

CHAPTER 7: SHOPPING AND TOWN CENTRES

Objections

7.03 *Shopping & Town Centres Introduction*

1213 5171 R386 Mrs F Forgham

Government Office for the East Midlands

Summary of Objection Issues

Inquiry Change:

- IC115
1. The new paragraphs inserted at Revised Deposit Draft stage were incorrectly labelled 5.XX rather than 7.XX. In order to correct this error an inquiry change is proposed.
 2. **The Council has recommended that all occurrences of 5.XX are deleted and replaced with 7.XX.**

7.03 R386 Shopping and Town Centres Introduction – Addition for Clarification of reference to Policy K4.

1213/5171: GOEM

3. (i) The new cross reference to policy K4 in the reasoned justification is noted. However it is considered that there remains a policy omission on town centre uses as described in PPG6, paragraph 1.7 and paragraph 4 of annex b which refer to a range of town centre uses. Currently plan policies permit shops, financial and professional services and food and drink uses, and leisure and community facilities but there is no policy guidance on B1 office uses, housing or mixed uses in the town centre. Additionally paragraph 4.84 and policy H15 on the loss of residential accommodation to other uses specifically exclude town centres. Town centres are usually the most accessible areas by public transport and therefore should be the location for major generators of traffic.
- (ii) Suggest Council considers its position on these uses - new policies may be necessary.
- (iii) The town centre policy K4 should have a site-specific annotation on the Proposals Map.

Council's Response:

- IC4
4. Policy K4 refers to “centres as the focus for shopping, employment, social, community and leisure uses”. B1 office uses would be covered under ‘employment’ uses. The Council however, recognises the lack of reference to housing and mixed use development, and therefore proposes a change in wording.
 5. **The Council has recommended that policy K4 should be amended to read: “The role of Beeston, Eastwood, Kimberley and Stapleford town centres as the focus for shopping, employment, social, community and leisure uses, combined with residential uses to create mixed development as appropriate, will be maintained and enhanced**”
 6. The town centres are clearly shown on the Proposals Map.

Inspector's Conclusions

1. As noted by the Council, new paragraphs inserted in this chapter at the Revised Deposit Stage were incorrectly labelled 5.XX rather than 7.XX. I support IC115, which rectifies this error.
2. GOEM object on the basis that there is no policy guidance on B1 offices, housing or mixed uses and this fails to reflect the range of town centre uses described in PPG6. They question whether a new policy or policies are necessary. The Council note that in Policy K4, B1 office uses would be covered under the reference to "employment uses". However, they recognise that there is an omission in respect of housing and mixed use development. Therefore, they have put forward IC4, which changes the introductory paragraph to Policy K4 accordingly. I consider that this change satisfactorily addresses the concern raised by GOEM.
3. As to GOEM's suggestion that Policy K4 should have a site-specific annotation on the Proposals Map, I consider that the map is suitable in its present form. The town centres are already clearly identified through the Policy S1 notation. At the bottom of the Key to the Proposals Map, K4 is included in the list of Plan wide policies. This is entirely appropriate because K4 relates to proposals both inside and outside town centres, such as possible accessibility enhancements, which are the subject of criterion c).

Recommendation

4. I recommend that the RDDP be modified in accordance with IC4 and IC115.

S1 Shopping and Associated Uses within Town Centres

Objections

7.34 R389 Shopping and associated uses within town centres

1213 5172 R389 Ms F Forgham Government Office for the East Midlands

S1 Shopping and associated uses within town centres

1125 2208

Aldergate Properties Ltd

1316 3258

British Telecommunications

Chapman Warren

1381 3565

Mrs F Forgham

Government Office for the East Midlands

Summary of Objection Issues

7.34 R389 Appropriate uses within Town Centres – Addition for Clarification of Reference to Policy K4

1213/5172: GOEM

1. (i) The new cross reference to policy K4 in the reasoned justification is noted. However it is considered that there remains a policy omission on town centre uses as described in PPG6, paragraph 1.7 and paragraph 4 of annex b which refer to a range of town centre

uses. Currently plan policies permit shops, financial and professional services and food and drink uses, and leisure and community facilities but there is no policy guidance on B1 office uses, housing or mixed uses in the town centre. Additionally paragraph 4.84 and policy H15 on the loss of residential accommodation to other uses specifically exclude town centres. Town centres are usually the most accessible areas by public transport and therefore should be the location for major generators of traffic.

- (ii) Suggest Council considers its position on these uses - new policies may be necessary.
- (iii) The town centre policy K4 should have a site-specific annotation on the Proposals Map.

Council's Response:

- 2. Policy K4 refers to "centres as the focus for shopping, employment, social, community and leisure uses". B1 office uses would be covered under 'employment' uses. The Council however, recognises the lack of reference to housing and mixed use development, and therefore proposes a change in the wording of policy K4 as an Inquiry Change, as described in the response to objection 1213/5171 (Proof 149).
- 3. The town centres are clearly shown on the Proposals Map, and Inquiry Change IC92 introduces the relevant cross-reference to policy K4 (see Proof 42b).

1125/2208: Aldergate Properties Ltd

- 4. S1 inappropriately adopts a sequential approach to development within Town Centres. There may be valid reasons why sites which are separated from existing shopping uses (A1, A2, A3) by non retail frontage may be brought forward in advance of the intermediate land.
- 5. Suggest delete "providing that shopping frontage".

Council's Response:

- 6. It is considered that the following amendment overcomes the objection and will allow a more transparent assessment of applications.
- 7. **The Council has recommended that the text of policy S1 should be amended to read: "Within the four defined Town Centres, planning permission will be granted for the creation, redevelopment or expansion of shops (Class A1), financial and professional services (Class A2), and food and drink uses (Class A3) providing that proposals do not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the Town Centre."**
- 8. The revision is in response to objections from GOEM and Aldergate Properties Ltd. The revised text should aid in understanding and ensure the policy is in accordance with government policy (PPG6).

IC42

1316/3258: British Telecommunications

- 9. The Kimberley Automated Telephone Exchange (ATE) is a commercial operator compatible with a town centre location. In addition there is a possibility that the ATE may come forward for development during the plan period and if the site were to be included within the defined town centre it would provide the opportunity of attracting a use that could consolidate the town's retailing functions.

Council's Response:

10. The site is adjacent to the south of Kimberley Town Centre but is accessed from the High Street. As such the site in question would not be easy to integrate into the existing town centre. In any case the Council does not consider the defined Town Centre needs any further expansion as the existing centre is of an adequate size to serve the surrounding area, evidenced by a number of vacant units and buildings suitable for conversion within the existing centre.
11. Furthermore the ATE is an existing use which provides local employment. The Council would be keen to retain the existing use or if necessary see an alternative employment use.

1381/3565: Government Office for the East Midlands

12. The policy is unclear and omits reference to the other acceptable town centre uses listed in PPG6 paragraph 2.18. There is no explanation about how “other shopping-related uses” are defined or what is considered to be a “substantial intervening break in shopping frontage” or what it seeks to achieve.

Council's Response:

13. The plan has been amended to include reference to Policy K4 (R389) and to include further explanation as to what is meant by “other shopping and associated uses” (R391). Policy K4, as amended, gives general encouragement to a wide variety of uses within the town centre. (Refer to IC4 - Proof 149).
14. Furthermore following further consideration it is proposed to amend the text of Policy S1 as described in the response to objection 1125/2208 (Refer to IC42 - paragraph 7).
15. It is considered that these amendments overcome the objection.

Inspector's Conclusions

1. GOEM's objection to R389 is the same as their objection to R386, consequently I have already dealt with the issues they raise in the previous section.
2. With regard to GOEM's objection to Policy S1, their first concern is that it omits reference to other acceptable uses listed in PPG6. As Policy S1 is intended to only apply to A1 uses, the Council have suitably addressed this matter by adding a cross-reference to Policy K4 in paragraph 7.34 (R389) and expanding K4 so as to refer to all the acceptable uses listed in PPG6 (IC4).
3. GOEM's second concern is that there is no definition as to what “other shopping related uses” are. The Council initially addressed this matter by amending the wording of the policy so as to refer to “other shopping and associated uses” (R392) and adding a definition to paragraph 7.35 which explains that this relates to uses which fall into the ‘A’ classes of the Town and Country Planning Use Classes Order 1987 (R391). However, in response to GOEM's third concern which is that “substantial intervening break in shopping frontage” is not defined and its purpose unclear, the Council have since put forward IC42 which deletes the last part of the policy, including the reference to “other shopping and associated uses” in R392 and replaced it with the requirement that proposals “...do not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the Town Centre”. This change makes the purpose of the policy more transparent and

also overcomes the objection from Aldergate Properties that there may be a valid reason why sites separated from existing shopping and associated uses by non retail frontage may be brought forward in advance of the intermediate land.

