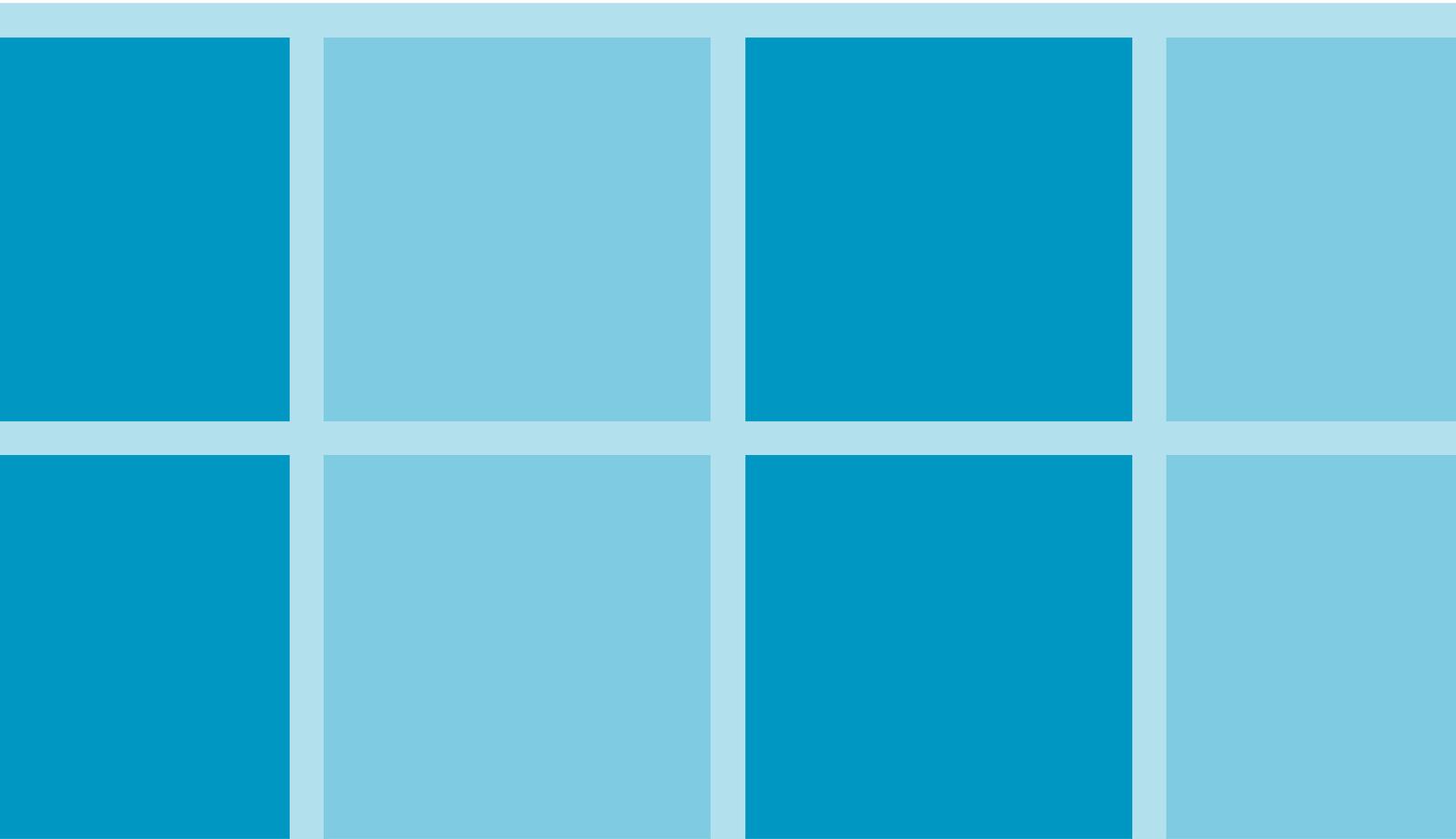


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1 Introduction

1.1 This technical paper sets the national and local planning context for retailing and town centre uses, and provides a summary of the evidence used to formulate the policies and designations within the Telford & Wrekin Local Plan.

1.2 It also reviews relevant submissions received and suggests how the Council has responded to them in the finalisation of its policies.

2 Background and Evidence

Context to plan making for the borough's centres

2.1 The Borough of Telford & Wrekin has a clear hierarchy of centres ranging from Telford Town Centre which has a sub regional pull and range of facilities, through to two older historic market towns at Newport and Wellington to a range of district and local centres which support a local need for top up or convenience shopping and services. In addition to these centres there are a number of retail parks.

2.2 Like many other areas in the UK, centres within Telford & Wrekin face challenges including changing consumer behaviour, new forms of retailing such as online shopping and car based out of centre retail and leisure development. As a result, the borough's centres need to continue to respond in order to meet the needs of local people across the borough while being resilient to economic change and ongoing changes in consumer behaviour.

2.3 It is important also in writing planning policy for our centres to recognise that they provide more than a retail offer. They are community hubs - which people visit to access services and facilities - and major employers too. They are also the parts of the borough with the best access to public transport.

