' was from the trade, which is not accounted for in the expenditure figures. Also estimates of need do not take account of recent closures of DIY outlets in Burton.

- 3.3 **The Inspector** commented that the First Secretary of State had disagreed with his Inspector on the Wellington Road appeal. He also observed that that Inspector having recognised the value of the proposal in bringing together a number of uses on the one site then proceeded to consider whether they could be dis-aggregated to separate sites. This approach may not be appropriate in future if the draft PPS6 is published unaltered. He also observed that (distance to) travel has been a factor in deciding on choice of location for DIY and superstore shopping.
- 3.4 **Burton upon Trent Civic Society** reminded participants that smaller shops and those businesses aimed at DIY and the trade such as 'Home & Trade' in Burton offered expertise not available at large format DIY retailers. A 'wood store' provided further competition in Burton.
- 3.5 **Participants** agreed that DIY provision should be provided locally.
- 3.6 **The Inspector** asked if 33% (for DIY) share of the market was reasonable for Burton.
- 3.7 **Roger Tym & Partners** were of the view that considering its size Burton should hold a larger share of this local market.
- 3.6 **The Inspector** asked if ESBC accepted there was capacity in Burton for a further DIY outlet and if so whether it should it be allocated in the Town Centre.
- 3.7 **ESBC(PS)** considered Burton could accommodate a further DIY outlet. Although they had been at one with B&Q on the Wellington Road site they now diverged as other possibilities had emerged. Without an assessment of potential sites they hesitated to identify a site. However, the Rugby Club site might offer a possibility, although there were no known plans for the Rugby Club to relocate. A full assessment would be required by a developer in order to examine this possibility further.
- 3.8 **Burton upon Trent Civic Society** considered that the bulky nature of the goods sold made the Town Centre an unsuitable location for DIY provision. Wellington Road was considered more suitable.
- 3.9 **Roger Tym & Partners** agreed with the Civic Society in the context of draft PPS6. Sequentially preferable sites in Town Centre locations would require operators to reduce the selection of goods they sell. The appeal Inspector had concluded that the Rugby club site was too small.
- 3.10 **The Inspector** asked whether there was any site other than the Wellington Road site for further DIY provision in Burton in the immediate future.

4.0 The Riverside Centre

- 4.1 **The Inspector** requested an update on the status of the Riverside Centre.
- 4.2 **Burton upon Trent Civic Society** said the Riverside Centre can be considered the gateway to Burton Town Centre and is in poor repair.
- 4.3 **ESBC(PS)** confirmed the Riverside centre is continuing to deteriorate and needs developing. A development brief has been produced (CD/E6) including design principles. ESBC needed to review the extant retail consent as the associated conditions cannot be renewed. They explained this has resulted in an appeal against non determination.
- 4.4 **ESBC(GM)** further explained the unusual situation. The Riverside Centre is subject to a Section 73 application to change the conditions. The application has been to ESBC Committee who agreed extra time to complete the associated conditions. The appeal remains outstanding.
- 4.5 **The Inspector** commented that it appeared that the applicants were now relying on the outcome of the appeal to vary the conditions. However, the precise outcome of an appeal was not certain.
- 4.6 **ESBC(GM)** explained that they were hoping for advice on the appropriateness of deleting the allocation (R7A) from 2nd Deposit draft Local Plan in proposed pre-inquiry change PIC 056.
- 4.7 **Burton upon Trent Civic Society** were concerned about the likelihood of the site being developed with 'retail shed' type development. They considered this form of development to be the most likely at the Riverside Centre if the permission was implemented. The Civic Society considered this would be a waste of one of Burton's prime assets given its outlook and location adjacent the River Trent. They commented that there was a need for small quality shops, particularly for women's goods.
- 4.8 **ESBC(PS)** reminded participants that the Design Brief was forceful in its design guidelines for the Riverside Centre.
- 4.9 **The Inspector** sought clarification as to what the permission concerned consisted of.
- 4.10 **ESBC(JN)** confirmed the Riverside Centre had outline consent for 5500m² of retail floorspace and that within this convenience floorspace was limited (no figure given).
- 4.11 **Burton upon Trent Civic Society** explained that a nearby Aldi store that had been open for less than 12 months appeared to be trading poorly. If convenience retailers were likely to struggle in this off centre location, a 'destination' store such as Marks & Spencer would be needed at the Riverside. The presence of a well owned by a brewery in the middle of the site was mentioned as a possible further complication.

