

PPS 4 – THE REALITY

THE SPECIFIC IMPLICATIONS FOR RETAIL DEVELOPERS

SASHA WHITE – LANDMARK CHAMBERS

1. The guidance is key in relation to:
 - 1.1. the revision of RSSs.
 - 1.2. The preparation of LDDs.
 - 1.3. In development management decisions (known normally as development control) the guidance will be a material consideration.

2. Critical change is that retail development is now considered to be economic development. Retail development is considered a main use to which the town centre policies apply (paragraph 7).

3. Consequently PPS 6 is cancelled and the primary policy document relating to retail is PPS 4.

4. Key points of the guidance in relation to retail developers:
 - 4.1. Re-confirmation that main town centre uses (“MTCU”) should be focused in existing centres. [paragraph 10, second bullet point]
 - 4.2. Competition between retailers is confirmed as something the Government wants. [paragraph 10, second bullet point]

4.3. Enhanced consumer choice through the provision of innovative and efficient shopping which allow genuine choice to meet the needs of the entire community.

4.4. Emphasis on meeting the needs of socially excluded groups.

5. Relevant Policies:

5.1. Policy EC1:

5.1.1. There should be an assessment at RSS level of the overall need for land or floorspace for retail uses over the plan period.

5.1.2. Evidence on overall need for town centre uses should focus on comparison retail, leisure and office development for five year periods.

5.1.3. At a local level there should be an assessment of detailed need for land or floorspace for economic development including all main town centre uses over the plan period.

5.1.4. Identification of any deficiencies in provision of local convenience shopping.

5.1.5. Assessment of existing centres to accommodate new town centre development taking account of the role of the centres in the hierarchy and identify centres in decline where change needs to be managed.

5.1.6. When assessing need retailers should take account of both quantitative and qualitative need for additional floorspace for different types of retail and leisure developments.

5.1.7. In deprived areas give additional weight to meeting qualitative deficiencies.

5.1.8. However benefits in regeneration and employment should not be taken into account, although they may be material in site selection process.

5.1.9. In relation to quantitative need:

5.1.9.1. Assess population levels.

5.1.9.2. Forecast specific class of goods to be sold.

5.1.9.3. Forecast improvements in sales density.

5.1.10. In relation to qualitative need:

5.1.10.1. Assess whether there is genuine choice to meet the needs of the whole community.

5.1.10.2. Particularly in light of the objective to promote the vitality and viability of town centres and the application of the sequential approach.

5.1.10.3. Take into account the degree to which shops may be overtrading and whether there is a need to increase competition and retail mix.

5.1.11. Points to note:

5.1.11.1. Comparison need assessment at regional level but not convenience need!

5.1.11.2. Convenience need assessment at local level – worth keeping tabs on the LDF process.

5.2. POLICY EC 2 – PLANNING FOR SUSTAINABLE ECONOMIC GROWTH:

5.2.1. In relation to this policy – key element is efficient and effective use of land.

5.3. POLICY EC 3 – PLANNING FOR CENTRES

- 5.3.1. Regional planning bodies and LPAs should set out a strategy for management and growth of centres over the plan period.
- 5.3.2. RPBs should focus on higher level centres (those of more than local importance) to provide a strategic framework for centres at a local level.
- 5.3.3. LPAs should consider lower order centres (by implication).
- 5.3.4. They both should set flexible policies for their centres which are able to respond to changing economic circumstances.
- 5.3.5. Define a network of centres ie the pattern of provision of centres.
- 5.3.6. Define a hierarchy of centres (the role and relationship of centres in the network)
- 5.3.7. Define a network and a hierarchy of centres that is resilient to economic changes.
- 5.3.8. Make choices about which centres will accommodate any identified need for growth in town centre uses.
- 5.3.9. Considering their expansion where necessary.
- 5.3.10. Identify deficiencies in the network of centres.
- 5.3.11. Give priority to deprived areas which are experiencing significant levels of multiple deprivation.
- 5.3.12. Ensure careful integration between any extensions and existing centres in terms of design and including the need to allow easy pedestrian access.
- 5.3.13. If existing centres are in decline to consider the scope for consolidating and strengthening the centres by seeking to focus a wider range of services there.
- 5.3.14. Considering the reclassification of centres.

