

EAST STAFFORDSHIRE BOROUGH COUNCIL

LOCAL PLAN REVIEW 2005

LOCAL PLAN INQUIRY

TOPIC PAPER: RETAIL

1.0 Introduction

- 1.1 This topic paper deals with the retail issues in the Shopping and Town Centres Chapter in the context of the objections received to the policies and proposals in that chapter. The paper covers the two towns of Burton and Uttoxeter. Burton is classified as a large town centre and Uttoxeter a Medium Town Centre in the Structure Plan. Higher order centres that have an impact on these towns are Stoke on Trent in Staffordshire and Derby.
- 1.2 This topic paper deals with the general issues raised by the objections. Separate proofs of evidence will be prepared for individual objections.

2.0 Objectives

- 2.1 The key local plan objectives are set out as part of paragraph 1 of the Shopping and Town Centres chapter and are as follows:
- Increasing the range of attractions
 - Further development of the night-time economy
 - Improving access to the town centre by public transport and for pedestrians and cyclists
- 2.2 These are supported by the broader objectives in the Core Policy Section as set out on page 19 of the Revised Deposit draft.

3.0 Wider Policy Context

- 3.1 Government policy on town centres and retailing is set out in PPG 6 Town Centres and Retail Developments (June 1996) (C6), supported by a number of subsequent parliamentary answers and ministerial statements.
- 3.2 Key features of this guidance include the need to:
- Sustain and enhance the vitality and viability of town centres
 - Adopt a sequential approach to selecting sites for development of retail, employment, leisure and other key town centre uses
 - Adopt a plan-led approach to promoting development in town centres, both through planning policies and the identification of sites for development

- Promote more sustainable transport choices and reduce the need to travel, especially by car
 - Promote more mixed-use development and the retention of important town centre uses
 - Draw up town centre parking strategies
 - Promote good design
- 3.3 PPG6 also recognises that it may not be possible to accommodate some types of retailing, such as large stores selling bulky goods, on suitable sites either in or on the edge of town centres (PPG6 para.3.3). However a Parliamentary Statement in April 2003 (C6b) stated that developers and retailers must demonstrate that a majority of their goods cannot be sold from town centre stores, and that the developments for the sale of bulky goods are not exempt from meeting the policy tests in PPG6 and subsequent statements.
- 3.4 The same statement also emphasises that although PPG6 does not distinguish between different types of need, the First Secretary of State places greater weight on quantitative need.
- 3.5 Draft PPS6: Planning for Town Centres was published in December 2003 (C6a) which when finalised will replace PPG6. Many of its policies reproduce, or are closely based on, existing policies in PPG6, updated as appropriate. Its key messages are:
- A re-emphasis of the 'town centres' first objective
 - The need for a plan-led approach at both regional and local levels
 - The need for local planning authorities to plan for growth and growing town centres
 - The need to tackle social exclusion by ensuring access for all to a wide range of everyday goods and services
 - The need to promote more sustainable patterns of development with less reliance on the car.
- 3.6 Within this context section 2 of the document sets out the Government's advice in respect of the 'plan-led approach'. In paragraph 2.1 local planning authorities are encouraged to:
- Actively manage change by planning for the growth or, where appropriate, decline of centres
 - Define a network of centres with a more even distribution of functions, and a hierarchy of centres each performing their appropriate role to meet the needs of their catchments
 - Adopt a pro-active, plan-led approach to planning town centres
 - Use tools such as town centre strategies, to address the transport, land assembly, crime prevention, planning and design issues associated with the growth and management of their centres; and

- Consult with the community, including the public and private sectors, to ensure that their needs are reflected and that proposed allocations are realistic and viable
- 3.7 In terms of assessing the need for development paragraph 2.26 confirms that need assessments should be carried out as part of the plan preparation and review process, and updated regularly, at least every five years.
- 3.8 In paragraph 2.33, the document confirms that the scale of new facilities should be directly related to the role and function of the centre and the catchment that they seek to serve. The aim should be to put the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre.

