



CABINET REPORT

Report Title	Definition of Town Centre Frontages and Primary Shopping Area
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	10 th February 2010
Key Decision:	NO
Listed on Forward Plan:	YES
Within Policy:	NO
Policy Document:	YES
Directorate:	Planning and Regeneration
Accountable Cabinet Member:	Councillor Richard Church
Ward(s)	Castle and St Crispin

1. Purpose

- 1.1 The report informs Cabinet of the amended timetable for the adoption of the Action Plan as set out in a draft West Northamptonshire Local Development Scheme submitted to Government Office for the East Midlands.
- 1.2 The report identifies headline changes to national planning policy on town centres and retailing as set out in Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (PPS4). Government issued the amended policy in December 2009. The report then outlines suggested primary and secondary frontages and a primary shopping area within the town centre, consistent with policy in PPS4. The identification is seen as part of the on-going process in working towards adoption of the Central Area Action Plan. It is proposed that Cabinet agree to the frontages and primary shopping area being issued for consultation prior to the next formal stage of consultation on the Central Area Action Plan; the Pre-Submission Draft.
- 1.3 The identified frontages and primary shopping area will also be used in the interim prior to the consultation on the Pre-Submission Central Area Action Plan

to inform the Council's approach to planning applications submitted, including advice.

2. Recommendations

- 2.1 Cabinet note the proposed amended timetable for the adoption of the Central Area Action Plan as set out in the West Northamptonshire Local Development Scheme submitted to Government Office for the East Midlands in December 2009 and the changes to PPS4.
- 2.2 Cabinet approve the primary and secondary frontages and a primary shopping area within the town centre for consultation.
- 2.3 That the primary and secondary frontages and a primary shopping area be used to inform the Council's planning policy position in the determination of planning applications by it and West Northamptonshire Development Corporation.

3. Issues and Choices

3.1 Report Background

Central Area Action Plan – Process and Local Development Scheme

- 3.1.1 Cabinet will be aware that the Council is seeking to progress the Northampton Central Area Action Plan as part of the statutory Local Development Framework that will replace the Northampton Local Plan adopted in 1997. A report to Cabinet on 4th November 2009 outlined responses from Statutory Consultees received on the Central Area Action Plan Emerging Strategy August 2009. It also identified that due to delays in the issuing of the Pre-Submission Draft of the Action Plan for consultation, progress of some significant pieces of the evidence base; namely transport modelling and addressing water issues was not sufficiently advanced. Cabinet agreed that the Council should "work with West Northamptonshire Joint Planning Unit and Government Office for the East Midlands to agree a realistic timetable for the production of the Central Area Action Plan and for this to be incorporated into a revised Local Development Scheme for West Northamptonshire"
- 3.1.2 Following a fundamental review of the work required to progress the Core Strategy and the Central Area Action Plan, an amended West Northamptonshire Local Development Scheme has been submitted to Government Office. This was agreed by the West Northamptonshire Joint Strategic Planning Committee in December 2009. The revised timetable identifies the Publication of a Pre-Submission for consultation in October 2010, with submission in March 2011 and adoption in December 2011. The timing of each stage mirrors that of the West Northamptonshire Joint Core Strategy. Government Office has yet to approve the revised Local Development Scheme. Whilst the delay compared to the previous timetable is regrettable, it was felt necessary to properly address the evidence base required to progress to the next stages of producing a sound plan.

Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (PPS4) December 2009

3.1.3 The new version of PPS4 issues policy on a wide range of issues formerly covered in numerous Planning Policy Guidance Notes and Statements, under the banner of 'Planning for Sustainable Economic Growth'. PPS6 Planning for Town Centres March 2005, PPG4: Industrial and Commercial Development and Small Firms as well as PPG5, part of PPS7 and part of PPG13 have been cancelled. The new PPS brings Government's town centre policies into line with its wider policies for economic development. It provides policy advice on main town centre uses, this includes:

- Retail development
- Leisure, entertainment facilities and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls)
- Offices, and
- Arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

3.1.4 Within PPS4 the sequential approach to priority of retail and other main town centre uses such as leisure and offices is maintained, i.e. the town centre first, followed by edge of centre, then out of centre. In seeking to develop sites, applicants need to show that they have been flexible, for example having had regard to the scale and format of development, car parking provision and the scope for disaggregation.