4. British Telecommunications Plc suggest that the Kimberley Automated Telephone Exchange (ATE) should be included within the identified Town Centre boundary. They state that it is possible that it will become available for redevelopment during the plan period and it would provide the opportunity of attracting a use that could consolidate the town's retailing functions.
5. The Council considers that there is no justification for extending the defined Town Centre, noting the number of vacant units that currently exist. In proof 132 & 042a relating to site EM3e, the Council state that vacancies in Kimberley Town Centre rose from 16% to 23% in the period 1996 to 2000. This is somewhat at odds with the recent findings of the Greater Nottingham Retail Study (GNRS) published in April 2002 which states that Kimberley has only one vacant retail unit, equating to 1.8%, although they note that the results are skewed by the small size of the centre. From my own inspection of the town centre, the number of vacant units was much higher than one and would equate to a percentage in the vicinity of the figures referred to by the Council.
6. However, more importantly, the GNRS highlights that there have been environmental improvements on James Street and concludes that improvements and investment are needed in Main Street and the Greens Lane Shopping Centre, to create a more consistent, higher quality retail environment across the centre. It suggests that Sainsbury's superstore would also benefit from refurbishment and improvements. Therefore, improvements within the existing extent of the Town Centre rather than expansion appears more warranted in order "to consolidate the town's retailing functions" as the objector seeks.
7. In their further written statement, the objector refers to paragraph 1.8 of PPG6 which states that the Government wishes local planning authorities to take a positive approach, in partnership with the private sector, in identifying additional sites for retail development. However, this has to be read in conjunction with the remainder of that section of PPG6 which advises that additional sites only need to be identified if there is need or capacity for further developments.
8. The Council has not complied with PPG6, as they have not undertaken an up-to-date retail needs survey. They inappropriately rely on the Greater Nottingham Retail Study (GNRS). However, the objector has not submitted any evidence to demonstrate that there is a need either.
9. In my consideration of site EM3e, I find that there is a need for additional bulky goods retail development and in accordance with PPG6, suitable sites should be identified to meet that need. With the ATE adjoining the town centre, in terms of the sequential approach, it is towards the top of the list as the objector suggests. However, despite its proximity to the town centre, I do not find that the site is suitable to meet the identified need.
10. There is a significant change in levels between the ATE and the Sainsbury's car park that would need to be overcome to ensure that the site would be effectively

integrated with the town centre. The site is also partially screened by a row of trees along the edge of the car park. Furthermore, if the site is not suitable for employment re-use, which is the Council's preferred option, residential development would be the next most appropriate option. That is because given the change in levels and the fact that the access to the ATE is off the High Street, the site relates better to existing residential development found along the High Street than to the Town Centre.

11. Overall, I conclude that there is no need to expand the defined extent of Kimberley Town Centre and the site should not be allocated in the Plan to meet an established retail need. Should the ATE come forward for redevelopment during the Plan period, it can be appropriately considered through existing policies in the Plan.
12. I note that there is also an objection from NCC (790/3656) which seeks the same sort of changes to the Plan in respect of Kimberley Primary School, which lies, immediately to the north west of the ATE. The Council have categorised the objection as being “conditionally withdrawn” but it is unclear to me on what basis the County Council could have done this as there is no associated proposed change or inquiry change on which the withdrawal of their objection could be conditional upon. However, with the school being adjacent to the ATE and again somewhat higher than the adjoining identified Town Centre, the issues that I have raised above in respect of the ATE would similarly apply. It relates better to neighbouring residential and employment uses than to the town centre. Part of the buildings, at least, is apparently to be used as a nursery school.

Recommendation

13. I recommend that the RDDP be modified in accordance with IC42.

S2 Sites for Retail Development

Objections

S2a **Sites for retail development - Beeston**
851 1537 Mr P Cook

S2b **Sites for retail development - Stapleford**
1169 2586 Cllr M Rich

Summary of Objection Issues

S2a Sites for Retail Development – Beeston

851/1537: Mr P Cook

1. Fear of small shop standing empty as existing shops on High Road already struggle to keep a business. A large supermarket would be an alternative – giving competition to the existing Sainsbury's and bringing prices down. Kwiksave may soon close. There is need for another

supermarket in Beeston – people will be more drawn to going to Long Eaton Asda if we do not have an alternative one. Fear of vandalism if a shopping mall.

Council's Response:

2. Policy S2 allocates this site for new retail and associated development. Objector's comments relate to type of retail development – a supermarket is not precluded by Policy S2a therefore there appears to be no objection to answer.

Inspector's Conclusions

1. The objector seeks the identification of site S2a specifically for a large supermarket. As noted by the Council, the provisions of policy S2 would not preclude the development of a supermarket on this site. A positive statement is also made in paragraph 7.37 that the Council has already agreed that it would use its compulsory purchase powers to help assemble a site for retailing if it became necessary. However, I do not consider that the policy should go so far as to require a specific type of development as suggested. The policy is appropriately flexible so that other proposals for retail and associated development that would sustain or enhance the vitality and viability of Beeston town centre may be considered.

Recommendation

2. I recommend that no modification be made to the RDDP.

S2b Sites for Retail Development – Stapleford

1169/2586: Councillor M Rich

3. Need some evidence to demonstrate what active measures are being taken to encourage development here. Some of the premises are already derelict.

Council's Response:

4. The Council is keen to ensure Stapleford remains a vital and viable town centre. A number of grant aid schemes are operated by Economic Development, and any appropriate applications for improvements to shop fronts, boundary treatment or other hard or soft landscaping would receive a positive recommendation.

Inspector's Conclusions

1. Policy S2b puts forward a preferred location for retail development in Stapleford. Along with other policies, the Plan aims to sustain and enhance the vitality and viability of town centres in the district. This is as far as a land use document can go to encourage development. Other "active" measures, as sought by the objector, operate outside the development plan system and the Council point to strategies and grant aid schemes run by the Economic Development team.

Recommendation

- I recommend that no modification be made to the RDDP.

S3 Retail and Associated Development in Locations Outside Town Centres

Objections

7.39		<i>Retail and associated development in locations outside town centres</i>	
599	2717	Mr G Foster	Nottinghamshire County Council
S3		<i>Retail and associated development in locations outside town centres</i>	
598	2621	Mr I Brown	CPRE - Broxtowe Group
S3a		<i>Retail and associated development in locations outside town centres</i>	
1132	2249		WM Morrison Supermarkets plc Peacock and Smith
S3b		<i>Retail & associated development in locations outside town centres</i>	
1127	2215	Mrs PN Johnson	Healey & Baker
S3d		<i>Retail & associated development in locations outside town centres</i>	
1127	3631	Mrs PN Johnson	Healey & Baker

Summary of Objection Issues

7.39 Retail and Associated Development in Locations Outside Town Centres

599/2717: Nottinghamshire County Council

- It should be acknowledged that the penetration of bus routes to the catchment area of the facility is a consideration, not just the frequency of services passing the site. It should not be inferred that proposals below 1000m² are appropriate.

Council's Response:

- The Council is unsure as to how the adequacy or otherwise of bus penetration could be assessed. Nottinghamshire County Council suggest in their written proof that the explanatory text should read "The term 'well served by public transport' in (e) below should be interpreted as the proposed site being within 400 metres of a bus service with at least a 20 minute day time frequency and adequately serving the catchment of the proposed development". This wording would raise the questions of what represents adequate service and what area represents the catchment. These questions are not easily answered and therefore it is felt that the clarity of the policy would be adversely affected.
- Therefore, whilst this Council accepts that the penetration of bus routes is also important, it considers the proximity of a frequent bus service to any proposed site gives a good indication of how accessible that site will be by public transport.
- Proposals for retail development between 100m² to 1000m² will be considered under S6 so there should be no inference that they are appropriate.

Inspector's Conclusions

1. In their arguments neither NCC nor BBC refer to paragraph 4.8 of PPG6. This states that for new retail developments local authorities should seek to establish whether public transport will be sufficiently frequent, reliable, convenient and come directly into or past the development from a wide catchment area. With these considerations in mind, the text in paragraph 7.39 is rather limited and could be expanded in a manner similar to that suggested by NCC. However, the 1000 sq m threshold in the Policy happens to coincide with the threshold for the submission of a Transport Assessment. Therefore, I consider that the text should be amended to state, “The term ‘well served by public transport’ will be tested through the submission of a Transport Assessment”. Such a change should ensure that the Plan reflects good practice at the time of an application.
2. With regard to the second part of NCC’s objection, it will not be inferred that proposals below 1000sqm are appropriate because proposals for retail development between 100 sq m to 1000 sq m are considered under Policy S6.

Recommendation

3. I recommend that the fifth sentence of paragraph 7.39 be modified to state “The term ‘well served by public transport’ in (e) below will be tested through the submission of a Transport Assessment”.

S3 Retail and Associated Development in Locations Outside Town Centres

598/2621: CPRE – Broxtowe Group

5. Feel that 1000m² is overgenerous and not specified in Nottinghamshire Structure Plan Review. Proposed that area be reduced to 500m² because stringent policies should be in place to prevent unacceptable out of town development.
6. In addition a further paragraph (g) should be added ‘The proposals would not give rise to an unacceptable increase in traffic on both urban and rural roads in the neighbourhood.’

