Pendle Core Strategy Examination

Pendle Borough Council

Hearing Statement

Session 8 – Thursday 16th April 2015

Matter – Retail

1. Is the Plan clear as to the position of centres in the retail hierarchy? In this respect should Policy SDP5 be more explicit as to the definition of the hierarchy of centres?

1.1 The local populace has a wide choice of shopping destinations both within and immediately outside the Borough. A period of considerable growth in local retail provision, both within existing centres and out-of-town locations, has served to reinforce the established hierarchy, with each shopping centre catering for different levels of retailing. Whilst some centres have found the number of Class A1 units (traditional shops) reducing, they have embraced new social and leisure activities, whilst still retaining a strong retail element. The Council's intention is to encourage new uses and developments which enable each centre to maintain its viability and vitality in line with its position within the retail hierarchy.

1.2 Policy SDP5 clearly indicates that Nelson, Colne and Barnoldswick are the three main town centres in Pendle, and that major retail developments should take place in these locations. The policy then requires retail development in the lower order centres of Brierfield, Barrowford and Earby to be located within the defined Local Shopping Centre boundary.

1.3 Pendle Council is satisfied that this makes clear that there are two tiers within the retail hierarchy (i.e. town and local shopping centres) and that development should be of a scale that reflects a settlement's position within this hierarchy.

1.4 Policy WRK4 specifically addresses retailing and the roles of the borough's town centres, and amongst other things, makes clear that new development in each centre should make a positive contribution to the vitality and viability of that centre. Together with Policies WRK1, WRK5 and SUP1, which address the suitability and sustainability of locating complimentary activities in such locations, the plan is clear about the appropriate scale and location of new town centre development.

2. Is the Plan clear in indicating the up to date capacity for convenience and comparison goods floorspace in its area, taking into account recent commitments?

2.1 The capacity for convenience and comparison goods is not set-out in the policy text for Policy WRK4, but is highlighted in paragraphs 11.93 and 11.94 of the justification. The Council acknowledges that this position has changed significantly, since the wording was prepared and the reasons for this are outlined below.

2.2 The Retail Capacity Study [CD/06/01] was updated in July 2012 [CD/06/02], with the capacity for new retail floor space in Pendle set-out on page 16 of the update. This indicated that there was capacity for 1,262m^2 of convenience floor space and 8,889m^2 of comparison floor space up to 2033.

2.3 Since the publication of the update a further 5,188m^2 of convenience floor space and 4,976m^2 of comparison floor space has been approved; with an additional 1,869m^2 of comparison floor space associated with the partial redevelopment of an existing out-of-centre retail site between Nelson and Colne.

2.4 The identified capacity for convenience floor space in Pendle up to 2033 has now been reached as has the capacity for comparison goods up to 2023. The remaining capacity for comparison goods from 2023 to 2033 is 2,044m².

2.5 The identified capacity for convenience floor space has been exceeded in order to address a commitment to increase market share in Barnoldswick. This need for additional convenience floor space, to address the lack of choice in the north of the borough, and the significant amount of leakage out of the area associated with a household's primary weekly shopping trip, is identified in the update (page 16). It has now been accounted for by the granting of planning permission for a new supermarket in the town.

2.6 The retail impact assessments prepared in support of the various supermarket applications in Barnoldswick, indicate that supermarkets are predominantly competing against each other, rather than with established businesses in the borough's town centres. Consumer choice has now been increased, with no unacceptable impact on town centres anticipated. Two recent appeals for further retail development outside Barnoldswick town centre have recently been dismissed on the basis that any further retail floor space provision would be likely to have an unacceptable impact on the continued vitality and viability of the town centre.

2.7 The Council agrees that updating paragraphs 11.93 and 11.94 would be beneficial and help to improve transparency. However, the inclusion of a table within the policy, indicating the up-to-date capacity for convenience and comparison goods floor space is not considered necessary for the reasons outlined in response to Question 3 (below).

Proposed Main Modification Delete Paragraph 11.93. Amend Paragraph 11.94 to read: "Since the Pendle Retail Capacity Study was updated in 2012, over 10,000m² of retail floor space has been completed or granted planning permission for the sale of convenience goods (5,188m²) or comparison goods (4,976m²). [Footnote] Both these figures are ahead of the identified requirements for the period up to 2023, whilst that for convenience retail is also in excess of the total requirement to 2033. The remaining capacity for comparison goods from 2023 to 2033 is 2,044m²."

3. Is the Plan clear as to the capacity for floorspace in each centre in the retail hierarchy to facilitate the management and growth of the centres?

3.1 There is a complex inter-relationship between each of the centres in terms of shopping patterns. Paragraph 7.48 of the Core Strategy indicates that the identified need for future retail growth is in the north of the borough. This is now largely satisfied by the planning permission granted in 2014 for the mixed-use redevelopment of the Crow Nest Mill site, a scheme that makes provision for a new supermarket.