Regional Planning Guidance

- 3.9 RPG 11 (C22) was published in June 2004 and policy UR3 states that *'City, town and district centres and in particular those centres that are identified on the network of town and city centres identified in PA11, should be enhanced to play a leading role in the urban renaissance programmes in order to provide services for local communities, a sense of identity and as drivers for economic growth.'*
- 3.10 Policy PA11 lists Burton upon Trent as part of the strategic network of town centres to be developed across the region. Paragraph 7.56 refers to town and city centres as being the drivers of regional and sub-regional economies and are of crucial importance to the regions economic and social well-being and to the achievement of a sustainable pattern of development.
- 3.11 Paragraph 7.59 states that local authorities should take a proactive approach through town centre strategies identifying potential sites and premises for development within these centres, including where necessary and appropriate, the use of compulsory purchase powers.
- 3.12 Policy RR3 of the guidance relates to market towns having a key role in helping to regenerate rural areas. Uttoxeter is a market town with a sphere of influence that encompasses parts of the Derbyshire Dales and Stafford Borough. This policy lists the development of shopping and other key services and facilities within the town centre in accordance with policy PA11 where suitable sites exist. Where no such sites are available shopping development should be subject to the key tests in particular the sequential test in PPG6.

Structure Plan

- 3.13 The Staffordshire and Stoke on Trent Structure Plan (February 2002) (B5) sets out a hierarchy of centres within the County with Burton classified in the second tier of centres as a 'large town centre'. Uttoxeter is classified as a medium town centre. Policies in the plan address:

- Sustaining the vitality and viability of town centres (TC1)
- Provision of an access strategy (TC2)
- Town centre, edge of centre and out of centre development – the sequential approach (TC3A, B and C)
- Local Shops (TC4)
- Small scale retail facilities in the countryside (TC5)

4.0 Retail Studies

4.1 Burton upon Trent is the major centre within the borough and is, as already stated in the County Structure Plan, classified as a large town centre. In June 2000 the Council commissioned Chase and Partners to undertake a retail study (E2) of the town to assist the Council in a review of retail policy in the local plan review. Issues addressed in the study are:

- A retail health check
- The Potential for future growth and related retail floorspace need to 2011.
- How Burton on Trent could accommodate any potential growth
- A review of current policies
- The justification of any proposed strategy

4.2 The main conclusions of the study were:

- Burton on Trent is both vital and viable and has a good range of comparison multiple retailers and an excellent complement of food superstores.
- Limited growth in convenience goods expenditure due to the fact that the town is well served by a range of superstores both within and out of town.
- Forecast growth in comparison goods expenditure with considerable scope for more retail floorspace. A guideline figure of 15250m² to 2011. (7500m² to 2006)

4.3 No retail study has been commissioned for Uttoxeter however Montague Evans produced a recent retail statement in support of the Tesco extension on Town Meadows Way. The Council instructed Chase and Partners to advise on retail issues relating to the application (C6c). Their report agrees that there is unmet need within the town for convenience and comparison goods retailing. However, in sequential terms, an extension to the Tesco store was not the answer at that time.

4.4 Since that time the council, in conjunction with Uttoxeter Plus, instructed Taylor Young and GVA Grimley to undertake a master planning exercise and the final report (E5) highlights the Cattle Market as a priority site for mixed use including retail development. This document is used to inform the Uttoxeter Action Area part of the Local Plan Review Revised Deposit (A17) and sites have been allocated to meet comparison and convenience goods.

5.0 Evolution of the Plan

- 5.1 The Issues Paper asks a number of questions such as what need there is for continued retail and leisure development within the Borough up to 2011 and how centres can be strengthened and safeguarded so that they may continue to provide important shopping and other facilities.
- 5.2 The Issues Paper (A3) states that:
- The local plan must allow for the continued development of retail and leisure facilities
 - Town centres should be easily and safely accessible to all who want to use them promoting linked trips.
 - The Council will seek to protect facilities in the rural areas.