National Planning Policy

2.4 The National Planning Policy Framework (NPPF) makes it clear that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;

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- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

2.5 The NPPF also advises that local planning authorities should “work with public health leads and organisations to understand and take account of health status and needs of the population, including expected changes and my information about relevant barriers to improving health and wellbeing”.

2.6 The National Planning Policy Guidance (NPPG) provides detailed guidance which sits alongside the policies of the NPPF and guides the practical interpretation of national policy. The NPPG also provides additional guidance on the determination of the health of town centres and how the sequential and impact assessments should be implemented.

Permitted Development Rights

2.7 Recent changes in secondary legislation will help diversify the borough's centres and theoretically allow more housing in centres.

2.8 Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended in April 2016) allows a number of permitted development rights relating to activity within the A Use Classes that promote more flexibility of uses within the borough's centres.

2.9 The order also allows a change from Use Class B1(a) offices, smaller shops in Use Class A1, Use Class A2 (financial and professional services) and laundrettes to housing (Use Class C3) subject to a prior approval assessment by the Council. On the matter of the change of use from activity in the A Use Classes to residential, the prior approval assessment requires the Council to consider whether the impact of such a change of use on the adequate provision of services in the centre and on the sustainability of the shopping area in which the building is located.

National Retail Evidence

2.10 A number of studies have been undertaken in relation to UK retailing.

The Portas Review

2.11 This was completed in 2013 and assessed the ‘future of our high streets’ resulting in a number of recommendations. These recommendations have led to the government to make a number of changes to permitted development rights to encourage flexible changes of uses within town centres. The report also led to encouragement of additional residential uses within other main town centre uses including allowing the change of use of offices to residential.

The Grimsey Review: an alternative future for the high street (September 2013)

2.12 This study concludes the following points:

- That there is too much retail space in the UK and retailing can no longer be the anchor to create thriving high streets and town centres. High streets and town centres need to be repopulated as community hubs encompassing more housing, education, arts, entertainment, business/office space, health and leisure – and some shops.
- That there are new issues connected to convenience and changing demographics, the public’s new love for social media and eBay auction-style shopping will further drive the migration to e-commerce and see traditional retail shrink.
- Predicted increases in online shopping leaves high streets under threat. Online shopping is set to increase. Alternative uses to make the high street more inviting and convenient should be encouraged i.e. education (crèche) arts, more housing etc. Recently national government have relaxed permitted development rights to make changes of use cheaper and quicker and to encourage people back into the high street.
- That it is time to encourage urban living where services can be delivered more easily and cost effectively for the benefit of all. The high street is under assault from multiple threats, but the rise of online shopping is widely viewed as the biggest threat of all.

Local Evidence

2.13 The Council has been working with town centre groups to transform and improve the borough’s towns and centres. Some of these centres have undergone regeneration investment including Dawley, Hadley, Madeley, Newport, Oakengates, St Georges and Wellington. It is a key priority for Telford & Wrekin Council to make our centres more attractive and accessible to residents and visitors.

2.14 The Council’s Pride in the High Street project (that made £1 million funding available) has funded 21 projects. Funding remains available for Oakengates, Wellington and Donnington.

White Young & Green (WYG) Telford & Wrekin Retail and Leisure Studies

2.15 Over the period from 2006 to 2014 the Council commissioned White Young Green (WYG) to carry out a number of retail and leisure capacity studies that provide specific details on retail and leisure needs across Telford and Wrekin. A brief summary of each of these studies is set out below:

- The 2006 WYG study looked at the network and hierarchy of centres within the borough. The principal centres identified were Telford (Town); Newport (Market Town); Wellington, Oakengates, Madeley, Dawley, Hadley and Donnington (District Centres). There are a number of local centres, however these were not individually named.

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- The 2008 Town Centre Capacity Update Study related to planning for the development and expansion of retailing in Telford Town Centre to inform the Central Telford Area Action Plan (CTAAP).
- An update to the 2006 Retail and Leisure Study was produced in 2009. Principally, this update assessed the impact of updated national expenditure projections and growth in Special Forms of Trading on the need for future convenience and comparison retail in the borough. The study reviewed four additional scenarios of household growth and the related retail requirements need they generated.
- A 2014 report incorporates assessments for both comparison and convenience retail sectors as well as an assessment of the health of the centres identified in the study. The Telford and Wrekin Retail Capacity and Health Check 2014 report updates and supersedes the previous Retail and Leisure Capacity Study completed by WYG in 2006 and a Retail and Leisure Study (Town Centre Capacity Update) in 2009. This report should also be read alongside an errata note issued in November 2015.

Telford and Wrekin Retail Capacity and Health Check 2014

2.16 In assessing retail need many factors are taken into account including future population growth. The study considered three population growth scenarios in modelling the potential future need for additional retail provision within Telford & Wrekin. Scenario 2 'Planned Growth' was the focus with a population growth figure of 32,250 by (2011-2031) which is broadly consistent with the Council's final housing requirement and population projection.

2.17 Convenience Goods (that is, food shopping) - (Paragraph 7.37 / Table 7.10) For the purposes of the Local Plan population growth scenario 2 'Planned Growth' has been pursued. This identified a quantitative convenience goods needs figure for the Telford Urban Area of 4,600 sq m - 10,800 sq m. These figures correspond with the appropriate findings contained in Appendix 6 of the latest Retail and Leisure Capacity Study.