- 5.3.15. Ensure that the need for any out of centre regional or sub regional shopping provision or centre is considered through the RSS.
- 5.3.16. Ensure that any significant change in the role and function of centres is considered through the RSS.
- 5.3.17. Define the extent of the centre and the PSA in the adopted proposals map.
- 5.3.18. Set floorspace thresholds for the scale of EoC and OoC developments which should be subject to impact assessment and specify the geographical areas to which these thresholds will apply.
- 5.3.19. Define any locally important impacts on centres which should be tested.
- 5.3.20. Use various tools to address the growth and management of the centre such as CPOs, area action plans, local development orders.

5.4. POLICY EC4 – PLANNING FOR CONSUMER CHOICE AND PROMOTING COMPETITIVE TOWN CENTRES

- 5.4.1. LPAs should proactively plan to promote competitive town centre environments and consumer choice.
- 5.4.2. They should support a diverse range of uses.
- 5.4.3. Plan for a strong retail mix so that a range of comparison and convenience retail need offer meets the requirements of the local catchment area.
- 5.4.4. Identify sites in the centre or EoC capable of accommodating large format developments.
- 5.4.5. Retain and enhance existing markets and reintroduce or create new ones.

5.4.6.Enhance the established character and diversity of the town centres.

5.4.7.Manage the evening and night time economy.

5.5.POLICY EC5 – SITE SELECTION AND LAND ASSEMBLY FOR MAIN TOWN

CENTRE USES

5.5.1.LPAs should be proactive in securing sites if a need has been identified. An apparent lack of sites of the right size and right location should not be a reason for LPAs not seeking to meet an identified need for development.

5.5.2.LPAs should base their approach on the identified need.

5.5.3.Identify the appropriate scale of development.

5.5.4.Apply the sequential approach.

5.5.5.Assess the impact on existing centres.

5.5.6.Sites that best serve the needs of deprived areas should be given preference when considered against alternative sites with similar locational characteristics.

5.5.7.Consider the impact of developments particularly if over 2500 square metres.

5.5.8.Consider the impact of development in one centre against the impact on other centres.

5.5.9.Any assessment of impact is proportionate in detail to the scale nature and detail of the proposed development.

5.5.10. LPAs should allocate sufficient sites in development plan documents to meet at least the first five years identified need.

5.5.11. Full use should be made of planning tools to facilitate development including CPOs.

5.6. POLICY EC8 – CAR PARKING FOR NON-RESIDENTIAL DEVELOPMENTS

5.6.1. LPAs should set maximum parking standards.

5.6.2. LPAs should not set minimum parking standards. (save for disabled people).

5.6.3. LPA should consider various factors such as the need to enable schemes to fit into central urban sites and promote linked trips.

5.6.4. The need to make provision for adequate levels of good quality secure parking in town centres to encourage investment and maintain vitality and viability.

5.7. POLICY EC9 – MONITORING

5.7.1. LPAs AND RPBs should use AMR to keep matters under review including the network and hierarchy of centres, the need for further development and the vitality and viability of centres.

5.7.2. LPAs should get key indicator information in accordance with Annex D of the PPS.

5.8. POLICY EC10 – DETERMINING PLANNING APPLICATIONS FOR ECONOMIC DEVELOPMENT

5.8.1. LPAs should adopt a positive and constructive approach towards planning applications for economic development.

5.8.2. Planning applications that secure sustainable economic growth should be treated favourably.

5.8.3. The impact considerations include carbon dioxide emissions, accessibility of the proposal, whether it has an inclusive and high quality design, the impact on regeneration.

5.8.4. The impact on local employment.

5.9. POLICY EC14 – SUPPORTING EVIDENCE FOR PLANNING APPLICATIONS FOR MAIN TOWN CENTRE USES

5.9.1. This policy gives clear guidance regarding what evidence will be required to support planning applications for retail use.

5.9.2. The type of planning applications include any which create additional floorspace, and applications to vary conditions relating to the type of goods that are sold.

5.9.3. A sequential assessment will be required for all uses that are not in an existing centre and not in accordance with an up to date development plan.