First Deposit Plan (A7)

- 5.3 The First Deposit was revised in line with government guidance and incorporated recommendations from the Burton Retail Study. The Retailing and Town Centres chapter contained 16 policies, two of which were new and eight had not been changed. The remaining six policies were revised to a greater or lesser extent to meet current national guidance and the objectives of the Community Plan.
- 5.4 Policy R10 of the Adopted Plan was not carried forward. This related to the redevelopment of the Riverside Centre and the councils land fronting the River Trent. At the time of the First Deposit Outline consent had been granted for retail development amounting to 5500m². For this reason it was considered unnecessary to retain this policy. The other major change to the plan was the revised town centre retail boundary. This effectively removed the Retail Boundary at the northern end of High Street and was extended instead to include Middle Yard, now referred to as Middleway Park and to take in the development of Sainsbury's on the western side of Union Street.
- 5.5 In Uttoxeter, no major changes were proposed however, the continuation of the adopted plan policy to relocate the cattle market and the allocation for a mixed-use development on the existing site.

Revised Deposit Local Plan (A17)

- 5.6 At Revised Deposit stage a number of representations were accepted and changes were made in line with those representations. Of particular note is the removal of policies R1 and R2 and the revision of R4 to create a criteria based policy for both comparison and convenience goods.
- 5.7 Also added at this stage was Policy R7A. This was policy R10 of the Adopted Local Plan that had been removed at First deposit stage due to the granting of outline consent for retail development. This consent was for approximately 5500m² of retail development however no reserved matters scheme had been submitted and the outline consent expired on 28/2/04. A subsequent Section 73 application was made on 24/6/04 relating to the extension of condition 1 to 28/11/05. The addition of this policy is

consistent with the removal of the retail boundary at First Deposit stage and the proposal of a mixed-use redevelopment.

- 5.8 Policy R18 (local provision) of the Adopted plan was carried over and will be important in the context of the Inner Burton Housing Action Area. The Action Area makes clear that the regeneration of the inner wards of Burton require employment and commercial
- 5.9 Other policies and the supporting text were the subject of minor revision in line with comments made.
- 5.10 Also introduced at Second Deposit stage are allocations in Uttoxeter as part of the Uttoxeter Action Area. This allocates land to the south of Tesco Stores on Town Meadows Way as retail development (UMAA 11) in addition to the Cattle Market site for mixed use development, Lion Yard for craft/specialist retail and ancillary uses (UMAA3) and land at Dovefields – Town Meadows Way (UMAA12) for food and drink (A3 uses).

6.0 Key Issues Raised by Objectors

- 6.1 63 objections were received at First Deposit Stage and these covered a range of issues. The main issues were:
- Section should more clearly reflect the recommendations of the Chase and Partners Retail Study
 - Questioned the need for separate policies for comparison and convenience goods
 - Current R4 did not fully address the sequential approach and test of need
 - Retail area should be redefined in Uttoxeter to include developments on Town Meadows Way
- 6.2 In addition there were individual representations suggesting amendments to specific policies and changes to the supporting text.
- 6.3 At the revised Deposit Stage the main issues were:
- Perceived lack of allocated sites in Burton for additional retail floorspace
 - Chase and Partners Retail study (2000) considered out of date
 - Issue over outline consent for the Riverside centre – permission remains extant hence provision of redevelopment for retail should remain.
 - 'Requirement' for developer to think 'flexibly and innovatively' not considered overly restrictive and not in line with PPG6

7.0 Council's Response to Key Issues

Reflecting the advice given in the Retail Study

- 7.1 The Council considers that it is not necessary to repeat the conclusions of the retail study in the plan in their entirety as the document is named as a

background document. Paragraph 4 of the Retailing and Town Centres chapter refers to the conclusions of the retail study and sets out the council's position in terms of the current commitments more than meeting the needs up to 2006.

7.2 The table below sets out the current commitments and completions since the retail study was completed.

Site	Size M ² (Gross)	Status
Post Office Redevelopment (New Street)	2062	Completed
TK Maxx	1442	Completed
JJB/Matalan Middleway Park	5388	Completed
2 Retail Units Guild Street, -	1114	Under construction
Total	10006	

7.3 A further extant permission for 5500m² is still outstanding for retail development at the Riverside Centre. This, added to the other completions and commitments, broadly meets with the target of 15250m² for comparison goods floorspace within the plan period.