- 4.11 **ESBC(PS)** explained some other issues associated with the site. The site owners were both difficult to contact and to negotiate with. They appeared content with the rent they currently collected for the land. Part of the site is Council owned, which may help to raise the quality of any development proposed on the site.
- 4.12 **The Inspector** asked if participants could suggest any alternative uses for the Riverside Centre should the appeal fail.
- 4.13 **Roger Tym & Partners** ruled out a large format (DIY) store.
- 4.14 **ESBC(PS)** stated that no other expressions of interest had been received.
- 4.15 **Burton upon Trent Civic Society** were of the opinion that a mixed use development ideally including some specialist retail provision would be the most appropriate, exploiting the riverside location and outlook. Another possible use for the site suggested was as a hotel.

5.0 Town Centre

- 5.1 **The Inspector** sought views on the redrawn Burton Town Centre boundary from participants.
- 5.2 **Burton upon Trent Civic Society** reminded participants of the concerns in their position statement. This highlighted the vulnerability of the Rugby Club site to development by including it within the Town Centre boundary. Further food retailing in the Town Centre was not needed in their opinion (CD/17/RRTS/1). They also considered that the policy applying to this issue was confusing, drawing attention to conflict between para. 4 (page 99) of the 2nd Deposit draft Local Plan which appeared less much less tolerant of additional food retailing than Policy R1 (page 100) of the same document.
- 5.3 **The Inspector** commented that the policy seemed broadly in line with Government Policy, as within Town Centres the test of need is not applicable.
- 5.4 **ESBC(GM)** were of the opinion that there was not a conflict in the policy as R1 contained criteria that applied to retailing generally, not just food retailing.
- 5.5 **Burton upon Trent Civic Society** expressed the view that developing the Rugby Club site would cause further problems on an already overly congested nearby roundabout.
- 5.6 **ESBC(PS)** acknowledged that the roundabout concerned was already severely congested.
- 5.7 **The Inspector** enquired with Roger Tym & Partners if the Rugby Club site was suitable for a DIY store.
- 5.8 **Roger Tym & Partners** stated it was not suitable and considered that on balance the redrawn boundary was too generous considering the limited need for additional retail development. It was suggest that the

boundary should exclude the Rugby Club site and the land north of Stafford Street.

- 5.9 **The Inspector** inquired if there were any other substantial undeveloped areas within the Town Centre boundary.
- 5.10 **Burton upon Trent Civic Society** explained that the gradual reduction in the presence of breweries had shaped the retail areas of Burton Town Centre.
- 5.11 **ESBC(PS)** indicated that the High Street retailing was quite strong and pointed out that the Middleway development (including a large JJB store, bingo hall etc) was not shown on the inset maps of the 2nd Deposit draft Local Plan.
- 5.12 **Burton upon Trent Civic Society** were of the view that the High Street was not as strong as ESBC had indicated, as demonstrated by the proliferation of discount shops.