5.9.4. This applies to extensions as well in excess of 200 square metres.

5.9.5. Impact is required to be considered in relation to retail development above 2500 square metres or any local floorspace threshold that is not in an existing centre and in accord with a up to date development plan.

5.9.6. An impact assessment will also be required in relation to existing centre development if not in accordance with the development plan and which would substantially increase the attraction of the centre to the extent that the development could have an impact on other centres.

5.9.7. Assessments of impact should focus on the first five years after implementation of the proposal.

5.10. POLICY E15 – CONSIDERATION OF SEQUENTIAL ASSESSMENTS FOR PLANNING APPLICATIONS FOR MAIN TOWN CENTRE USES THAT ARE NOT IN A CENTRE AND NOT IN ACCORD WITH AN UP TO DATE DEVELOPMENT PLAN.

5.10.1. LPAs should ensure that:

5.10.1.1. The sites are assessed for their availability, suitability and viability.

5.10.1.2. all in centre options have been thoroughly assessed before less central sites are considered.

5.10.1.3. that it has been demonstrated that there are no town centre sites to accommodate a proposed development preference is given to EoC locations which are well connected to the centre by means of easy pedestrian access.

5.10.1.4. Developers and operators have demonstrated flexibility in terms of scale, format, car parking provision and disaggregation.

5.10.1.5. Disaggregation should be explored but LPAs should not seek arbitrary sub-division of proposals.

5.10.1.6. LPAs should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating the proposed business model from a sequentially preferable site.

5.10.1.7. Evidence that a class of goods proposed to be sold from the town centre should not be accepted.

5.11. POLICY EC16 – THE IMPACT ASSESSMENT FOR PLANNING APPLICATIONS FOR MAIN TOWN CENTRE USES THAT ARE NOT IN CENTRE AND NOT IN ACCORDANCE WITH AN UP TO DATE DEVELOPMENT PLAN.

5.11.1. In terms of consideration of impact the following are required:

- 5.11.1.1. The impact of the proposal on public and private investment in the center or centres in the catchment area of the proposal.
- 5.11.1.2. The impact on TC vitality and viability.
- 5.11.1.3. The impact on allocated sites outside the TC being developed in accordance with the TC.
- 5.11.1.4. The impact on town centre trade and turnover.
- 5.11.1.5. Whether the proposal is of an appropriate size if EoC to the size of centre and the hierarchy of centres.
- 5.11.1.6. any locally important impacts on centres.

5.12. EC17 – CONSIDERATION OF PLANNING APPLICATIONS FOR DEVELOPMENT OF MAIN TOWN CENTRE USES NOT IN CENTRE AND NOT IN ACCORDANCE WITH AN UP TO DATE DEVELOPMENT PLAN

5.12.1. They should be refused permission where:

- 5.12.1.1. The applicant has not complied with the sequential approach. Or
- 5.12.1.2. There is clear evidence of the proposal leading to significant adverse impact.
- 5.12.1.3. If there is no significant adverse impact then the planning application should be determined taking into account the positive and negative impacts

and the likely cumulative effect of other developments , permissions and completed developments.

5.13. POLICY EC18 – APPLICATION OF CAR PARKING STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT

5.13.1. Local parking standards should apply to an individual planning applications unless the applicant has demonstrated a higher level of provision is needed.

5.13.2. For town centre proposals that the parking provision is consistent with town centre strategies and the facilities will serve the TC as a whole.

5.13.3. The scale of parking is proportionate to the centre.

5.13.4. In the absence of local parking standards the maximum standards set out in Annex D will apply.

5.14. POLICY EC19 – THE EFFECTIVE USE OF CONDITIONS FOR MAIN TOWN CENTRE USES.

5.14.1. LPAs are encouraged to make effective use of planning conditions by

5.14.1.1. Preventing developments beings subdivided.

5.14.1.2. Ensure that the range of goods sold and the mix of comparison and convenience goods sold.

5.14.1.3. Limit issues of impact in terms of traffic and the amenity of neighbouring residents.

This seminar paper is made available for educational purposes only. The views expressed in it are those of the author. The contents of this paper do not constitute legal advice and should not be relied on as such advice. The author and Landmark Chambers accept no responsibility for the continuing accuracy of the contents.