2.18 Comparison Goods (that is, non food shopping) - (Paragraph 7.72 / Table 7.29) WYG state in their report that the quantitative comparison goods need figures have also been identified for the Telford Urban Area would be between 4,900 sq m and 8,100 sq m. However, they also advise councils not to specify the level of floorspace capacity in a development plan document but, instead, recommend that the policy links to the latest published Retail Study that the Council has prepared as part of its evidence base. Given the changeability of the retail sector the evidence contained within retail studies can often change on an annual basis. Therefore, fixing a policy on a long term floorspace target to 2031 based on today's figures only reflects local circumstances at a single point in time. Rather, the policy should be more flexible and capable of being assessed against the most up-to-date evidence.

2.19 Leisure needs - the study identifies there has been a reduction in the level of residents using leisure centres in the borough. WYG do not consider that there is any need to plan actively for any further provision in the local plan. It advises a sensible approach, for the Council to respond to any opportunities that may arise, based on the location of such proposals, and the qualitative and economic benefits which would result from the proposed development. WYG find that the existing leisure facilities in the borough are satisfactory and the principal focus should be on retaining these over the plan period.

2.20 Cinema - based on existing provision and the number of trips undertaken across the borough it is highly unlikely that there will be any further requirement for additional facilities over the plan period. The estimated need is significantly below the provision which is now available including the new facility at Southwater in Telford Town Centre.

2.21 Bingo - the number of bingo facilities in Telford has remained relatively stable and based on a number of factors WYG recommends that Telford should seek to support existing bingo facilities, rather than plan for new ones over the plan period. However, if a viable operator led opportunity arises then this should be considered on its own merits in accordance with relevant planning policy. In light of the above, the Council has made clear in the Community section of the Local Plan (Policies COM1 and COM 2) that community facilities will be encouraged and supported.

3 Local Planning Considerations

Local Planning Considerations

Central Telford Area Action Plan (CTAAP)

3.1 The adopted CTAAP sets out a detailed planning framework to guide future development and regeneration across the Central Telford area, which covers the town centre and surrounding areas of Old Park, Central Park, Hollinswood and Malinslee. This plan was adopted in 2011 and should be read in the context of the Core Strategy. It contains a vision and number of objectives for the Central Telford Area as well as a framework of policies and principles to guide spatial development. CTAAP features site specific proposals, many of these planning projects have been realised including Southwater, redevelopment of the town park and improvements to the box road.

3.2 The Telford & Wrekin Local Plan, once adopted, will supersede CTAAP but the Council has sought to ensure that the retail policies of the Local Plan progress similar principles continue to support the ongoing delivery of town centre enhancements between plans. Certain elements specifically covered in CTAAP, such as character areas and parking standards have been addressed in other chapters of the Local Plan.

Madeley Neighbourhood Development Plan (NPD)

3.3 The Madeley NDP was 'made' in March 2015. Within its 'Local Economy' section Madeley's retail core was identified as the primary shopping area and an allocation for retail identified. This has been followed through into the Telford & Wrekin Local Plan as well.

Telford & Wrekin Local Plan Objectives

3.4 The Local Plan provides a number of objectives for the borough. The objectives relating to retail are:

- Objective 2: Support and enhance the network of urban centres as the focus for local business, shopping, community facilities and residential development well served by public transport, walking and cycling, with Telford Town Centre being the sub-regional centre for the borough;

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- Objective 3: Consolidate and strengthen Newport's role as a Market Town; and
- Objective 19: Support the creation of safe and secure environments.

Policy formulation

3.5 Arising out of these objectives and the research carried out across the borough and Government advice, the Council resolved to develop policies covering the following areas of retail policy:

- Hierarchy of centres
- Telford Town Centre
- Market Towns and District Centres
- Local Centres and rural services
- Out of centre and edge of centre development
- Evening and night time economy
- Shop front and advertisement design

3.6 Brief comments on the justification for each policy are set out below. As the numbering of policies changed during the evolution of these policies, the Council has referred to the numbering in the Publication Version (Regulation 19) of the Local Plan.

Hierarchy of centres (Policy EC4)

3.7 The preparation of a replacement Local Plan provides an opportunity to review the hierarchy identified in the Core Strategy. In this respect the Council has relied principally on data from the Telford and Wrekin Retail Capacity and Health Check 2014 report and in house town centre assessments to assist with the defining of the retail hierarchy, particularly with regard to the number of units and the percentage of vacant units within the shopping area boundaries. The centres have been divided into the categories shown in Table 1 below.