7.4 In terms of retail warehouse provision the retail study did not consider that there was an urgent demonstrable need for more retail warehouses serving the catchment and PPG6 and subsequent ministerial statements have made clear that it is the 'class of goods' that is the basis for determining retail applications rather than particular retail formats. A retail proposal should therefore be assessed on whether the type of goods sold could in the first instance be sold from the town centre.

Need to overhaul Adopted Policy R1/R2/R4 in line with PPG6

7.5 Although Policies R1 and R2 were not part of the review, suggestions to amalgamate these with R4 were taken on board at Revised Deposit stage. This removed the distinction between convenience and comparison goods and brought together the policy approach to the sequential test in one policy better reflecting the aims of PPG 6 and the sequential approach.

Uttoxeter's retail area should be revised include developments at Town Meadows Way

7.6 The Retail boundary has not been revised in the town as, though the council accepts that there is unmet need within the town, much of this can be accommodated on the cattle market site as part of a mixed-use scheme. The Revised Draft Plan allocates land adjacent to the existing Tesco stores on Town Meadows Way following work undertaken as part of the Masterplan and the Brookside and Town Meadows Way Development Brief. These allocations are considered to meet the needs of Uttoxeter whilst at the same time protecting the vitality and viability of the town itself.

Retail Provision throughout the Borough

7.7 The Chase and Partners Retail Study estimated that there was insufficient growth in convenience goods retailing in Burton on Trent to justify another

large-scale food superstore. However, expected expenditure growth would support a smaller discount store that would address both a quantitative and qualitative need. Since the retail study was completed Aldi have opened a store of 1265m² gross on the Middleway Development that meets this need for convenience goods retailing.

- 7.8 The retail study goes on to estimate as a guide for additional comparison goods floorspace the target of 7500m² to 2006 and 15250m² to 2011. The First and Second Deposit Plans did not specifically allocate any additional sites for retail development due to the number of outstanding commitments. The commitments as set out at 7.2 and the extant permission at the Riverside Centre meet the 'target' set out in the Retail study for Burton on Trent.
- 7.9 For the Uttoxeter Action Area a number of sites have been identified in the Revised Deposit Plan to cater for both convenience and comparison goods. The Council believe that these allocations will allow Uttoxeter to retain the suggested 'leakage' from the town and reinforce Uttoxeter as a thriving Market town.

Chase and Partners Retail Study Out of Date

- 7.10 It is not accepted that the Retail Study is out of Date. The study was undertaken in 2000 and took into account the sites that were either allocated or committed at the time. The report addressed the issue of sites that were, at the time the subject of applications but did not rely on their coming forward such as the then outstanding B&Q site. As predicted sites have come forward either within the retail area of Burton or have been sequentially the next available site. The estimate of 15000m² to 2011 is still considered to a realistic target figure for Burton on Trent.

Outline consent on the Riverside Centre

- 7.11 This site, referenced at 7.3, is still an extant permission. The insertion of R7A, essentially policy R10 from the adopted Local Plan, has been reintroduced to promote the redevelopment of the Riverside Centre. The redevelopment should be sensitive to the surrounding Conservation Area and would ideally see the development of a mixed-use scheme of the whole of the land allocated on the Inset map.

The need to think 'Flexibility and Innovatively' not in line with PPG6

- 7.12 PPG6 and subsequent ministerial statements have made clear that it is the 'class of goods' that is the basis for determining retail applications rather than particular retail formats. A retail proposal should therefore be assessed on the type of goods sold could in the first instance be sold from the town centre. On this basis it is not appropriate to automatically assume that certain goods should be sold from a specific size of unit in a particular location.

7.13 Policy R1(c) of the Revised Deposit Plan seeks to ensure that applicants considering edge of centre sites demonstrate that no suitable sites or alternative formats would meet the proven need.

8.0 **Conclusions**

8.1 The Policies and proposals in the plan for shopping and town centres chapter comply with National, Regional and Structure Plan guidance. Allocations in Burton comply with the recommendations of a comprehensive retail study. Estimated growth can be provided by the commitments already in the town without the need for specific allocations.

8.2 Provision for Uttoxeter has been addressed through the Uttoxeter Masterplan that included extensive consultation and resulted in site specific allocations.

8.3 The remaining criteria based policies are considered adequate and appropriate to guide future development within the borough within the plan period.