Council’s Response:

7. The figure of 1000m² relates to major retail development. This figure is specified in the Nottinghamshire Structure Plan review (p123) Policy 6/2. Any unit under 1000m² would more reasonably be regarded as a retail shop/unit and as such a different policy applies (S6). The Council therefore contends that this policy will be effective in controlling out of town development.
8. The existing criteria ensure that major retail development is located in the most sustainable location and with traffic generated being accommodated safely on the highway network. As such the Council does not consider any further criteria are required.

Inspector’s Conclusions

1. As noted by the Council, the threshold of 1000 sq m is specified in the Nottinghamshire Structure Plan Review. (The footnote to Structure Plan Policy 6/2 defines “major” out-of-centre-retail development as that which exceeds 1000 sq m

gross floorspace). Therefore, I do not consider that the threshold is overgenerous or should be reduced to 500 sq m as the CPRE suggest. The Policy in its current form is sufficiently stringent to prevent unacceptable out-of-centre development.

2. I find that the additional criterion suggested by the CPRE is unnecessary because the issue of increases in traffic on roads in the surrounding neighbourhood is already covered by the last part of criterion f, although the term “satisfactorily” would cover other aspects such as congestion better than the term “safely”.
3. I note that NCC lodged an objection to the FDDP (599/3000) suggesting that in S3f the term “adequate provision” should be replaced by “appropriate provision”. This has been addressed in the RDDP through R398, which changes the term accordingly. BBC indicate that this objection has since been conditionally withdrawn

Recommendation

4. I recommend that no modification be made to the RDDP other than to substitute the term “satisfactorily” for the term “safely” in criterion f.

S3a Retail and Associated Development in Locations Outside Town Centres

1132/2249: Wm Morrison Supermarkets

9. The Plan does not give any indication of the factors, which would constitute the need for a new retail proposal.

Council's Response:

10. The question of need will be assessed in relation to government advice which is current at the time of an application. Existing government advice (the ministerial statement of 11.2.99) does not give detail on the factors which would constitute need and it is not therefore possible for the Local Plan policy to be more precise. However, regard will be had to the Greater Nottingham Retail Study which is expected shortly.

Inspector's Conclusions

1. The factors which demonstrate need are not specified in PPG6 or Mr Caborn's subsequent Ministerial statement of 1998. Therefore I sympathise with the Council that it is difficult to precisely set them out in the Plan with any confidence. However, it is generally held that need can be split into the categories of quantitative and qualitative need. I consider that where the Council state that they will require a report to be submitted with any application demonstrating the need for additional facilities (R396) this should be expanded to refer to quantitative and qualitative need. The matter specifically referred to by the objector, namely the benefits of introducing a new retailer into an area through price competition and additional choice for shoppers, is one factor that falls into the latter category.
2. Notwithstanding the Council's statement that they will have regard to the Greater Nottingham Retail Study, the issue of the level of quantitative need in the district

would have been significantly helped if they had complied with PPG6 and based the Plan on an up-to-date retail needs survey.

Recommendation

- I recommend that the start of R396 be modified to read, “The Council will accordingly require a report to be submitted with any application demonstrating both the need for additional facilities (quantitative and qualitative) and that a ...”

S3b Retail and Associated Development in Locations Outside Town Centres

1127/2215: Mrs P N Johnson

- The criterion refers to the availability of land without clarifying how this will be assessed.

Council's Response:

- The Policy requires applicants to look for sites first in town centres and then edge-of-centre, before other sites can be looked at. The report submitted with any application must show that a sequential approach has been applied in selecting the application site. This Council does not feel any further clarification is required; contemporary government advice will be followed when assessing any application.

Inspector's Conclusions

- The objector suggests that the criterion should make reference to sites becoming available “within a reasonable period of time”, as stated in paragraph 1.12 of PPG6. I do not consider that such an addition is necessary because the criterion already refers to the key issue of availability. It goes without saying that unless a site could be brought forward for development within a reasonable period of time, it could not be considered as being available.

Recommendation

- I recommend that no modification be made to the RDDP.

S3d Retail and Associated Development in Locations Outside Town Centres

1127/3631: Mrs P N Johnson

- The criterion reference to harm is vague and it is uncertain how effects on vitality and viability will be assessed.

Council's Response:

- The Council will assess harm with regard to the advice given in PPG6 (Refer to revision R394 in the Revised Deposit Draft). In particular figure 1 – Measuring Vitality and Viability, and paragraph 4.3 Impact on the Vitality and Viability of Existing Centres. The applicant will also have the opportunity to show how the site has been chosen and how it relates to existing centres within the report submitted with the application.

Inspector's Conclusions

1. The objector suggests that to overcome their objection reference to the indicators contained in Figure 1 of PPG6 should be included in the policy. A reference to Figure 1 in PPG6 would clarify how the effects on vitality and viability will be assessed, but this should form part of the supporting text rather than the policy. The Council has suitably addressed this matter through R394, which adds an appropriate sentence to paragraph 7.39.

Recommendation

2. I recommend that no modification be made to the RDDP.

S4 Prime Shopping Frontages

Objections

1169 2588 Cllr M Rich

Summary of Objection Issues

1169/2588 - Cllr M Rich

1. Need some evidence to demonstrate what active measures are being taken to encourage development here. Some of the premises are already derelict.

Council's Response:

2. Positive policies are contained elsewhere in the Local Plan and within strategies operated by Economic Development. This policy (S4) is intended to prevent any further deterioration in the shopping facilities available within prime shopping frontages.

Inspector's Conclusions

1. Policy S4 attempts to prevent any further deterioration in defined primary shopping frontages, including that in Stapleford. Along with other policies, the Plan aims to sustain and enhance the vitality and viability of town centres in the district. This is as far as land use document can go to encourage development. Other "active" measures, as sought by the objector, operate outside the development plan system and the Council point to strategies and grant aid schemes run by their Economic Development team.

Recommendation

2. I recommend that no modification be made to the RDDP.

S5 Proposed Local Shopping Centre

Objections

1218	2900		Nuthall Action Group
1006	1919		Antony Aspbury Associates Nuthall Parish Council Browne Jacobson Planning Unit
1155	2509		Greasley Parish Council Andrew Thomas Planning
260	529	Ms C Roberts	
1163	2462		CPRE CPRE (Broxtowe District Group)

Summary of Objection Issues

Objectors raising similar issues:

1. The following objectors all raise similar issues. Their objections and a joint response is presented below.

1218/2900 Nuthall Action Group

2. Necessitated through the remoteness and scale of the residential proposal. The policy does not provide adequate protection for existing shopping centres. Once development is committed it is likely that the Local Planning Authority will come under escalating pressure to relax the indicated overall and single unit floor space ceilings, leading to shopping provision which would in due course compete harmfully with nearby centres.

1006/1919 Nuthall Parish Council

3. Loss of Greenfield site, loss of Green Belt, loss of secure natural boundary, create urban sprawl, loss of agricultural land, no overriding need for the development that the shopping is to support.

1155/2509 Greasley Parish Council

4. Further clarification is required concerning local shopping and community services. Care will be needed to ensure such provision does not undermine the role of nearby town centres.

166/4039 Kimberley Town Council

5. Concern about potential trade diversion from shops in Kimberley Town Centre. Policy should only allow local facilities.

260/529 Ms C Roberts

6. Loss of agricultural land and loss of Green Belt. There is more than adequate shopping in Kimberley already/more shops would destroy Kimberley centre further.

Council's Joint Response:

7. The objectors' comments are dealt with as part of the response to objections to the Watnall development as a whole. However specifically in relation to S5 the Council wishes to make the following points.

8. PPG6 states that a plan-led approach should be taken to retail developments. Paragraph 1.6 states Local Plans should “consider existing provision and identify sites for development”. Paragraph 1.7 states “Development plans should plan positively for such uses”. PPG6 also states “local authorities should encourage, through their planning policies and actions, a wide range of facilities in district and local centres, consistent with the scale and function of the centre, to meet people’s day to day needs, so reducing the need to travel.” (Paragraph 3.18).
9. A substantial area of new development is proposed at Watnall and the closest shopping facilities are in Kimberley Town Centre. To serve the new development and thus reduce the need to travel, a local shopping centre is to be designated. The unit size is limited in order to prevent any significant diversion of trade away from Kimberley Town Centre.

1163/2462 CPRE

10. With reductions in housing proposed for the site H2(I) the need for this new shopping centre is much reduced.

Council's Response:

11. Proposed housing at Watnall is not proposed to be reduced, therefore a local shopping centre’s viability is not affected.