Table 1 Retail Centre floorspace

Centre	Retail floorspace (sqm)	Defined role
Telford Town Centre	75,400	<p>Meets the retail and leisure needs of the whole borough and the wider sub-region.</p> <p>Provides a location for larger format stores and national chains including a number of national hotels and The International Centre for conferences.</p> <p>Current and planned developments will see it become a focus for larger format leisure chains.</p> <p>Focus for major residential, leisure, retail and employment developments.</p> <p>Has bus station and rail links.</p>

Centre	Retail floorspace (sqm)	Defined role
Wellington	43,420	Meets needs for north west Telford and the wider rural area. Has a market, independent shops, cafes, pubs, restaurants.
Newport	30,750	Meets needs of Newport and the wider rural area. Has a market and major retailers in the town centre along with independent shops, cafes, pubs, restaurants.
Oakengates	16,450	Retail, leisure and food and drink and home to The Place at Oakengates (a local theatre)
Madeley	10,165	Meets the needs of South Telford and the Ironbridge Gorge World Heritage Site - has some independent shops, cafes, pubs, restaurants
Lawley	8,507	Meets the needs of local residents as well as residing residents. (within the Lawley Urban extension). Provides a wide variety of facilities.
Dawley	7,365	Street market and some independent shops
Donnington	3,273	Meets local retail needs in north east Telford
Hadley	3,207	Street market, independent shops
Ironbridge	3,190	Specialist shopping and mix of restaurants, take aways aimed at tourists and locals

Review of hierarchy - establishing a sub regional centre

3.8 On the basis of this data, it is clear that Telford Town Centre should continue to perform a sub-regional retail role and should remain at the top of the retail hierarchy. It enjoys good access to a range of transport options and has a number of new developments under construction.

3.9 It is therefore appropriate that the Local Plan seeks to reinforce its status as a strong, attractive and dynamic Town Centre that is highly accessible and has a good degree of choice in both comparison (non-food) and convenience (food) shopping and provides quality services and facilities.

Market Towns

3.10 Newport and Wellington are larger than the other District Centres identified in the Core Strategy and contain a greater variety of retail and non-retail uses, including banks, building societies, leisure facilities and business offices. Consequently, they are more commercial in nature, drawing comparatively larger number of shoppers. The size and character of Market Towns means that they are more likely to be able to satisfactorily accommodate a greater range

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and mix of non-retail uses including business offices and commercial leisure facilities. Wellington was originally classed as a district centre in the Wrekin Local Plan and Core Strategy, but WYG have advised that Wellington should be given Market Town status too.

District Centres

3.11 The borough's district centres have evolved through the Wrekin Local Plan and Core Strategy. In addition to the five District Centres identified (Dawley, Donnington, Hadley, Oakengates and Madeley) District Centre status has been given to Lawley and Ironbridge by reason of the number of units, retail offer, role and location. Lawley was built as part of a Sustainable Urban Extension, its centre comprises of a supermarket, doctors surgery, collection of shops, and two primary schools. Ironbridge sits within the Ironbridge Gorge World Heritage Site. It provides a specialist offer of shops and services and therefore its retail and tourism role should be protected and promoted.

Local Centres

3.12 Beneath these centres, the borough has a network of local centres which help sustain smaller neighbourhoods and reduce the need for residents to travel to meet everyday needs. Neighbourhood centres may typically include a small convenience shop, newsagents and sub post office. A Local Centre is generally smaller in size and provides less variety of uses and is more likely to retain a residential character. A local centres assessment within Telford & Wrekin was carried out in 2010, this work identified a number of local centres which have been carried through into the Local Plan.

Telford Town Centre (Policy EC5)

3.13 In planning for the future of the town centre, the Council has needed to take account of its retail role, its commercial leisure role and its proximity to Telford Town Park which has both an important role as a civic space as well as having ecological significance in its own right.

3.14 The Council has concluded that Telford Town Centre has the physical capacity for further growth in its retail and service provision. The Primary Shopping Area has potential for an extension and redevelopment that could create an additional development opportunities for around 3,400 sqm of retail. It is proposed that any remaining additional comparison and convenience floorspace can be met through vacant properties in the Town Centre. It has not, therefore, been considered necessary to allocate land for retail development through the Local Plan but instead the policies provide a strong town centre first approach.

3.15 To help high streets continue to flourish the Council seeks to encourage residential living through conversions and new builds within centres. Growth in town centre residential occupation may change the nature of the town centre and create greater demand for an evening economy and a range of other leisure and community services. The council seeks to encourage changes of use and to create community focus points including as green space. The policy has, therefore, been designed to be flexible.

3.16 This policy will direct major new conference and exhibition business and ancillary uses into the Conference and Exhibition Area (as shown on the Policies Map and Map 3) and continue to protect and enhance the Telford Town Park's recreation and leisure uses together with its qualities and character.

Telford Town Centre Boundaries

3.17 The Publication Version of the Local Plan identified three distinct areas: the town centre boundary; the Primary Shopping Area (PSA); and a Conference and Exhibition Area.

3.18 The town centre boundaries draw largely on those in CTAAP. They extend from the M54 in the north, incorporating the railway station and associated leisure uses and some office accommodation through to a cluster of hotel, civic and office accommodation off Rampart Way, Ironmasters Way and Forge Gate through the shopping centre. They extend southwards to Telford Town Park. The boundaries excludes the retail parks west of Hall Park Way.

3.19 The Principal Shopping Mall contains a high percentage of units within the A1 Use Class. On this basis and consistent with WYG advice, the Council has drawn a primary shopping area (PSA).

3.20 To the south east of the Town Centre is a hotel and an International Centre and this area has been designated as a Convention and Exhibition Area in the Local Plan. In this part of the Town Centre the Council seeks to direct business related development and has established a separate boundary to clearly distinguish between these different areas.

