



Broxtowe Part 2 Local Plan

Examination matters, issues and questions

Hearing Statement on behalf of British Land Company (ID – 6053)

Matter 3 Town Centre and District Centre Uses Issue: Whether the approach to retail provision is justified, effective and consistent with the NPPF and the Aligned Core Strategy.

1. Do the thresholds for A1 uses reflect the current situation in relevant centres and are they based on robust evidence? Do they achieve an appropriate balance between maintaining the retail function in centres and allowing flexibility to accommodate a range of other uses?

In respect of draft Policy 10, it is considered that the threshold approach identified at Part 1.b)(i) of the policy regarding other non-Class A1 'Main Town Centre Uses' is; (1) unnecessary and (2) fails to appropriately consider the context of the composition of the existing centres within the authority area.

It is unclear what part 1(b)(i) of the policy is seeking to achieve. It applies no maximum non-Class A1 limit and thus would **in theory** allow 100% of the non primary frontages to be in non Class A1 use, providing any particular 'Main Town Centre Use' did not individually exceed the 10% and 20% thresholds. The purpose of this restriction is entirely unclear, notwithstanding the Council's "fine-tuning" of Policy wording.

Furthermore, the policy appears to **in practice** apply a more restrictive position to secondary frontages than to primary frontages. Given that Part 1b)(ii) relates to primary frontages and allows 60% non-Class A1 use, Part 1b)(i) may effectively allow little or no additional scope for Class A2 or Class A3 (as the 20% thresholds may have already been neared or breached within the primary shopping frontage). In such circumstances, the additional flexibility allowed by Part 1b)(i) would have limited applicability to Classes A2 and A3 which frequently contribute towards the vitality of peripheral streets within centres. While it would also allow other 'Main Town Centre Uses', the demand for these is relatively limited. For example, such 'Main Town Centre Uses' (excluding Classes A1, A2 and A3) account for just 15% of the total units in Eastwood, some of which are in the primary frontage. In effect, therefore, Part 1b)(i) provides less flexibility than the 60% threshold in Part 1(b)(ii).

It is considered sufficient safeguards are offered by Part 1.b)(ii), in respect of maintaining Class A1 frontages and therefore it is suggested that Part 1.b)(i). is removed from the policy wording entirely.



If Part 1.b)(i). is to be retained, it should be noted that it remains unclear whether the Classes A2 and A3 are permitted up to 20% individually or jointly. If this is a joint figure, it could result in a scenario whereby either use could be limited to less than 10%, for instance if there were already 15% Class A3 units, only 5% Class A2 would be allowed and vice versa. We assume the figure is 20% per identified use (i.e. 20% Class A2 + 20% Class A3), however this needs to be clarified either within the justification text or policy wording, if the criterion is to be maintained.

In addition to the above, the Council has still not clearly explained how the percentage of the primary frontage and ground floor frontage of the wider centre is to be calculated (e.g. by physical measurement of the length of a shop frontage or by number of units). Para 10.4 states; *"The 10% and 20% thresholds under part 1 of the policy apply to both numbers of units within the centre and the total ground floor frontage within the centre. The 60% threshold under part 1 of the policy applies to both numbers of units within the primary shopping frontage and the total ground floor frontage within the primary shopping frontage"*[WYG underlining].

To avoid the potential for future disagreement on the application of this policy, the reasoned justification should instead identify one means of the percentage calculation. It is unclear how the assessment can be undertaken on both methods without resulting in potential conflict between the two results. The current wording is therefore deemed to be 'ineffective' and it remains unclear how this policy is to be applied in practice.

In respect of criteria Part 1 b).iii), the assessment of "adverse impact" of an in-centre, non-Class A1 'Main Town Centre Use' on the vitality and viability of a centre is not measurable. The NPPF requires the assessment of the impact of 'Main Town Centre Uses' in edge or out of centre locations (para 90) and accordingly provides no guidance on the interpretation of this criteria of Policy 10. Indeed, the requirement for this element of the policy is not called-for by national policy at all. It is also worth noting that the NPPF impact test requires proposals resulting in a "significant adverse impact" to be refused, while Policy 10 simply refers to "adverse impact" and accordingly Policy 10 not only misapplies the NPPF test to in-centre development, but also places a significantly lower threshold of acceptability. This fails to accord with national policy and is totally unacceptable.

2. Bearing in mind part 2 of Policy 10 deals with upper floors, is part 1c) necessary to make the policy effective?

WYG would suggest that Policy 10 1.c) is poorly worded. It is not clear what would constitute 'reasonable steps' to secure the use of upper floors for main town centre uses or how this could be evidenced. It is considered Part 2 of the policy should be relied upon, which provides permissive



encouragement of the use of upper floors for 'Main Town Centre Uses'. It is therefore suggested that Part 1.c) is removed.

3. What evidence is there to support the alterations to the Town Centre boundary of Beeston and the District Centre boundaries of Eastwood, Kimberley and Stapleford? On what basis have the new boundaries been defined?

Based on recent surveys of Eastwood¹ and Kimberley², the rationale for the retraction of these two district centre boundaries and removal of Morrison's from the Eastwood boundary is recognised and considered acceptable.

In respect of Eastwood, the removal of areas physically separated from the wider district centre including the area beyond Mansfield Road (including Morrisons and The Sun Inn) is logical when considering how shoppers utilise the centre and the barrier formed by the A608. In addition, the retraction of the town centre boundary along Church Street to exclude St Mary's Church and The Wine Vaults Pub equally applies a common-sense approach when considering how the western extent of the town centre is used and the peripheral nature of Church Street.

In regard to Kimberley, the removal of residential dwellings located on Main Street and James Street represents a rational approach to redefining the centre boundary and is welcomed.