Inspector’s Conclusions

1. Policy S5 proposes a local centre for shopping and community uses in order to serve major new mixed use development proposed at Watnall/Nuthall. I have comprehensively dealt with the issues surrounding this major development earlier in my report.
2. I find that a new local centre would serve the day to day needs of future occupiers of the new development and reduce the need to travel. I also find that owing to the limited scale of the new centre proposed by the policy, it would be unlikely to have any substantial impact on nearby town centres or other more local shops. Indeed, the extra population resulting from the wider development may in fact help to support existing facilities.
3. The suggestion that in the future the LPA may come under pressure to relax the floor space ceilings is not a matter for me to consider at this stage. Any such proposals would need to be assessed on their merits and against retail policies pertaining at that time. At this point, the local centre allocation accords with taking a plan led approach to retail development.
4. Notwithstanding these conclusions, the provision of such a new local centre directly arises from major development proposed at Watnall/Nuthall. As I do not support this major development, there is no longer any need for a new local centre. Consequently, Policy S5 should be deleted.

Recommendation

5. I recommend that Policy S5 and the supporting text be deleted from the RDDP.

S6 Local Shopping Development

Objections

7.44		Local shopping development	
599	2715	Mr G Foster	Nottinghamshire County Council
S6		Local shopping development	
1125	2209		Aldergate Properties Ltd
112	126	Mr PR Tame	

Summary of Objection Issues

7.44 Local Shopping Development

599/2715: Nottinghamshire County Council

1. Object to the last sentence – this relates the floor space of the proposal with impact. It would be preferable to state proposals under 100 sq metres could be demonstrated to serve a genuinely local (walk in) function.

Council's Response:

2. The Council agrees that an additional phrase could usefully be added to this paragraph and therefore the following inquiry change is proposed. The revised text aids understanding by referring to the local function small units perform.

IC43

3. **The Council has recommended that the last sentence of paragraph 7.44 should be amended to read “ Proposals of under 100 square metres gross floor space are not assessed under this policy as it is expected that these small units would serve a genuinely local function, and could not be demonstrated to have any harmful effects on existing shops”.**

Inspector's Conclusions

1. Through IC43, the Council have taken on board the suggestion of NCC that the final sentence of paragraph 7.44 should refer to a proposal serving a local function. However, this does not incorporate the term “walk in” as suggested by NCC. I support BBC on this matter because the policy is intended to exclude small retail proposals such as farm shops and many of these are unlikely to satisfy such a requirement. NCC's suggestion to amend the remainder of the sentence so that floorspace is not related to impact is also omitted from IC43. I too am concerned about the remainder of this sentence but for a different reason. It fails to recognise that a shop which is just under the 100 sq m threshold could potentially compete with an existing village shop. Therefore, I consider that the sentence should be changed to, “is unlikely to have any harmful effects on existing shops”.
2. Later in this chapter I deal with other objections suggesting that there should be a new policy concerning farm shops. I do not support this because what I consider to be the key issue, the impact on existing village shops, is already covered by Structure Plan Policy 6/5.

Recommendation

3. I recommend that IC43 be modified to read “Proposals of under 100 square metres gross floorspace are not assessed under this policy as it is expected that these small units would serve a genuinely local function and are unlikely to have any harmful effects on existing shops”.

S6 Local Shopping Development

1125/2209: Aldergate Properties Ltd

4. Consider “solus” shops serving local needs/special needs need not relate to other shopping facilities. That may prevent provision of necessary shopping where a need exists because there are no existing local facilities.
5. Suggest amend to “Proposals will be permitted if any one of the following criteria can be met”.

Council's Response:

6. Small local shops under 100m² in area do not need to relate to other shopping facilities and would not be assessed with regard to Policy S6 (although the usual regard would be paid to the amenity of neighbours). However, for larger shop units the Council is keen to avoid the sporadic siting of units outside of town centres. The policy is also intended to encourage a wide range of facilities in district and local centres to meet people's day-to-day needs, and so reduce the need to travel. PPG6 supports this stance and encourages local authorities to insert policies in their local plans that protect the viability and vitality of town centres and other district and local centres.

112/126: National Farmers Union

7. Would oppose policy if it meant that farm shops in suitable locations could not be developed. Farm shops will find it impossible to meet with criteria (a) in the policy. However, new shops on farms can provide valuable niche markets' own produce and other speciality farm produce grown in the region, which need not affect existing retail units.

Council's Response:

8. Many farm shops would be under 100m² in area and therefore would not be assessed in relation to this policy. Furthermore the provision of a retail shop ancillary to agricultural use (for sale of own produce) would not require planning permission. Therefore policy S6 would only govern larger retail units selling imported produce; this form of ‘farm shop’ needs very careful control, but it remains an option for applicants to demonstrate material considerations which justify granting permission.

Inspector's Conclusions

1. Aldergate Properties Limited concern is that the Policy, particularly criterion a) would prevent the provision of stand alone shops serving local needs where there are presently no local facilities. This concern is unfounded because the policy does not apply to retail proposals under 100 sq m. The text inserted by IC43, (which I support above) clarifies that it is expected that such small units would serve a genuinely local function. It needs to be appreciated that the aim of the policy is to prevent the development of larger retail units away from existing local

facilities as it would encourage greater car use. This accords with the advice in PPG6 that retail development should be focussed in locations that provide the opportunity to use means of transport other than the car. In light of these conclusions, I do not support the objector's suggestion for changes to the introductory paragraph of the policy.

2. With regard to the objection from the NFU, their concerns about farm shops not being able to meet criterion a) are similarly addressed by the fact that proposals under 100 sq m are not subject to Policy S6. In dealing with other objections, I have an alternative concern about farm shops, which fall just under the 100 sq m. Potentially, they could have a detrimental impact on existing village shops. However, as this issue is unlikely to be one that regularly arises in this district, and the issue is covered by Structure Plan Policy 6/5, I do not consider that a separate policy consideration in the Local Plan is warranted.
3. I note that NCC lodged an objection to the FDDP (599/3001) suggesting that in S6c the term "adequate provision" should be replaced by "appropriate provision". This has been addressed in the RDDP through R404, which changes the term accordingly. BBC indicates that this objection has since been conditionally withdrawn.

Recommendation

4. I recommend that no modification be made to the RDDP.

S6 Local Shopping Development - IC135

1. In criterion (a) of Policy S6 on local shopping, 100 metres is referred to as the distance limit for the "grouping" of new shopping facilities with existing facilities.
2. **The Council has recommended that the wording of criterion (a) of Policy S6 is deleted from, and including, the word "or" as far as the semi-colon. Thus it will read:**

"(a) the proposal is grouped with other local shopping facilities; and"

The second sentence of para 7.44 should also be deleted.

3. This change allows interpretation of the concept of "grouping" facilities to be responsive to local circumstances, and not according to a prescribed maximum to be applied.

Inspector's Conclusions

1. The Council has put forward IC135, which deletes the requirement from the policy and supporting text that a new retail development should be no more than 100m away from an existing shopping facility. I support this change because as the Council suggest, it allows the concept of grouping facilities to be more responsive to local circumstances.

2. I note that the County Council lodged what they describe as a “conditional support” for Policy S6 which made reference to the issue of grouping (599/2716). However, such representations are confusing and raise the question of whether they should have been provided with a separate objection reference number. I understand that BBC’s approach has been to consider the points raised by the County Council but to record the representation simply as an expression of support, in accordance with the latter’s stated preference. Consequently, I similarly treat the representation as a support.

Recommendation

3. I recommend that the Plan be modified in accordance with IC135.

S7 Protection of Local Shopping

Objections

1125 2210

Aldergate Properties Ltd

Summary of Objection Issues

1125/2210: Aldergate Properties Ltd

1. Should not prevent change of use within retail classes – A1, A2 or A3.

Council’s Response:

2. This policy aims at protecting local shopping facilities – it is important that A1 uses (Newsagent, general grocery stores, sub-post office, pharmacy, hairdressers and other small shops of a local nature – Annex A PPG6) are protected to serve the local area. It should be noted that changes of use to A2 or A3 may be permitted where there would not be a “deterioration of local shopping facilities to an unacceptable degree”.
3. Whilst A2 and A3 uses can be eminently suitable for town centres, where they are balanced with a vibrant provision of shops, they can, if not carefully controlled, swamp local facilities and eventually lead to their malaise and extinction.

Inspector’s Conclusions

1. The Policy appropriately reflects concerns expressed in paragraph 2.25 of PPG6. This highlights that changes of use sometimes creates concentrations of single uses such as restaurants and takeaways. The cumulative effect of this can cause local problems, such as the loss of retail outlets. As noted by the Council, the policy permits changes of use from A1 to A2 or A3 where there would not be a deterioration of local shopping facilities to an unacceptable degree.
2. I note that the Countryside Agency lodged an objection to the FDDP (1363/3418) seeking reference in the supporting text to rural shopping issues. This has been addressed in the RDDP through R406, which inserts a reference in paragraph 7.45

to rural areas. The Council indicate that this objection has since been conditionally withdrawn.