Market Town and District Centre (Policy EC6)

3.21 The Council also seeks to direct retail, office and leisure developments and community facilities including the provision of entertainment and cultural activities to the identified Market Towns and District Centres.

3.22 Historically, primary frontages within these centres have included a high proportion of retail uses including food, clothing and household goods that provide an 'active street frontage' and contribute towards a lively street scene. Secondary frontages have been made up of more diverse uses including restaurants, betting shops and leisure activities whilst maintaining their primarily retail role. Shopping not only contributes to the vitality, attractiveness and viability of town centres, it also provides other benefits to the local economy and it is considered vital to protect the retail core of the main Market Towns and District Centres and avoid inappropriate developments which harm or undermine this function.

3.23 Some frontages which do not have window displays, such as takeaways, and which may only open during evenings can create a 'dead frontage' during the daytime and can reduce interest for pedestrians using the street. The primary frontage should, therefore, include a higher proportion of retail uses than the secondary frontage. The secondary frontage can then provide greater diversity of uses which will encourage a greater mix of visitors to the centre.

3.24 In line with changes in consumer shopping behaviour, increases in online spending and relaxation of permitted development rights the Council have taken an approach that should assist the survival and enjoyment of existing Market Towns and District Centres by re-drawing primary shopping area and centre boundaries as well as formulating a less restricting/controlling policy,

3.25 A Primary Shopping Area has been identified for each of the Market Towns and District Centres. The boundaries of the Primary Shopping Areas are shown on the Policies Map within the Local Plan. Policy EC6 supports the change of use from retail to non retail within Primary Shopping Areas providing the proposed use compliments the centre. Placing control over A1

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uses is considered beneficial for the vitality, viability and attractiveness of the centres. The number and concentration of non retail uses i.e. hot food takeaways and public houses should not dominate the town centre or detract from the overall character and function of the centres. The Council has applied a policy which prevents more than three adjacent similar non-retail uses in these areas.

3.26 It is recognised that these centres will need to diversify in time. To cover this, Policy EC 6 (i) to (iv) set criteria for when changes of use will be supported. The Council's preference is to set clear criteria for changes of use that will be understood by all users of the Local Plan. A simple requirement to avoid concentrations of more than three adjacent similar non-retail uses provides an appropriate basis for such an assessment. Outside of the Primary Shopping Areas (and between the centre boundary), a diversity of uses is encouraged. Mixed use developments combining retailing with entertainment and leisure are encouraged to promote lively centres and to reduce the need to travel. Such facilities can benefit the town centres and, with adequate attention to safeguarding amenities, can contribute to a successful or improved night time economy. It is not considered appropriate to apply thresholds to changes of use to non retail uses outside the Primary Shopping Area as these frontages should be expected to provide a greater mix of class uses.

3.27 Paragraph 23 of the NPPF requires local planning authorities to 'define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations'. In accordance with the NPPF, existing boundaries have been reviewed and new boundaries have been redrawn where appropriate in line with the information provided by WYG.

Local Centres and rural services (Policy EC7)

3.28 The hierarchy of centres has identified Local Centres within the borough, all of which perform a local function of providing top up shopping and local services. These centres vary in scale and are dispersed across the town and are intermixed with residential dwellings. Given the nature of these centres it is not considered appropriate to define a centre boundary. New Local Centres are expected to come forward over time as part of major new development (for example, the Priorslee Sustainable Urban Extension).

3.29 The Council recognises that it is important to maintain a range of facilities to meet the day to day needs of the residents in both Local Centres and rural areas of the borough, not only as an essential component of sustainable development but also to promote social inclusion. The rural settlement technical paper separately identifies that the borough's rural areas generally have older populations but with very limited facilities relative to the size of these settlements. The purpose of Policy EC7 is, therefore, to promote sustainable communities by resisting and managing the loss of retail and services in areas which are under served. The loss of shops and community infrastructure in Local Centres and rural areas will be resisted where it will have a detrimental impact on the ability of local people to access basic goods and services.

Out of town and edge of centre development (Policy EC8)

3.30 The Retail and Leisure Capacity and Health Check (2014) revealed that the combined market share of the retail parks and other out of centre retail facilities (39%) is greater than the market share of the Primary Shopping Area of Telford Town Centre (35%). This underlines the

significant strength of comparison goods retail facilities contained within the retail parks. In order to retain the vitality of the borough's urban centres there is a need to direct new retail development in the first instance towards its established town centres for reasons of sustainability consistent with the NPPF.

3.31 In line with WYG advice the Council has used three locally set threshold to assess proposals for out of town and edge of centre retail development that take account of a desire to preserve the vitality and viability of the existing hierarchy.

3.32 The 500 sqm (gross) retail floorspace threshold that would apply across the borough would likely be exceeded by the slightly larger format stores, such as a 'Tesco Metro'.

3.33 A 300 sqm (gross) retail floorspace threshold that would apply within 500 metres of a District Centre would likely be exceeded by 'Tesco Express'/'Sainsbury's Local' stores. Such formats would typically be 300-450 sq.m (gross).

3.34 A 200 sqm (gross) retail floorspace threshold that would apply within 500 metres of a Local Centre would likely be exceeded by the smallest scale convenience stores, this being some shops operated Co-op as well as small convenience stores such as a 'One Stop'.