3.1.5 There has been a shift away from focussing on showing a quantitative need or capacity for retail development when justifying development proposals. The amount of floorspace capacity available does however inform a qualitative assessment of impact. Overall proposals are considered against a more rounded policy emphasis on assessing:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
- the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
- the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan
- in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
- if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
- any locally important impacts on centres

- 3.1.6 The policy is unambiguous in its message that proposals which have not been subject to the sequential approach, or would have a significant impact should be refused. As with other pieces of national planning policy there are a number of associated good practice guides that have either been issued concurrently or planned. Planning for Town Centres: Practice Guidance on Need, Impact and Sequential Approach December 2009 is the first. It is regarded as a 'living document' that will be updated periodically.

Consultation on Emerging Central Area Action Plan primary and secondary frontages

- 3.1.7 Recognising the need to seek to gain consensus on the next stages of the document, the 4th November Cabinet report identified that there could be the need for some more focussed consultation with certain stakeholders on issues, for example the extent of the primary and secondary frontages. Given the age of the current adopted Plan and recent changes in national Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (PPS4), it is considered desirable for the Council to identify primary and secondary frontages and the primary shopping area in advance of formal consultation occurring on the Pre-Submission Draft in October 2010. Although subject to consultation, they can be afforded some weight in the approach that the Council takes with regards to planning applications that it may consider to have an impact on the town centre.

3.2 Issues

Primary and Secondary Frontages and Primary Shopping Area

- 3.2.1 PPS4 identifies that planning authorities should identify the extent of the primary shopping area having considered distinguishing between realistically defined primary and secondary frontages. The frontages and shopping area are used to ensure continued vitality and viability within the town centre and prioritise retail (and other main town centre uses) investment, in particular in applying the sequential test to site selection for major town centre use investment. Primary frontages are likely to include a high proportion of retail uses. Secondary frontages provide greater opportunities for a wider diversity of uses.

Results of Consultation on Primary and Secondary Frontages

- 3.2.2 The existing primary and secondary frontages as defined in the Northampton Local Plan 1997 are shown in Appendix 1. Policies in the Plan (R6 and R7) seek to retain a proportion (90% and 60% respectively) of the frontages in retail use. It is anticipated that similar types of policies to protect the proportion of retail within the frontage will be taken forward for inclusion within the Action Plan.
- 3.2.3 The Council consulted on proposed primary and secondary frontages within the Central Area Action Plan Emerging Strategy August 2009 (See Appendix 2). The principal change from the Local Plan was to amend Mercer's Row and parts of St. Giles Street from secondary to primary frontage. This took

account of retail content of these frontages, their increased role as part of the potential retail circuit identified in the Retail Strategy for Northampton Town Centre (CACI 2008) and the opportunity provided by the potential large scale retail redevelopment sites also identified.

- 3.2.4 The consultation response on additions or changes to the proposed frontages was limited. Most generally appeared to be supportive of the extent of the frontages as proposed however, the split between primary and secondary drew more response.
- 3.2.5 Consultation responses concentrated on the need to place more emphasis on identifying the role of frontages in the future and suggested a variety of additions to the primary frontages. To reinforce the retail circuit, consultees stated that Fish Street, the Ridings Arcade, the Market Square and Gold Street needed to be added. The Drapery was also identified, as the retail function of the centre would be reinforced by the proposed redevelopment of the Horsemarket site. Part of Sheep Street, which would also benefit from redevelopment of the Grosvenor Centre extension, was also identified.
- 3.2.6 A further stretch of Abington Street towards Abington Square and parts of Abington Square were also suggested for inclusion as frontages based on their existing character and function.