Recommendation

3. I recommend that no be made modification to the RDDP.

S8 Food and Drink Retailing

Objections

1381 3568 Ms F Forgham

Government Office for the East Midlands

Summary of Objection Issues

1381/3568: Government Office for the East Midlands

1. Suggest further explanation and cross reference to S1.

Council's Response:

2. These changes have been incorporated into the Revised plan document (Revisions R411 – R413).

Inspector's Conclusions

1. GOEM expressed the concern that in the FDDP there was no explanation or cross-reference with Policy S1 as to where A3 uses would be permitted. In the RDDP, these matters have been addressed by R411-R413 and the Council indicate that this objection has since been unconditionally withdrawn.

Recommendation

2. I recommend that no modification be made to the RDDP.

S11 Signage and Advertisements

Objections

1124 2220

Granada Hospitality Limited
Weatherall Green & Smith

Summary of Objection Issues

1124/2220: Granada Hospitality Limited

1. Object that the term 'relates well' is too subjective for the policy to have any true meaning.

Council's Response:

2. The Council disagrees and considers the term “relates well” works well within the context of the whole policy and gives a good idea as to how applications will be assessed.

Inquiry Change:

3. The Council proposes an inquiry change in order to improve clarity and understanding by specifying which type of advertisement this policy applies to. The revision also ensures consistency with Policy E7 of the Local Plan.
4. **IC44 The Council has recommended that the title of this Policy is amended to read “Shop Front Signage and Advertisements”, and that the word “other” is deleted from the last sentence of paragraph 7.56 and from the policy text.**

Inspector’s Conclusions

1. I do not find that that the term “relates well” is too subjective to have any true meaning. Like the Council, I consider that it gives a good idea of how applications will be assessed. Indeed, “relates well” is a term used in example policies on shop front design provided in “Better Local Plans – A Guide to Writing Effective Policies”.
2. The Council has put forward IC44, which they state clarifies what type of advertisement the policy applies to. While it is clarifies that the policy relates to shop front signage, I am left confused as to whether the term “and advertisements” relates to; advertisements elsewhere on a retail unit other than the frontage, advertisements elsewhere within a town centre, or advertisements generally anywhere. I consider that the Policy should simply relate to shop front signage as other advertisements, whatever their location, can be suitably controlled through Policy E7.

Recommendation

3. I recommend that the RDDP be modified by amending Policy S11 and the supporting text so that it only refers to shop front signage.

SX New Shopping Policies

Objections

1134	2311		Bardills Garden Centre
1366	3514	Mr A Adams	Ministry of Agriculture, Fisheries & Food
1381	3598	Ms F Forgham	Government Office for the East Midlands
1439	3794	Mr P Geldart	Country Landowners Association

(Note: This excludes objection 1117/2181, which is dealt with in proof 132/042a).

Summary of Objection Issues

1134/2311: Bardills Garden Centre

1. No regard in the Plan given to retail types which require large areas of land. Some retail activities, such as garden centres, caravan and camping equipment sales etc, require large open-air display areas which invariably cannot be accommodated within the existing shopping centres. Such uses may be acceptable outside the recognised shopping areas, subject to the site and its access being suitable. A condition restricting the use specifically to that for which the application is made can be attached to any permission in order to avoid the establishment of general retailing in unsuitable locations. Such uses do not impact on the vitality and viability of the town centre because they do not compete with existing retail uses within the town centre.

Council's Response:

2. There are existing garden centres and caravan and camping sales sites within Broxtowe Borough which benefit from planning permission. However, the potential for new sites of this type outside urban areas within Broxtowe is limited due to planning constraints, in particular the designation of a large part of the borough as green belt and the effect of PPG6 and Structure Plan policy 6/2, which require a sequential approach to the location of retail development in order, amongst other things, to sustain and enhance the vitality and viability of town centres. Very few retail types now need non-urban locations. For example, camping equipment is often sold in town centre stores, caravan sales take place in urban locations and garden centres are frequently attached to DIY stores within urban areas. The Council does not agree that uses such as these are generally appropriate outside urban areas, nor that they do not generally compete with existing retail uses. Conditions limiting the uses to those proposed in applications would not therefore be helpful. Any applications would be assessed in relation to policies S3, S6 and, for sites in the green belt, E8.

1366/3514: Ministry of Agriculture, Fisheries and Food

3. We would welcome a policy relating to guidance as to farm shops and horticultural retail outlets. The core premise within the plan that farm diversification will be permitted, accepting specified circumstances, is welcomed. It should assist the competitiveness of rural businesses by creating the conditions for them to stimulate new and varied forms of wealth creation. However we note that there are no policies in the Plan which address the provision of retail development on farms and at horticultural nurseries. Farm and horticultural retail outlets can present an important farm diversification opportunity and thereby contribute to a healthy and diverse rural economy. Guidance in PPG7 requires local planning authorities to take into account the desirability for the farmer of providing a service throughout the year, the potential impact on nearby village shops, and the transport implications of planning permission for a farm shop.

1439/3794: Country Landowners Association

4. We appreciate that this chapter is particularly to deal with shopping in urban areas but recommend that the chapter also include a policy for the provision of retailing through farm shops in the countryside.

Council's Joint Response:

5. Certain retail activities are regarded as ancillary to agricultural use and would not therefore require planning permission. Those retail uses which involve the sale of more than a minimal quantity of goods not produced on the farm concerned, or which involve large scale retail businesses will be assessed with regard to existing policies within the local plan (policies S3, S6 and, for sites in the green belt, E8). As such the Council does not consider there is justification for a specific policy relating to farm shops.

1381/3598: Government Office for the East Midlands

6. There is no policy defining the four town centres.

Council's Response:

7. Policy K4 identifies the four town centres and their extent is defined on the Proposals Map. However, for clarity the Council proposes to add an extra sentence to policy K4.

IC92 The Council has recommended that the following sentence is added at the end of policy K4:

“The boundaries of the four town centres are as defined on the Proposals Map”.

Inspector's Conclusions

1. Bardills put forward a new policy that would permit retail activities that require large open-air sales or display areas, (and extensions to existing sites) where they would not harm the amenity of nearby occupiers, or the character or appearance of the surrounding area. They consider that such uses may be acceptable outside recognised shopping areas because they do not impact on the vitality and viability of town centres as they do not compete with existing retail uses located there.
2. Like the Council, I find that the type of goods sold through the activities listed could be accommodated within town centres and thus could compete with existing town centre retail uses. The approach promoted by the objector generally ignores the advice of PPG6, namely that most goods can and should be sold from town centres. This may need some flexibility in respect of preferred retail formats, but as demonstrated by several recent call-in appeal decisions, this is what is now sought by the First Secretary of State.
3. Paragraph 6.35 of the Structure Plan also expresses concerns about garden centres and notes that they are unlikely to require a location outside a built-up area unless, the unit is predominantly for the sale of plants or produce grown adjacent or close to the retail outlet.
4. The objector suggests that in order to avoid the establishment of general retailing in unsuitable locations, a condition may be attached to any permission restricting the use specifically to that for which the application is made. From what I have noted above, the use of such a condition should only be contemplated after first seeking sites within or adjoining existing shopping areas, as is required through Policy S3 and encouraged through Policy S6. In light of these points, I consider that a new policy, such as that suggested by the objector, would be inappropriate.
5. In response to the suggestion from MAFF (now DEFRA) and the CLA that there should be a policy on farms shops and horticultural retail outlets, the Council respond that such proposals will be assessed with regard to policies S3, S6 and for sites in the Green Belt, E8. The most relevant of these policies, Policy S6, does not relate to proposals below 100 sq m. Consequently, the issues relating to farms shops set out at paragraph 3.21 of PPG6 would not figure; in particular, the impact on nearby village shops and traffic, access and parking conditions. In light of this, I have a concern about the threshold. Potentially a farm shop of just under the 100 sq m threshold could compete with an existing village shop. However,

bearing in mind the nature of this District, and more importantly the existence of Structure Plan Policy 6/5 (Shopping Development in Rural Areas) which takes account of these PPG6 issues, I do not consider that a separate policy in the Local Plan is warranted.

6. GOEM suggest that there is no policy defining the four town centres. However, as noted by the Council, Policy K4 identifies the four town centres and their extent is defined on the Proposals Map. Although the Council has categorised this objection as being unconditionally withdrawn, in order to improve the clarity of the Plan, they have put forward IC92, which adds a sentence to the end of Policy K4. This states that the boundaries are as defined on the Proposals Map. While I support this clarification, such a statement should form part of the supporting text rather than the policy. This would accord with the approach taken at paragraph 7.34 in respect of Policy S1.

EM3e Nottingham Road, Giltbrook

7. In this section of my report I consider objections to site EM3e, proposed in the RDDP as a 2ha new employment land allocation. Firstly, I deal with an objection from Morus Investments Ltd (1120/2186). They propose that rather than being allocated as a new employment site, it should be allocated for bulky goods retail development. I also deal with an objection linked to this from Ikea Ltd & Morus Investments Ltd in respect of a new shopping policy (1117/2181). This proposes that the former Dyggor Gaylord site at Giltbrook, (part of which now comprises the Ikea and Decathlon stores) should be identified as an existing retail site in the Shopping Chapter of the Plan and subject to its own policy. Their suggested policy would permit, subject to finding no suitable sites in town or district centres, further development by large space retail operators on or adjacent to the site. After dealing with these two objections, I consider objections to EM3e from NCC (599/2680) and Mr Lovell (1419/3882).