4. Is Policy 13 justified, effective and consistent with national policy? What is the evidence to justify the local floor space threshold? What is the basis for the thresholds at which impact assessments will be required and are they appropriate and justified by the evidence?

Paragraph 016 of the 'Ensuring the Vitality of Town Centres' Chapter of the National Planning Practice Guidance considers when the impact test should be used. Paragraph 016 makes clear that when setting a locally appropriate threshold, it will be important to consider the:

- "– scale of proposals relative to town centres;*
- the existing viability and viability of town centres*
- cumulative effects of recent development*
- whether local town centres are vulnerable*
- likely effects on development on any town centre strategy*
- impact on any other planned investment."*

¹ Experian GOAD Category Report 2016 updated by WYG surveys March 2018

² No Experian GOAD data - WYG surveys March 2018 only



Further to our previous representations made in respect of the Regulation 20 Publication Stage consultation, we are not aware of any new evidence or justification which has been provided to demonstrate the need to implement a 500 sqm threshold for an impact assessment of retail, leisure, office or food and drink uses (required by draft Policy 13). As previously mentioned, the Carter Jonas Retail Study 16.33 merely states; *"While the health check assessment confirms that the Borough's main centres are performing well, a restricted floorspace threshold can help to direct future retail investment to the town, district and local centres"*. As it stands, the LPA have failed to demonstrate compliance with the requirements of the NPPG for setting a local floorspace threshold.

The abovementioned representations do not appear to have been considered or addressed at Page 311 of Appendix 2 of the Part 2 Local Plan Consultation Statement (July 2018), with the majority of our comments appearing to have been entirely omitted. As such, we maintain the position that the policy is not sound on the basis that it has not been justified, nor is it consistent with national policy. As such, the default threshold of 2,500 sqm gross identified at Paragraph 89 of the NPPF should be applied.

In addition to the above, it is maintained that Part 1.b) of the policy in respect to its reference to 'need' renders it non-compliant with the NPPF. This particular retail test no longer forms a requirement for new retail floorspace in England and therefore this approach remains inconsistent with and contrary to national policy.

5. Is the gross floorspace for an individual unit within the Centre of Neighbourhood Importance defined in Policy 14 justified by the evidence? Similarly, is the residential threshold of 30% appropriate and justified by the evidence?

No comment.

6. Is Policy 12 regarding edge of centre retail in Eastwood effective and justified?

The proposed allocation of the supermarket as an edge of centre site, suitable for *'limited alterations and extension'* under draft Policy 12 is unreasoned and unnecessary. Although requested, WYG are not aware of any justification provided since the Regulation 20 Publication Stage consultation on the need for a standalone policy which identifies a specific preference for Class A1 development within the Morrison's demise. It is considered that the provisions of draft Policy 13 which relates to edge/out of centre development provide satisfactory and a comparable retail policy protection, rendering Policy 12 unnecessary. In addition, no explanation has been provided to confirm what is considered to form a *'limited alteration or extension'* and therefore the policy wording as drafted is ineffective.

In addition to the above, we note that Policy 6.5 of the Core Strategy forms the strategy policy context which has informed the wording of draft Policy 12. The Core Strategy policy suggests that Eastwood is *"considered to be in need of enhancement or to be underperforming"*. Although it is accepted that the



Core Strategy is now adopted and this policy itself is in force, it is important to emphasise the passage of time since the plan coming into force has rendered the wording outdated and inaccurate.

Table 1: Eastwood Town Centre – Composition of Uses

	March 2018 No. of units	March 2018 (%)	National Av %
Comparison	45	31%	31%
Convenience	16	11%	9%
Retail Service	25	17%	14%
Leisure Service	32	22%	24%
Financial & Business Service	18	12%	10%
Vacant	10	7%	11%
Total	146	100	100

Source: Experian GOAD Category Report 2016 figures updated by WYG surveys March 2018. UK Average at Jan 2018.

The table above sets out the diversity of uses within Eastwood district centre, informed by Experian GOAD Category Report data (2016), updated by WYG surveys in March 2018. The table confirms that the vacancy rate for Eastwood remains low, at just 7% of units within the town centre. Current vacancies are below the national average by 4% and have fallen consistently since 2012. WYG note a 'churn' in the centre whereby previously occupied units have since become vacant, however this has been offset by previously vacant units becoming occupied. This 'churn' is typical of a centre of this size. It confirms that the centre successfully continues to attract new operators, adding to the diversity of the centre.

In terms of convenience and comparison retail operators, representation is either in line or above the national average. Also, retail and financial & business units represent 2-3% more units than the national average. Leisure services fall 2% below the national average, albeit the offer within the centre is broad and includes restaurants, pubs, takeaways, cafes, leisure/community clubs and snooker clubs. Other facilities in the town include Eastwood Library and Information Centre, osteopath, chiropodist, dentist, social club and fitness centre. These draw people to the centre for reasons other than shopping and clearly bolster the attraction of Eastwood.

The shopping environment in Eastwood is generally clean and free from litter. Bus shelters are well maintained and road surfacing/markings and signage are well placed and legible. The centre is generally well lit and is perceived to be generally welcoming, whilst the environmental quality of the centre is generally good. Like many centres throughout the Broxtowe administrative area, added investment in



the public realm e.g. street furniture/ public art may further enhance the public realm. It is not however considered this need for enhancement is any more than most other centres within authority area or surrounding authorities.

Overall, Eastwood is considered to be both vital and viable when assessed against relevant indicators. It is not deemed rational to conclude it to be underperforming in any sense, or in need of enhancement above and beyond any other centres in the authority.

7. ACS Policy 6 identifies Stapleford as a centre in need of enhancement or to be underperforming and that Part 2 plans will be used to enhance their vitality and viability. What does the Plan propose in this regard?

No comment.

Word Count – 1,905