3.2 With the exception of 2,044m² of comparison goods floor space to be delivered in either Nelson, or Colne, Pendle Council has delivered the amount of retail floorspace identified for the period up to 2033 in the Retail Capacity Study Update [CD/06/02].

3.3 So as not to discourage future retail investment in Pendle which, as noted in the policy text for Policy WRK4 may be required to address *"a qualitative need to deliver greater consumer choice and enhance the vitality and viability of existing centres"*, the up-to-date capacity for convenience and comparison goods floor space in the borough is not identified in the policy itself. In turn, the capacity for each of the shopping centres identified in the retail hierarchy to accommodate additional retail floor space (Policy SDP5) has not been identified.

4. Does Policy WRK4 provide a clear policy for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres? Is the policy unduly restrictive?

4.1 The National Planning Policy Framework (NPPF) [CD/10/01] sets out two key tests that should be applied when planning for town centre uses which are <u>not</u> in an existing town centre and which are <u>not</u> in accord with an up-to-date Local Plan – the sequential test and the impact test.

4.2 Paragraph 3 of the policy text for Policy WRK4 (page 170) sets-out the sequential approach to be followed in Pendle, whilst paragraph 7 (top of page 171) refers to the need for developers to address the sequential and impact tests set-out in the NPPF, at paragraphs 24 and 26 respectively.

4.3 In this respect the policy provides a clear framework for the consideration of main town centre uses which cannot be accommodated in or adjacent to town centres.

4.4 Paragraph 23 of the NPPF states that in drawing up local plans, local authorities should *"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"*. Annex 2 goes on to state that *"Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses"*.

4.5 The Council considers all other policy requirements in Policy WRK4 to be justified and not unduly restrictive. The Council's retail protection policy has been in existence for many years and is currently a saved policy. To help achieve an appropriate balance of uses and maintain active shopping frontages, within primary shopping frontages it places a restriction on any uses that do not fall within the A1 use-class. In secondary frontages the policy is less restrictive, offering greater opportunities for a diversity of town centre uses, thereby providing flexibility.

4.6 Whilst the principal of this approach is still considered to be valid, the extent of the primary and secondary shopping frontages and the justification for the percentage thresholds applied to non-A1 uses within these will be revisited during the preparation of Pendle Local Plan (Part 2): Site Allocations & Development Policies.

5. Does the CS plan positively for the future of Nelson Town Centre to encourage economic activity and arrest its decline?

5.1 The National Planning Policy Framework (NPPF) [CD/10/01] establishes a presumption in favour of sustainable development. Among other things, Paragraph 23 provides that planning policies should be positive and promote competitive town centre environments. Specifically the final bullet point advises that *"where town centres are in decline, to plan positively for their future to encourage economic activity".*

5.2 Nelson is not a large shopping centre. Of the 425 premises within the defined town centre boundary 145 are currently occupied by A1 uses (i.e. shops), whilst 49 vacant units were last occupied by businesses within this use-class. In recent years the town centre has faced increased competition from a number of nearby centres both within the borough, (notably Colne and Barrowford) and in neighbouring authorities – Burnley, just 6km away, in particular provides a much larger critical mass and more diverse offer.

5.3 Concerns principally relate to the perceived lack of variety of shops and the increasing number of non-retail uses in Nelson town centre. There is evidence that some units within the town centre have been slow to let; that others are occupied on short term leases and that a small number of occupied units are currently struggling. Overall, however, whilst the vitality and viability of the town centre cannot be taken for granted, there is no strong evidence that it is in decline. Refurbishment work is underway on the shops off the arcade running between Scotland Road and Leeds Road (at the heart of the Primary Shopping Area) and the former Arndale Centre (currently known as Pendle Rise) has recently been acquired by new owners. Consequently, the continued protection of A1 uses within specified frontages remains a valid policy tool in helping to maintain the vitality and viability within the Primary Shopping Area.

5.4 The Core Strategy seeks to support the continued viability and vitality of Nelson town centre, by maintaining its pre-eminent role in the retail hierarchy (Policy SDP5). The sequential test in Policy WRK4 seeks to focus the main town centre uses within the town centre or on edge-of-centre sites where linked trips into the town centre are feasible. Within the Primary Shopping Areas the policy also seeks to encourage increased diversity; improve customer choice; and provide a more diverse retail offer thereby helping to ensure that it is more resilient to future economic changes and better reflects the individuality of Nelson town centre (Policy WRK4).

5.5 As noted previously the extent of the primary and secondary shopping frontages and the justification for the percentage thresholds applied to non-A1 uses within these will be revisited during the preparation of Pendle Local Plan (Part 2): Site Allocations & Development Policies.

5.6 To further enhance the vitality and viability of Nelson town centre, the policy encourages new investment that will help to support initiatives that are seeking to encourage uses that complement the leisure and cultural offer within the centre. The development of the new Nelson Interchange has seen a significant growth in the use of public transport, whilst other initiatives have sought to encourage walking and cycling into the town centre from inner urban neighbourhoods.