Additional Technical Advice and proposed amendments

- 3.2.7 Since the issuing of the Emerging Strategy for consultation the Council has received the final report of the Town Centre Health Check (October 2009) completed by Roger Tym and Partners. The Health Check also recommends primary and secondary frontages for the Council to take forward in the Central Area Action Plan. It has taken into account the proposals for the retail circuit in the Northampton Town Centre Retail Strategy, current mix of uses, existing footfall levels and the ambition for and impact of future planned retail development as set out in the emerging Central Area Action Plan. Its recommendations are consistent with revised Planning Policy Statement 4, which had been issued in draft form at the time the Health Check was completed. The major differences compared to the Emerging Strategy proposals were:
- The Drapery is considered as primary frontage,
 - Peacock Place is included as primary frontage;
 - More of Abington St towards St Giles Terrace is included (primarily due to footfall and the attractiveness of Primark as a destination);
 - St. Giles is considered to be secondary frontage (due to its low footfall and comparatively peripheral location); and
 - Bridge Street is included as a secondary frontage.
- 3.2.8 On the basis of the recommendations of the Health Check and the results of the consultation feedback it is proposed to amend the boundaries of the primary and secondary frontages as shown in Appendix 3. These for the most part coincide with the frontages identified within the Town Centre Health

Check; the exceptions are the inclusion of the top end of Sheep Street as secondary frontage up to Greyfriars and the frontages from Abington Square to Wellingborough Road and Kettering Road. Sheep Street is included taking into account its retail and commercial character as a frontage, the existing uses, the footfall related to the Mayorhold car park and the potential impact of retail development along Sheep Street as part of the Grosvenor Centre redevelopment. Abington Square is considered to have the character, uses and footfall to be considered as a secondary frontage which warrants its inclusion.

The primary shopping area

3.2.9 PPS 4 requires the identification of a primary shopping area within the defined centre. It states that this is a *“Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage). The extent of the primary shopping area should be defined on the proposals map.”*

3.2.10 The primary shopping area needs to be identified to provide clarity to applicants about the policy status of different sites and will enable the Council to develop clear town centre first policies in the development plan as a key element of positive planning. The primary shopping area will be used to identify sequentially preferential locations for retail and other main town centre uses. Using the sequential approach, sites that are suitable, available and viable should be identified in the following order:

- Locations in existing centres
- Edge of centre locations
- Out-of-centre locations

3.2.11 Edge of centre for retail purposes is defined as a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. Out-of-centre is defined as a location which is not in or on the edge of a centre but not necessarily outside the urban area.

3.2.12 A defined primary shopping area was not included as part of the consultation on the Central Area Action Plan Emerging Strategy and it is felt appropriate, in view of the policy importance of this designation, to get reactions to the proposed boundary prior to issuing the Pre-Submission consultation. The identified Primary Shopping Area is included within Appendix 4. This is for the most part contiguous with the boundary recommended within the Town Centre Health Check.

3.2.13 In formulating their development plans, Councils are also required to identify sites in the centre or on the edge of centre capable of accommodating new development. The Emerging Strategy identified the planned extension of the Grosvenor Centre and potential large-scale retail development on the land at Horsemarket/St. Katherine's and on the former Notre Dame convent site, Abington Street. In accordance with good practice, the CAAP will indicate where the primary shopping area will be extended to during the plan period.

Consideration will be given to allocating the identified sites as a strategic allocation in the Core Strategy.

Proposed Consultation

- 3.2.14 As part of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 Regulation 25 process the Council has already undertaken wide ranging consultation on the Emerging Strategy document, and sought opinion from consultees about what the Central Area Action Plan should contain. Responses stated that the primary shopping area needed to be shown. The proposed frontages and the primary shopping area consultation will run for an 8-week period. It is intended that the consultation will be targeted to those that are likely to be particularly interested in the issue, rather than undertaking a wide ranging consultation process.
- 3.2.15 Specific consultees will be identified and sent notification of the consultation. It is anticipated, should there be enough interest, that a workshop event would also be undertaken with stakeholders. The consultation will also be announced on the Central Area Action Plan webpage for a wider audience. A fuller technical paper identifying the frontages and the primary shopping area together with a fuller justification of their boundaries will be provided as part of the consultation material.