Retail need

8. Paragraph 1.10 of PPG6 advises that in drawing up their development plans, local planning authorities should consider the need for new retail development. If there is a need, suitable sites should be identified in the Plan to meet that need. This is a fundamental principle of the plan-led system.
9. The objector considers that the Council has failed to comply with this guidance because they have not undertaken a retail needs survey. The Council's view is that it would not have been sensible to produce an assessment of needs in Broxtowe in advance of the Greater Nottingham Retail Study (GNRS). This joint study was commissioned by the City and County Councils and was still in preparation at the time of the Inquiry session on these objections. The Council indicated that the study would include assessments of the need for additional retail floor space within and outside the county's town centres. The study was finally published in April 2002 (CD128) and I agreed exceptionally that I would consider its findings after the close of the Inquiry. The Council subsequently highlighted the paragraphs of the study they consider to be of importance and the objectors have responded with their comments on the document.

10. The Council's view in their proof was that the GNRS would have input not only into the forthcoming Structure Plan review, if it proceeds, but also the "next round of local plan reviews". In the event, the GNRS failed to provide the information that the Council anticipated at the Inquiry. Indeed, it offers very little guidance to Broxtowe on their 4 town/district centres, with only 9 short sentences on their collective policy options. The Study concentrates overwhelmingly on Nottingham centres and particularly the City Centre. Furthermore, the Report contains confusing discrepancies in terminology between Volumes 1 and 2. The former refers to "turnover" and the latter refers to the same figures, seemingly more appropriately, as "spending". This confusion appears to underestimate the residual spending available to support new floorspace in Eastwood and Kimberley and strangely to overestimate it for Nottingham Centres such as the Carlton Centre. The study also assumed an increased penetration of the City Centre into the Zone 1 from 72.2% to 77.9% and a very large increase of 17.7% in Zone 2, mostly at the expense of smaller District Centres.
11. Consequently, I concur with the objector's view that the Council have not complied with PPG6. In essence, the Council have failed to take a plan-led approach to retail development for this Plan. The result of this may lead to planning by appeal during at least the early to medium part of the Plan period.
12. In the absence of a retail needs study, the objectors undertook their own assessment of the need for bulky goods facilities. This was based on the conventional approach and included a slightly modified 15 minute drive catchment, a 2005 design year, and a long-term growth rate of 4.2%. Finding a surplus expenditure figure for general bulky goods of £72.6 M in 2005 and £107.7 M by 2011, they demonstrated that a quantitative need exists. They suggested there was specific need for DIY shopping facilities but at this stage of the process, I find it premature to consider the precise nature of the need for bulky goods in advance of specific proposals for particular stores, which would arise at the later planning application stage.
13. However, as noted but misquoted by the Council, a Ministerial speech in 1998 subsequent to the publication of PPG6 clarified that need should not be regarded as being fulfilled **simply** by showing that there is capacity (in physical terms) or demand (in terms of available expenditure within the proposals catchment area) for the proposed development. While these may form part of the demonstration of need, the significance in any particular case of the factors, which may show need will be a matter for the decision-maker. It goes on to say that a failure to demonstrate both need for the proposal and that a sequential approach has been applied in selecting ... the site would normally justify refusal of planning permission. I conclude later that the objector has failed in neither respect. However, the Council clearly failed to meet the Minister's advice to consider the need for further retail facilities and to apply the sequential approach in identifying where such development should take place.
14. The objectors also sought to demonstrate a qualitative need. As noted by the Council, in some respects this assessment is limited in terms of clarifying what is thought to be a "poor retail offer or poor shopping environment". However, the fact cannot be escaped that the majority of stores within the catchment are located in

western Nottingham, east of the M1. This results in many residents within the catchment area having to travel significant distances to bulky goods stores that are inaccessible by a variety of modes of transport particularly by public transport. This encourages the use of private cars, contrary to government and LP objectives, and frustrates access to this form of shopping among those dependent upon public transport. The objectors also offered evidence of over trading, congestion and out dated format at some existing stores.

15. Turning to the GNRS, which estimates a bulky goods capacity of about 8714 sq m by 2006 and 19,839 sq m by 2011, I find it difficult to interpret what this means for Broxtowe District. Paragraph 9.4 indicates that there will be some scope for additional bulky goods floor space but paragraph 11.5 concludes that in the Greater Nottingham Area "We do not consider that there will be major opportunities to accommodate a significant expansion in retail warehouse floor space" a somewhat different and questionable assumption. It then advises that the specific merits of particular types of retailing should be reviewed according to the nature of the proposal and also the existing distribution of retail warehouses, although it gives little indication of how this should be conducted.
16. The lack of significant quantitative capacity for bulky goods floor space in para 10.12 of the GNRS Report was based upon assumptions that RPS, with some force, challenge. They emphasised their serious misgivings about the fact that in calculating the expenditure growth, the GNRS has drawn on the URPI ultra long term growth rate of 3.6% which they reduced to 3% to allow for limited growth in internet shopping. RPS, on the other hand, considers that it is more appropriate to use the long term rate of 4.2%. As they suggest, this difference significantly affects the predicted capacity for further provision; it demonstrates the wide-ranging disparities that can arise from using different assumptions.
17. This apart, two firm points can be taken from the Report. Firstly, there is a need for additional retail warehouse floor space, albeit limited. Secondly, the study has not considered the distribution of this or the qualitative spread of existing facilities. It offers contradictory and unsupported advice on the latter.
18. In para 9.4, the Study Report identifies the City Centre and District Centres as the preferred locations, not the City Centre alone and in para 9.56 it refers solely to town centres, as does PPG6 in paras 1.9 to 1.11 and the Ministers speech in 1998. However, in para 9.49 the Report suggests, rather strangely, that in each case it would be necessary to determine whether specific proposals for bulky goods retailing could be accommodated in the City Centre. I find it highly questionable whether a sequential approach based upon the principles of sustainable development would identify the City Centre as the preferred location for meeting the bulky goods retailing needs of the Eastwood and Kimberley areas some 6 to 7 miles away.
19. As the SP observes in para 10.18, the catchment area for bulky goods is substantially smaller than for non bulky comparison goods. Also in para 10.14 the Study Report suggests that lower order comparison goods retailing may be designed to draw upon more localised catchment areas, although the GNRS study assumed the same penetration rates for retail warehousing as for all comparison goods in Zone 1. Looking at the issue from another viewpoint, it might be that the

City Centre would be better off concentrating its valuable space upon higher order comparison goods. This is what para 9.4 of the GNRS Report seems to suggest, when it observes that, although the preferred location will remain the City Centre and District Centres, expenditure growth on certain types of bulkier comparison goods is likely to be accommodated on edge or out of centre sites if in-centre opportunities are taken up by none bulky goods comparison floor space.

20. In conclusion, the objector has presented evidence that there is a demonstrable quantitative and qualitative need for additional bulky goods facilities in the local catchment area. Owing to its general nature, it cannot be determined whether the GNRS supports these findings or not, although it has found that there is a need for some additional retail warehouse floor space. Given that the objector's evidence is tailored to this part of Broxtowe District and some adjoining parts of Derbyshire, rather than the whole of Greater Nottingham and that its findings have not been challenged by substantive evidence presented by the Council or the GNRS Report, I accord weight to its findings. I conclude that a need for additional bulky goods floor space in the local catchment area has been established. In consequence, the Plan should, in accordance with the advice of PPG6 and the Minister's speech in 1998, make appropriate allocations to meet that need.

Site suitability

21. Paragraph 1.10 of PPG6 and the Ministers' speech of 1998 and statement of 2003 advise that after considering the need for new development, a sequential approach should be adopted to selecting sites for new retail development. Paragraph 1.11 explains that this means the first preference should be town centre sites, followed by edge-of-centre sites, district and local centres and only then out-of-centre sites in locations that are accessible by a choice of means of transport.
22. The objectors undertook a sequential search for suitable sites within the local catchment area starting with sites within or on the edge of existing town centres. This accords with the search sequence in PPG6, the Ministers' speech and statement, Policy 17 of RPG8 and Policies 6/1 and 6/2 of the SP. However, no sites were identified. They also examined sites allocated in the RDDP under Policy S2 at Beeston and Stapleford. However, neither of these was within the appropriate catchment area to meet the identified need.
23. The Council's main criticism of this search was that the criteria used by the objector did not specify the scale and size of site being sought, although the objector clarified to the Inquiry that the search went down to sites of ½ acre and just below. However, they were unable to identify any potential sites. The Council emphasised paragraph 1.12 of PPG6, which states that "Developers and retailers will need to be more flexible about the format, design, and scale of development". They also highlighted that recent Secretary of State appeal decisions indicate that developers and retailers should consider whether it is possible to disaggregate goods so that they can be sold from different town centre sites. Basically, their key point was that small sites should be considered. However, the objector confirmed that a disaggregated approach had been adopted in their search.
24. However, when pressed at the Inquiry, the Council could not, even with their local knowledge and potential use of CPO powers, point to anywhere where the

identified need could be met, whether on large or small sites. They had no evidence to refute the findings of the sequential site search undertaken by the objector. It is quite insufficient to say that they would undertake a detailed survey if a planning application came in and that almost any unidentified site in the town centre would suffice. Neither accords with PPG6, which the Council is fond of quoting, or with the plan led system.