3.35 The Council is of the view that setting relatively cautious local impact thresholds helps prevent an incremental expansion of out of centre retail development through a series of separate extensions and mezzanines within existing units.

Evening and night time economy (Policy EC9)

3.36 The Council recognises that in order for its centres to remain viable, they should provide a broad range of daytime and evening/ night time activities and uses to maintain their viability and vibrancy. The Council will support additional night time activity through Policy EC9.

3.37 A weekly report from the Telford Street Pastors have highlighted the main night time economic areas in Telford & Wrekin are Newport, Wellington and Oakengates. In light of Retail and Leisure Capacity and Health Check 2014 evidence, and the known evening facilities and services available the Council seeks to direct night time uses towards Southwater (in Telford), Newport, Wellington and Oakengates. For this reason these centres are specifically covered by the policy.

Shopfront and advertisement design (Policy EC10)

3.38 This final policy has been provided to provide local guidance on the management of shopfront design. More importantly it provides a policy context for an existing Supplementary Planning Document (SPD) that covers the borough's conservation areas including Ironbridge which is also part of a World Heritage Site as well as a District Centre.

4 Review of Regulation 18 and Regulation 19 representations

4.1 The retail policies that form part of the Local Plan have been the subject of two rounds of statutory consultation. Brief comments are offered below on the submissions received and the revisions made as a result of them.

Review of Regulation 18 Consultation comments

4.2 During the Regulation 18 (Consultation Version) Local Plan consultation, a very small number of comments were received relating to the retail policies. The comments are summarised below.

4.3 Policy EC4 Hierarchy of centres: comments were received suggesting the policy had been based on a robust evidence base. Three requests were made for Lawley and Ironbridge to be given District Centre status in the Local Plan. Other representations supported the principle of a hierarchy of centres or the recent works to Telford Town Centre. One representation suggested the policy identify support for other centres to come forward over the lifetime of the Local Plan.

4.4 Policy EC5 Town Centre: representations commented on typographical errors, the use of town centre terminology, the proposed retail figures, the town centre map and comparison and convenience wording. One representation stated that a maximum retail figure did not allow for flexibility and was not NPPF compliant. As a result of this submission, officers reviewed the retail study that formed part of the evidence base that informed the Regulation 18 version of the Local Plan. WYG, the authors of the report, produced an errata note in connection with the points raised.

4.5 Policy EC6 Non-retail uses: comments received were concerned about there only being one policy to cover the Town, Market and District Centres and that Wellington did not get sufficient status. Objections were made implying the policy was unduly restrictive around Use Class A5 (take away) uses or did not give sufficient flexibility around Telford Town Centre.

4.6 Policy EC7 Shopping centre design: one representation was made in support of the policy and another suggested it should be applied more widely as the basis for quality shop frontages.

4.7 Policy EC8 Evening and night time economy: there was general support for the inclusion of this policy in the Local Plan from consultees who responded to this. However, two submissions raised concerns that the policy does not provide sufficient clarity or detail for potential applicants and other relevant stakeholders and suggested that parts of the supporting text to the policy be incorporated into the policy itself or that the policy should state clearly where such uses should be promoted in Telford town centre.

4.8 In response to the comments received, the retail policies were restructured and individual policies renamed and amended to improve the robustness of the Plan and in particular, the following changes were made

- Policy EC4 Hierarchy of centres: this policy was adjusted with Lawley and Ironbridge identified as District Centres.
- Policy EC5 Telford Town Centre: this policy was extensively rewritten. It confirms more forcefully that Telford Town Centre will be promoted as a sub regional centre based on a shopping centre that looks outwards. The policy now uses a consistent terminology to define terms such as "town centre". It gives a commitment to promoting visitor and leisure facilities and the International Centre and confirms that the Council will continue to work with partners to improve pedestrian and vehicular links into the Town Centre including to and from Telford Central Station. It states clearly that Telford Town Park will be protected and enhanced.

- Policy EC6 Market Towns and District Centres: this policy maintains the Council's commitment to resist the loss of retail in primary shopping areas and allow more flexibility to facilitate change in the shape of our high street to reflect recent changes in legislation and shopping patterns across the country.
- Policy EC9 Evening and night time economy: this policy was amended to confirm that the Council will support additional night time activity in Oakengates as well as Telford Town Centre, Wellington and Newport. This change reflects the uniqueness of Oakengates as the home to The Place theatre.

Review of Regulation 19 (Publication Version) representations

4.9 Policy EC4 Hierarchy of centres and Policy EC5 Telford Town Centre: Three respondents wrote in to support the hierarchy. One rural parish suggested that Admaston be deleted from it. Other retail operators questioned the extent to which it was aligned with the findings of the retail study prepared before the Plan was drafted and advocated that the policy should state the amount of retail need and acknowledge the role of out of town retail parks more positively. Another respondent stated that any unmet need be directed to Telford Town Centre first.

4.10 Policy EC6 Market Towns and District Centres: Historic England have recommended that criterion (ix) align with the shopfront policy EC10. One Newport group has drawn the inspector's attention to a planning application for an out of town shopping facility. One national restaurant chain has objected to the implied link between take away food and obesity. No representations were received on Policy EC7 Local Centres and rural services.