Relationship with current planning policy and use in determining planning applications

- 3.2.16 The weight afforded to the consultation document when determining planning applications prior to the adoption of the Central Area Action Plan, or the next stage, the Pre-Submission Draft in October 2010 is limited. Although substantively consulted upon and not significantly objected to as part of the on-going Action Plan adoption process, the identified frontages are obviously not adopted policy that has been approved as sound by a Planning Inspector. Nevertheless, in the absence of any clear definition within existing planning policy for Northampton, the identification of the boundaries provides an indication of the Council's planning policy direction. It is therefore recommended that Cabinet confirm that the shopping frontages and primary shopping area as identified will be a material consideration in identifying the Council's planning policy position in addressing planning applications submitted prior to the Pre-Submission draft being issued for consultation.

3.3 Choices (Options)

- 3.3.1 There are a number of choices available to the Cabinet:
- Approve the identified frontages and primary shopping area for consultation without any amendment
 - Approve the identified frontages and primary shopping area for consultation with amendments that they consider to be sound and appropriate from a planning perspective
 - Not approve the identified frontages and primary shopping area for consultation

- 3.3.2 It is considered that Option 1 is the most appropriate response of Cabinet as this has been justified and recommended in the report and reflects independent advice. Option 2 is possible, but would only be appropriate if Cabinet can justify from a sound planning perspective why any alterations are required. Option 3 brings the risk of potential significant objection to the Pre-Submission plan, which might result in the need for substantial amendment to the document prior to Submission, with associated delays.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The Central Area Action Plan will when adopted replace parts of the saved Northampton Local Plan 1997, and along with the East Midlands Regional Plan and the West Northamptonshire Joint Core Strategy become part of the statutory development plan for the central area.
- 4.1.2 An up to date CAAP will provide a clear policy framework as the principle basis for the determination of planning applications to guide discussions and to underwrite bids for third party funding. The implications of the consultation in the short term for planning policy are highlighted in the report.

4.2 Resources and Risk

- 4.2.1 The consultation is regarded as part of the on-going process of adopting the Action Plan and does not generate any resource issues that cannot be met from existing budgets and personnel. The main report highlights the risk if consultation does not proceed.

4.3 Legal

- 4.3.1 See section 4.1.1 and 4.2.1 above. The weight attached to the emerging Plan is still limited, although it will be a material consideration in determining planning applications. The Plan becomes the principle consideration when found sound by the Inspector, and the weight to be attached to its policies increases as the various stages are achieved.

4.4 Equality

- 4.4.1 A screening of the Issues and Options document indicated the need for a full Equality Impact Assessment of the Plan. Issues were identified that could potentially have an adverse effect on the following equalities strands: race, disability, gender and age. These issues include accessibility in terms of transportation and movement and accessibility to facilities; the fear of crime and personal safety; and restrictions on opportunities for some land uses. Officers are aware of these issues and will seek to ensure that adverse impact is limited, or turned into a positive. It is not considered that this consultation will not raise any equality issues over and above those that will be addressed as part of the CAAP process.

4.5 Consultees (Internal and External)

- 4.5.1 In the production of the Plan there has been continued consultation with internal departments, including legal, finance, housing, procurement, regeneration, public protection, neighbourhood environmental services, policy and community engagement, communications and the director of Northampton Local Strategic Partnership.

- 4.5.2 As set out in the report consultation on the frontages and primary shopping area is likely to be focussed on those key stakeholders that will want to have an input, this will include the town centre partnership, West Northamptonshire Development Corporation, retailers, property/landowners and their agents, although it will not exclude others who will be made aware through the Central Area Action Plan part of the website.

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 The Plan is essential to the future prosperity and planning of the centre of Northampton as part of the wider growth agenda, cementing its role at the sub-regional level. It provides civic leadership in drawing together all public sector agencies into agreed and focussed priorities. It is a key document in addressing all the Council's five corporate priorities.

4.7 Other Implications

- 4.7.1 None.

5. Background Papers

- 5.1 Northampton Central Area Action Plan: Issues and Options Discussion Paper September 2007
- 5.2 Northampton Central Area Action Plan Emerging Strategy Document August 2009
- 5.3 Northampton Borough Council Cabinet Report 'Central Area Action Plan – Emerging Strategy Consultation Feedback and Next Steps' 4th November 2009
- 5.4 Northampton Borough Council Town Centre Health Check October 2009 Roger Tym & Partners
- 5.5 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) December 2009
- 5.6 Planning for Town Centres: Practice Guide on Need, Impact and Sequential Approach December 2009

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