25. Paragraph 1.16 of PPG6 states that where out of centre developments are proposed, the following key considerations should be applied: the likely harm to the development strategy, the likely impact of the development on the vitality and viability of existing town centres, their accessibility by a choice of means of transport, their likely effect on overall travel patterns and car use.
26. Part of the Plan's strategy is to promote the role of town centres. However, in the absence of sites in or on the edge of centres, suitable sites elsewhere need to be considered, as SP Policy 6/2 (a) makes clear. It is simply not in accordance with the principles of sustainable development to expect local people to journey, probably by car, to locations and outlets in Greater Nottingham outside the local catchment area.
27. The objection site at Giltbrook being previously developed land within the urban area falls within category (a) of the search sequence of Policy 1 of RPG8 for new development. It meets most if not all the criteria of Policy 2 and the general thrust of Policy 5. The site's key asset is its excellent accessibility by a choice of means of transport; it thus meets the criteria of SP Policy 6/2 (b) and of PPG6. It is serviced by the A610 and the access arrangements for the Ikea and Decathlon stores meeting SP Policy 6/2 (d). Most importantly, it directly adjoins the Nottingham to Eastwood public transport corridor based upon the B6010 with its frequent bus services serving both the Eastwood and Kimberley areas; a location which Structure Plan Policy 1/2 favours for major development. It occupies a highly convenient position for facilities serving the whole of the local catchment area, lying as it does mid way between Kimberley and Eastwood and it is also well placed to serve Awsworth and even Ilkeston by bus as well as by road. Its key strategic location could be enhanced by further public transport provision should further development come forward. It may attract few pedestrians but both Ikea and Decathlon actively encourage cycling through the provision of staff bikes.
28. New bulky goods retail floor space on this site should not harm the strategy of the RDDP to sustain the vitality and viability of Eastwood and Kimberley Town Centres. Rather it would go towards meeting an established need that cannot be met elsewhere. In terms of its effect on these centres, this form of retail floorspace could add to rather than detract from their vitality in a similar way to that of Ikea in respect of Kimberley, as the GNRS notes. In para 10.22, it also notes, that the nearest town centres of Kimberley and Eastwood are reliant upon a convenience shopping function and that it is this role that should be supported in considering the merits of any out of centre floorspace proposals. SP para 6.24, although it pre-dates the Minister's speech, reflects local circumstances. It concludes that certain types of retail, particularly the sale of non food bulky goods, may be satisfactorily located outside of centre without detriment to the vitality and viability of nearby town centres taken as a whole. The Council produces no evidence that bulky type comparison goods are sold on any scale in Eastwood and Kimberley Town

Centres. Thus the evidence is that the impact of out of centre bulky comparison goods floorspace upon the vitality and viability of these two local town centres is unlikely to be negative. Clearly there are other factors behind the rise in vacancies in recent years but the latest rates of 11% for Kimberley and 9% for Eastwood are, as the objector points out, reasonably natural margins for healthy centres.

29. In respect of the effect on overall travel patterns and car use, an increase in bulky good retailing facilities within the catchment would reduce the length of journeys otherwise undertaken by residents. Furthermore, bearing in mind that Ikea and Decathlon are already a retail destination, there is the propensity for linked trips to be undertaken. As the GNRs observes at para 4.11, the objection site offers some of the attractions of a retail park to operators and shoppers alike. This choice of location also accords with paragraph 1.17 of PPG6, which advises that where a defined need cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine them with existing out-of-centre developments. Such development on the objection site would generally help to support the Government's aim of reducing the number and length of trips.
30. To conclude, in the absence of identifiable sites within or on the edge of the existing centres of Eastwood and Kimberley, the objection site at Giltbrook represents clearly the next most sustainable option for bulky comparison goods retail development. In these circumstances, it would be appropriate and indeed prudent to reserve it for such uses. Any future application for retail development would need to be accompanied by its own sequential analysis to demonstrate that this remains the case.

Employment land considerations

31. As well as retail policy, the Council resists the objector's proposals on the basis of the loss of employment land. They suggest that it would result in the loss of up to 2 ha of proposed employment land at EM3e and up to 2.6ha from the development of existing employment land at the adjoining Five Oaks Industrial Estate. They state that in order to meet the Structure Plan employment land requirement, there would be a need to allocate an equivalent amount of land elsewhere which is likely to result in incursions into the Green Belt.
32. However, the indicative layout plan attached to the objector's proof proposes the retention of an employment site of comparable size to EM3e. Therefore, it is incorrect to suggest that EM3e would need to be compensated for elsewhere. Secondly, the Structure Plan employment land requirement is not concerned with maintaining specific levels of employment land. It's concern is to make sufficient land available to enable past development rates to continue. The objector's proposed employment site does not form part of the RDDP Structure Plan employment land provision and thus the effect of the objector's proposals are broadly neutral.
33. However, it is an aim of the Structure Plan and the RDDP through Policy 2/8 and EM4 respectively to protect existing employment sites and buildings. The Council emphasised that paragraph 2.97 of the Structure Plan states that a contraction in the range of sites and premises in different locations would be inconsistent with the priority of achieving a prosperous economy. Their argument is that protecting

existing sites complements providing new sites. If this is the case, the issue then would be whether the loss of existing employment premises is outweighed by the need to identify sites for an established retail need.

34. The objector maintains that the existing units on the Five Oaks Industrial Estate are nearing the end of their economic life. The Council believe that there is a range of options for their future. They consider that they could be repaired and refurbished or they may need to be redeveloped in accordance with existing policies in the Plan.
35. From my own inspection of the units, with the exception of 1 Giltway, which is slightly a more modern unit, I have no doubts that they have reached the end of their useful life and are on the brink of redundancy. They are now mostly empty or in very low-grade storage use. Their age, size, height, layout, fittings, roofs and condition provide few attractions to new users, particularly, as the objector points out, with a full repairing lease. Their nature is such that refurbishment, which is not simply a case of repairing gutters, is unlikely to enhance their attractiveness significantly and there is no evidence that could prove viable. The resulting form of building is likely to be ill suited to contemporary requirements. The most likely, if not the only option would be redevelopment. I raised the point at the Inquiry whether if the existing units at the Five Oaks Industrial Estate were redundant, their redevelopment should count as a new site that could go towards meeting the Structure Plan employment land requirement.
36. The Council contested this. However, footnote (d) to Structure Plan Policy 2/1 states that provision does not include sites in existing employment use except that, where employment uses have ceased and the site is proposed for redevelopment for an employment use, for example derelict colliery sites and other major redevelopment sites, such sites may form part of the provision. The point was also accepted by the Council at the Employment Round Table Session. (CD83, paragraph 3.1)
37. The Council responded that a site would need to have been vacant for “many years” for it to count towards the Structure Plan requirement. I find this position questionable on three fronts. Firstly, there is nothing in SP Policy 2/1 footnote (d), which indicates that sites would need to be vacant for years. It simply says that employment uses have ceased and redevelopment is proposed, which is predominantly the case here. Secondly, it seems pointless to keep a site empty for many years if it is clear at an early stage that existing employment uses have ceased or are likely to cease in the very near future and are unlikely to resume without redevelopment. Thirdly, I can see no useful purpose in rejecting proposals to redevelop and renew outworn and outmoded employment buildings in the absence of any clear demand for this type of accommodation. The contribution of this alternative site towards the SP employment land provision would be the same whether the site had been vacant for 6 months or 6 years. However, in the latter case, the site would lie degraded to the detriment of the local environment in this prominent location and the local economy would be denied the benefits of new employment development for many years.
38. The Council could produce no evidence that such redevelopment would be forthcoming if left to normal forces. They had no view as to whether the existing

employment blocks were more or less likely to be redeveloped for new employment uses if site EM3e was retained as an employment allocation. The latter, which has remained unused for 7 – 8 years, is more prominent and perhaps even less attractive than the existing employment units at this important gateway to Eastwood and Kimberley. It ranks with the Porcellenosa site, which the Council allowed after the publication of PPG6 Revised because it had remained vacant for some years. In terms of Policy EM4, the objector's joint proposals would relieve environmental problems and thus meet criterion (b). The existing units being no longer suitable for providing accommodation for employment purposes thus meet the terms of Policy EM4 criterion (c). The large margin of flexibility built into the SP employment land requirements (referred to in Chapter 5 of my Report) also help towards meeting Policy EM4 criterion (a) for such a small site as this and helps to dispel the Council's hope that the original site EM3e and the redeveloped site could both be available for employment uses. The footnote to SP Policy 2/1 also emphasises that the employment land requirements are guidelines rather than targets. There is simply no need for further employment land provision stretching well beyond the end of this and possibly the next LP period. On the other hand the need for additional bulky goods retailing floor space is imminent and in consequence should take precedence.