6.0 **Qualitative need: Burton upon Trent**

- 6.1 **The Inspector** inquired what other qualitative deficiencies there were in Burton's retail provision aside from that discussed in DIY provision.
- 6.2 **Roger Tym & Partners** were of the view that there was a general upgrading of the qualitative provision in Burton required although their own study did not provide specific evidence of this.
- 6.2 **ESBC(PS)** considered expanding existing large retail outlets rather than allowing for the provision of new stores was the key to improving the qualitative provision. The major retailers currently operating in Burton included Sainsbury, Tesco, Morrison, Asda, Lidl, Aldi and Quicksave in addition to a number of smaller convenience retailers such as Co-op.
- 6.3 **Participants** agreed with ESBC's view that expansion of existing convenience store provision was preferable to allocating sites for new convenience goods stores.
- 6.4 **Roger Tym & Partners** identified both a quantitative and qualitative need in Burton for additional comparison goods floorspace.
- 6.5 **The Inspector** commented that ESBC and the Civic Society appeared to have similar views on 'retail shed' development in terms of their impact on qualitative provision.

7.0 **Night time Economy**

- 7.1 **Burton upon Trent Civic Society** drew participants attention to their views on the problems associated with expanding the night time economy in terms of increasing levels of disturbance.
- 7.2 **ESBC(JN)** explained that developing the night time economy is an objective rather than a policy, identified by 2nd Deposit draft Local Plan at para.1 of the Shopping and Town Centres chapter.

- 7.3 **The Inspector** reminded participants that most of the means used to curb antisocial behaviour resulting from activities associated with the night time economy were outside the remit of planning legislation.
- 7.4 **ESBC(PS)** explained that they were active in a number of areas on this issue, including discussion between the Planning Policy team and the ESBC Department responsible for licensing.
- 7.5 **Burton upon Trent Civic Society** were concerned that there was no explanation of what the ESBC aspiration, stated at para. 1 of the Shopping and Town Centres chapter meant. They also wanted ESBC to consider the negative effect of anti social behaviour on acceptable night-time activities such as restaurants and theatre in terms of the perception of users of the 'acceptable' activities.
- 7.6 **The Inspector** commented that this issue should perhaps need to be tackled through the combination of innovative local solutions and suitable application of powers available to authorities.
- 7.7 **ESBC(PS)** confirmed that a future Master planning exercise would consider this issue in more detail.

8.0 Design

- 8.1 **The Inspector** asked if there were any additional views in relation to the issue of design, raised by the Civic Society.
- 8.2 **Burton upon Trent Civic Society** commented that Policies on design did not always seem to be effective in ensuring the quality of some new buildings. They criticised the Council for keeping decisions on materials in house.
- 8.3 **The Inspector** advised the Civic Society to take up these issues with the ESBC Development Control Department.
- 8.4 **Burton upon Trent Civic Society** representatives departed the meeting.

9.0 Quantitative and Qualitative need: Uttoxeter

- 9.1 **The Inspector** sought clarification that the latest information on Uttoxeter showed a quantitative need for extra retail provision along with an update on progress on the major allocations.
- 9.2 **ESBC(PS)** confirmed that there was a quantitative need as set out in their Retail Topic paper (CD/A29 paras. 4.3 and 4.4). In addition they gave the latest position on the Cattlemarket site (policy R8). This site has permission for 140 residential units and 25,000f² (2322m²) of mixed small retail units, but as yet no operators have been identified. ESBC are working in partnership with Taylor Woodrow Developments Ltd (whose agent Barton Willmore were unable to attend the RTS) on this permission. ESBC now own the site and have rejected an approach for a large convenience store on the site as they wished to resist further provision of new major convenience goods stores.

- 9.3 **ESBC** indicated that one of the main reasons for rejecting the Tesco extension was the capacity in the Town Centre. The 15,000 f2 Somerfield store in the Town Centre has closed.
- 9.3 **The Inspector** identified pedestrianisation and accessibility as further issues relating to the Cattlemarket site.
- 9.4 **ESBC(PS)** reminded participants that the Cattle market (policy R9) had to be vacated by October and relocation sites were under consideration. A first choice site at Derby Road had been identified but the situation was complex and the financing of livestock markets was difficult now that the sale of livestock was no longer their primary source of income. It might relocate outside the area entirely.
- 9.5 The **Inspector** asked whether there were any other issues.

SESSION CLOSED

Mike Hale

26 January 2005