4.11 Policy EC8 Out of centre and edge of centre development: One Telford Town Centre business supported the policy. Other retail operators challenged the sequential test criteria and one suggests that the title of the policy be rewritten. One Newport operated has stated that retail commitments outside of the town centre should be allocated in the Local Plan. Three representations were received in support of Policy EC9 Evening and night time economy. Two groups commented on Policy EC10 Shopfront and advertisement design. Historic England have advised that the policy should be applied to retail and non retail shopfronts. A trade body opposed criterion (v) as being too restrictive.

Responses to submissions made

4.12 The Council has carefully considered all representations around the borough's retail policies. It proposes minor modifications to address submissions where it is necessary to do so to improve the clarity of a policy. The minor modifications include:

- Deleting Admaston from the hierarchy of centres on the basis of its size;
- Clarifying that additional retail should be directed to Telford Town Centre in the first place so as not to rule out the possibility that it could also be directed to other retail parks subject to a sequential test and retail impact assessment;
- Introducing a secondary shopping frontage in Telford Town Centre to promote more flexibility of uses; and
- Clarifying that policies on the design of retail frontages apply to all uses in the A Use Class A1 as well as shops.

4.13 A number of objections are outstanding. These cover the following matters:

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- the link between obesity and take away food;
- the retail impact assessment thresholds in Policy EC8;
- whether the references to out of town retail development in Policy EC8 are unnecessarily negative; and.
- whether it is appropriate to identify retail commitments in the Local Plan.

4.14 Comments on each of these matters are set out below.

Obesity

4.15 The Council maintains that it is appropriate to make a link between obesity and a proliferation of hot food take aways and will be happy to provide evidence at the Examination in Public if required. The Inspector's attention is drawn to Public Health England data quoted in the borough profile within the Local Plan.

Retail impact assessment thresholds

4.16 The Council also maintains that its thresholds in Policy EC8 for when it will require a retail impact assessments are justified. It has considered two submissions which variously suggest the threshold should be set at 1,000 sqm or 1,500 sqm.

4.17 The Council takes the view that paragraph 26 of the NPPF advocates the identification of locally set thresholds, above which edge of centre and out of centre retail, leisure and office development proposals should be subject to the assessment of the impact test.

4.18 In applying this test locally, the Council maintains that the performance of town centres is only one of a number of considerations in determining whether a proposal would have a significantly adverse impact on an existing designated centre. There are six considerations set out at paragraph 016 of Ensuring the Vitality of Town Centres within the Planning Practice Guidance which should also be considered in setting locally appropriate thresholds. The first of the identified considerations is the 'scale of proposals relative to town centres'. This criterion is considered to be of particular importance within the Telford and Wrekin administrative area to ensure that out of centre proposals are assessed appropriately with consideration to the different categories and sizes of centres identified within the hierarchy at Policy EC 4.

4.19 Recent appeal decisions support the stance that retail proposals below the threshold limit of 2,500 sq.m identified in the NPPF can potentially result in a significantly adverse impact on defined centres, and consequently support the identification of relevant lower thresholds at the local level.

4.20 For example, appeal decision reference APP/E5900/A/14/2217680, which was dismissed on 5 August 2014, was lodged by Sainsbury's Supermarkets Ltd against the refusal of planning permission by the London Borough of Tower Hamlets for a change of use to provide a convenience store of 429 sq.m (gross) floorspace, on the edge of the Stepney Green Neighbourhood Centre (SGNC). In dismissing the appeal the Inspector found it relevant and proper to give consideration to the impact assessment provided by the applicant and subsequently that a retail development of the scale (429 sq.m gross) and format proposed could potentially have a significantly adverse impact on the vitality and viability of the neighbourhood centre. The appeal decision at paragraph 16 stated, "Although the proposed new store would enable retail spend to be retained in the local area, in my view it has not been fully shown that

the development of a store of this size would not undermine the retail offer in the designated centre, including the small businesses which make up the majority of shops within the centre along the main road." Ultimately, the inspector concluded at paragraph 17, "it has not been demonstrated that there would not be a detrimental effect on the vitality and viability of the SGNC."

4.21 The appeal decision clearly establishes that an assessment of the economic impact associated with retail development proposals of a scale far below that of the default threshold set out in the NPPF of 2,500 sqm is relevant and appropriate to ensure that a detrimental effect on the vitality and viability of a small scale designated centre will not occur.

4.22 A further appeal case which has found the impact of relatively small scale retail proposals, (resulting in significantly less new retail floorspace than the threshold of 2,500 sqm set out within the NPPF) to be materially significant to the vitality and viability of established centres is appeal reference APP/B0230/A/13/2203864. The appeal was made by Tesco Stores Limited against Luton Borough Council's decision to refuse planning permission for an extension to an existing building and the formation of a new car park. The application was linked to a wider proposal to change the use of the building from a public house to a convenience store, with the site located within a defined local centre. The proposal would have resulted in an increase to the net retail floorspace of the unit from 114 sq.m to 232 sq.m. The appeal was dismissed on 8 April 2014.