39. The Council's point that the objection site's location is eminently suitable for employment development is, as the objector points out and perhaps with more justification, also true for forms of retail development. It is also interesting that the Council regarded this site so highly in terms of its proximity to Jct 26 of the M1 despite their criticisms of the nearby site Ea12. Due to the objection site's location adjacent to a main public transport corridor, in transport terms it is a highly sustainable location and being centrally placed between Eastwood and Kimberley it offers the optimum location in travel terms for out of centre bulky goods floor space serving both towns. Its close proximity to the A610 and adjoining existing uses makes it attractive from a commercial point of view for both employment and retail uses but, in the light of all the above factors, I consider that retail development to be preferable. The Council have sought to plan for future employment development in the district. In accordance with PPG6, they should do the same for retail development and identify land for an established retail need. As noted above, in the absence of other identifiable town centre or edge of centre sites, the objection site clearly represents the next most sustainable option.

Highways implications

40. The third basis on which the Council resists the objector's proposals relates to its highway implications. The Highways Authority comment that being located next to Ikea, which generates large volumes of traffic in its own right, it would only exacerbate the situation. Their main area of concern is the impact at the A610/A6096 Awsworth interchange roundabout.
41. The objectors have completed a scoping study; the first stage of a Transport Assessment (TA). Understandably, they have not completed a full TA because at this stage they are not putting forward a specific proposal. The scoping study relates to a B&Q warehouse because in transport terms it was judged to be the worst case bulky goods retail use in terms of its transport implications.

42. It finds that such a proposal would create material traffic increases at the access junctions and at the A610/Nottingham Road roundabout. However, the traffic increases would be relatively small with the largest increase being on the section of Nottingham Road between Gilt Hill and the A610 during the Saturday peak hour of 1200 to 1300 hours. I am aware of the scale of traffic generated by Ikea at some weekends. It seems to me that this results from the difficulties facing the operator in developing stores in other towns with the result that the Giltbrook store attracts shoppers from an unduly wide catchment area; the objector postulating that only 15% of its turnover derives from the local catchment area. However, their evidence was that parking at Ikea is actively managed and queuing is restricted to the access roads and did not normally extend onto the highway; a feature that I observed on my few weekend site visits.
43. A full TA would be required to support any planning application for development of the site and would determine if infrastructure improvements were necessary to mitigate the traffic increases so that the local highway network would operate satisfactorily. However, the scoping study found that if improvements were required, there is sufficient scope to secure a solution and thus the site meets SP Policy 6/2 criteria (e) and (f).
44. The Council emphasised the Highways Authority's point regarding the cumulative impact of three major development proposals in this location; housing omission site Ea8, (land north of Nottingham Road Giltbrook) and employment omission site Ea12 (land south A610). However, as I do not support these two other proposals, this issue does not arise. Nevertheless, the TAs submitted for those sites support the findings of the objector's scoping study that suitable solutions could be achieved to address increases in traffic at the A610/Nottingham Road roundabout.
45. Consequently, I concur with the objector's view that there is no "in principle" highway reason for resisting the proposal. At this stage of the process, this is all that needs to be considered

Synthesis

46. As the objector's proposals bring forward approximately 2 ha of new employment land, their joint proposals would not detract from the RDDP's provision in meeting the Structure Plan employment land requirement. The exiting units on the adjoining Five Oaks industrial estate have reached the end of their useful life and require redevelopment during the Plan period. They should be allocated for employment purposes and help towards meeting the Structure Plan employment land requirement. However, I consider that objection site EM3e should be allocated for bulky goods retail development for all the reasons above.
47. A need for bulky goods retail development has been established and in accordance with PPG6, suitable sites should be identified in the Plan to meet that need. It is inappropriate to leave this to the next round of local plan reviews. Following the plan-led approach, the Council should seek to plan for retail development in the same way that they have for housing and employment development.

48. Adjoining a public transport corridor, the objection site is a highly sustainable location. In the absence of other identifiable town centre or edge of centre sites, it represents the next most sustainable option to serve the Eastwood and Kimberley areas. It meets the criteria (a), (b) and (c) of LP Policy S3.
49. Harm would result from not identifying a site; an established retail need would remain unmet and residents would have to travel long distances to visit bulky goods stores elsewhere, if they are able to, or perhaps for those dependent upon public transport forego such opportunities entirely. Such an approach would be contrary to the advice of PPG6 and could result in planning by appeal. It would thus be appropriate and prudent to allocate site EM3e for bulky goods retail floorspace in the RDDP. A prospective developer would still have to demonstrate quantitative need for the particular kind or kinds of goods proposed to be provided for and that a sequential search had been undertaken in respect of possibilities for developing constituent disaggregated parts, as the Minister's speech of 1998 and the Minister's statement of 2003 make clear and as the objector accepted. I have considered the quantitative need for bulky goods retailing in general terms, rather than specific detailed proposals, despite references to a particular DIY outlet. It is premature to consider the loss of jobs from existing potentially redundant stores. I also see no reason to give much weight to the Council's belated and unsupported idea that the objection site might, in the absence of employment development, be considered for housing development under PPG3. Firstly, this would be unlikely to bring forward compensatory employment redevelopment. Secondly, the location of this site, close to major stores and their car parks is an unattractive location for housing. Thirdly it is of greater value to the community for bulky goods retailing than for housing for which there are other more suitable sites.
50. I recommend a form of policy wording below which draws upon on that put forward by the objectors at the Inquiry session. However, it is adapted to accord with the format of the policies which appear in the RDDP and omits the final sentence which stated that visitors would benefit from joint trips and established public transport links. Such a statement should form part of the supporting text rather than the policy. The precise boundary between the proposed new employment development and the bulky goods retailing area on former site EM3e and on the Ikea/Decathlon sites should be determined either through a Development Brief or detailed proposals. It may be, as the objector suggested, that some adjustments to the boundaries would produce a more satisfactory layout. Clearly, I lack the necessary information at this stage and I consider a mixed use allocation to lack precision.

Other Objections

51. In respect of this and other objectors' suggestions that the Ikea/Decathlon site should be identified as an existing retail site in the Plan, their main concern appeared to be that paragraph 5.69 stated that "there is no scope for further retailing at this location". They emphasised that this was technically incorrect because physically there was scope for further retail development. For example, Ikea could build on part of the car park and this could be compensated for by undercroft parking. Their concern about the sentence in paragraph 5.69 is addressed by my recommendation below that any such reference should be omitted in the re-writing of that paragraph. However, I also see the case for

extending the allocation site for bulky goods retailing that I recommend for former site EM3e, over the Ikea/Decathlon site. This would still leave individual proposals for further development on this existing retail site to meet the tests as described above.

52. The objection to EM3e from NCC (599/2680) follows their general pattern and suggests that the archaeological potential of the allocation is medium/high and that prior to development it should be subject to an archaeological evaluation. As noted by BBC, this general issue has been addressed in the RDDP through R102. This inserts a new policy in the Environment Chapter that requests, in appropriate cases, an archaeological evaluation to be submitted prior to an application being determined, although it is unclear to me what potential this previously developed site might possess.
53. Mr Lovell's one time objection to EM3e (1419/3882) suggested that the site should be allocated as a Park and Ride to serve Eastwood. However, there is no support for such a proposal from the Highway Authority and a scheme is not being promoted by a developer. The likely reason for this is that, as I found on site Ea12, there is little prospect of a Park and Ride having much of a role here given the attraction of the Park and Ride facility at Phoenix Park, which will have direct access to NET Line One. As there is no reasonable prospect of a scheme coming forward, it would be inappropriate to reserve the land for a Park and Ride site. I conclude above that the site should be allocated for bulky goods retail development so that it may provide for an established retail need.

Recommendation

54. I recommend that the RDDP be modified as set out in IC92 but incorporated in the supporting text to Policy K4, rather than the Policy itself.
55. I recommend that the RDDP be modified by allocating site EM3e, along with the existing Ikea//Decathlon site, for bulky comparison goods floorspace on the Proposals Map and supported by a new Policy in Chapter 7 of the Local Plan as set out below as well as supporting text. The existing employment premises on the south side of Giltway, should be shown as an employment site on the Proposals Map and included in Policy EM3 with supporting text. The reference in paragraph 5.69 to there being no scope for further retailing should be omitted.

"Policy Sx - Bulky Comparison Goods Retail Floorspace, Nottingham Road, Giltbrook.

Allocated for new bulky goods retail development which it has been demonstrated cannot reasonably be accommodated within or on the edge of town centres or district centres."