4.23 Again, in dismissing the appeal the Inspector noted that the Local Centre was identified as performing well in the Council's most recent health check assessment. In consideration of the scale and potential impact of the proposal, the Inspector in reference to the estimated annual turnover of the unit trading as a convenience store of some £2 to £2.5 million stated at paragraph 12 of the appeal decision found that: "The turnover would also be much greater than that estimated for the existing convenience shops in the Local Centre...[and]...the development proposed would result in a store of a scale that would not be commensurate with the existing retail character of the Chapel Street Local Centre."

4.24 Although the proposal was evidently of a modest scale in terms of the new floorspace to be created, the Inspector was clear in her view that within the local context, which the proposal should appropriately be assessed, the proposal was nevertheless disproportionately large compared to existing retail premises within the centre. She stated at paragraph 14 of the decision that, "the introduction of a disproportionately larger unit, such as is proposed here, would be likely to disrupt the existing balance within the Local Centre and could potentially, have an adverse impact on the retail function of the Local Centre."

4.25 With consideration to this decision, the Council maintain that, in seeking to provide a unit totalling 232 sq.m (net) of floorspace, the scale of the proposal is comparable with the retail impact threshold set out at Policy EC 8 (ii) for proposals located within 500 metres of a Local Centre. The appeal decision therefore supports the appropriateness of the approach taken by Policy EC 8 and the importance of establishing thresholds appropriate to the local level.

4.26 Turning to the higher threshold of 500 sqm (Policy EC8 (i)) which would affect development close to Telford Town Centre, the Council wishes to draw the inspector's attention to an appeal decision for an A1 retail unit of 1,162 sq.m at Blackwater Shopping Park in Farnborough (appeal reference APP/P1750/A/14/2213117). The appeal decision indicates that, in terms of trade diversion, there would only be a small impact arising at Farnborough town centre as a consequence of the development. However, the Inspector found at paragraph 20

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of the decision that the proposal: "...could well have an adverse impact on the pace of regeneration. Within a relatively fragile market where progress has been slow and tenants seem hard to secure, this could well be a matter of material significance." Whilst a failure to accord with the requirements of the sequential test also formed a reason for refusal in the case of the Blackwater Shopping Park decision, this appeal case also indicates that proposals well under the default threshold can materially impact on the vitality and viability of a town centre.

4.27 Accordingly, the Council is firmly of the view that the three thresholds specified in Policy EC8 are sensible and appropriate levels, with typically only development proposals of a scale greater than the thresholds set out in the policy likely to lead to a 'significant adverse' impact, which could merit the refusal of an application for retail uses in accordance with the provisions of the NPPF. Furthermore, the thresholds identified in the policy are considered to be suitably reflective of the hierarchy of centres identified in Policy EC 4 and the extent of the retail provision offered by the individual defined centres within the local authority area.

4.28 The thresholds set in Policy EC 8 (ii) and (iii) for retail proposals of more than 300 sq.m and 200 sq.m within 500 metres of a District or Local Centre respectively are appropriately positioned too in that most proposals from leading supermarket operators for their smallest format stores in such locations would be required to demonstrate no significantly adverse impact. It is considered important that the Council retains the ability to assess the impact of such proposals given the significant turnovers often capable of being generated by such stores.

4.29 Furthermore, it is important to note that retail impact assessments should be undertaken in a proportionate and locally appropriate way (in accordance with paragraph 15 of the Ensuring the Vitality of Town Centres Planning Practice Guidance of 2014). Therefore, an extensive impact assessment would not necessarily be expected for every proposal above the applicable impact threshold identified. Good practice would be for the local planning authority to apply a common sense approach to the required scope of retail impact assessments, with the parameters of impact assessments agreed at pre-application stage with the applicant. The setting of local retail impact assessment thresholds should therefore not be an overly onerous requirement on applicants.

4.30 For the reasons given above, the Council considers that the three impact assessment thresholds set out in Policy EC 8 are appropriate and based on sound reasoning, as well as being consistent with paragraph 26 of the NPPF. Notwithstanding this, if at examination the Inspector considers the thresholds identified to be a pertinent issue which requires further assessment, a more detailed assessment of the individual centres within the local authority area could be undertaken.

References to out of centre proposals

4.31 Two representations have also been made which identify that the supporting text to Policy EC8 is unnecessarily negative and not consistent with the NPPF. The Council has in part addressed these objections by proposing in a minor modification that town centres are where major retail development should be considered **in the first instance**. It is not necessary to make any further changes.

Identifying retail commitments

4.32 One representation has stated that reference must be made within the Local Plan to committed developments and that the Audley Avenue site, south of Newport Town Centre, should be allocated for retail development.

4.33 The Council response is that there is no requirement within the NPPF for local planning authorities to identify retail commitments. Although an extant permission exists for the site at Audley Avenue, there is no guarantee that the proposed development will come forward and, as such, reference to the commitment may not remain relevant for the duration of the plan period.

5 Conclusion

5.1 The Council has had careful regard to national planning policy and recent changes in secondary legislation, backed up by local research, in preparing its retail policies in the Local Plan. It has an appropriate suite of policies that reflect local conditions. It has attempted to address relevant representations where it is expedient to do so for reasons of soundness and to help clarify policies.

5.2 The Council recognises there are some outstanding objections but has clarified its policy position and explained why it cannot support them.