

PROPERTY BRIEFING PAPER 16

Consultation on Draft Planning Policy
Statement 6

Planning for Town Centres

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On 15 December 2003 the Government published Planning Policy Statement 6 (Planning for Town Centres), the much anticipated replacement to PPG6. Planning Policy Statement 6 (PPS6) is available for public consultation until 15 March 2004.

The draft PPS6 includes some significant changes which all retailers and those with commercial property interests should consider in detail.

It is confirmed that the Government's retail policies will now apply to a wider range of facilities to include;

- Retail (including warehouse clubs and factory outlet centres);
- Leisure, entertainment facilities and the more intensive sport and recreation uses (such as cinemas, restaurants, drive thru restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, bowling alleys and bingo halls);
- Offices;
- Arts, culture and tourism (theatres, museums, galleries and concert halls, hotels and conference facilities); and
- Small-scale community facilities (including health centres, pharmacies, post offices, libraries and job centres).

However, the focus of the guidance remains retail and leisure uses.

Principally the guidance is split into two sections relating to a positive, plan led, approach by regional and local authorities and to the development control considerations of planning applications.

Positive Planning for Centres: A Plan-led Approach

There is an emphasis on regional planning bodies and local planning authorities (LPA's) actively planning for growth in retail, leisure, office and other town centre uses. Between them, regional planning bodies and LPA's should:

- Develop a vision and a strategy for a balanced hierarchy of centres;
- Assess the overall need for additional floorspace;
- Identify deficiencies in provision and assess the capacity of existing centres to accommodate new development;
- Select appropriate, existing centres to accommodate identified needs; and
- Identify sites within and adjoining existing centres for development or redevelopment.

There is a greater emphasis on the more efficient use of land and buildings within town centres through increasing the density of development through multi-storey, mixed use development with the highest density development being located in the most accessible locations.

LPA's are recommended to consider identifying distinct quarters, such as a leisure quarter within larger city centres where the evening economy might be concentrated. It is confirmed a Good Practice Guide on Managing the Evening Economy is forthcoming.

In planning for growth in town centre's LPA's should allocate sufficient sites to meet anticipated demand for the next five years. LPA's should consider using compulsory purchase powers to ensure that suitable sites within or on the edge of centres are brought forward for development.

In selecting sites for development, LPA's should:

- Assess the need for development;
- Secure the appropriate scale of development;
- Apply the sequential approach to site selection;
- Assess the impact of development on existing centres; and
- Ensure that locations are accessible.

In assessing the need for new development, greatest weight should be placed on quantitative need. Qualitative considerations include consumer choice and appropriate provision and distribution of sites. Where socially-excluded communities are denied access to a range of goods and services, greater weight should be given to qualitative considerations. It is confirmed that further guidance will be set out in a new Good Practice Guide: Assessing Need and Impact for New Retail and Leisure Development.

It is confirmed that need assessments should be undertaken for new office floorspace. It is recognised that this will involve different factors to assessments for retail and leisure uses.

For retail, leisure and office development, LPAs should set out in the relevant development plan the maximum gross floorspace of an individual development which will be acceptable for different types of centres. Local centres will generally be inappropriate locations for large scale new development.

Development Control

The sequential approach is simplified, based upon; first, locations within existing centres, edge of centre and then out of centre.

The distance criteria to define edge of centre remains unchanged.

Out of centre facilities should not be regarded as centres unless designated as a town centre.

The draft PPS6 applies to all proposals, of whatever size, for:

- New development;
- Redevelopment of existing facilities;
- Extensions to existing facilities;
- Changes of use involving development;
- Renewal of extant planning permissions; and
- Applications to vary or remove existing planning conditions, which would have the effect of creating additional floorspace (e.g mezzanines) or changing the ranges of goods sold.

The draft guidance confirms that applicants are required to demonstrate:-

- The need for development;
- That the development is of an appropriate scale;
- That there are no more central sites;
- That there is no unacceptable impact on existing centres;
- That locations are accessible.

In assessing the need for a development it is confirmed that this must be assessed for proposals which would be in an edge of centre or out of centre location and which are not in accordance with an up to date development plan.

The regeneration and employment aspects of a proposal do not constitute a retail need for additional floorspace, but along with economic growth and social inclusion may be a material consideration.

The sequential approach is confirmed as applicable to all development proposals for sites that are not in an existing centre nor allocated in an up to date development plan. However, there is some confusion as later in the draft guidance it is confirmed that the sequential approach is not a relevant consideration in relation to extensions. This ambiguity requires clarification.

Developers are required to be flexible about the scale and format of their proposals. However, LPA's should take into account any genuine difficulties in operating the applicant's business model from the sequentially preferable site, (such as where a retailer would be required to provide a significantly reduced range of products). Furthermore, a single retailer should not be expected to split their store into separate sites. However, it will not be sufficient for an applicant to claim merely that the class of goods it proposes to sell cannot be sold from the town centre.

Sequentially preferable sites are to be assessed in terms of availability, suitability and viability.

It is confirmed a good practice guide Applying the Sequential Approach will be forthcoming.

Impact assessments should be undertaken where edge or out of centre development is proposed. Impact should be assessed in both positive and negative terms, including in relation to the development plan strategy, investment, trade/turnover, the attractiveness and physical condition of centres and impact on the evening economy. Where a proposal would substantially increase the attraction of a centre, it could have an impact on other centres within the hierarchy. In such cases, an impact assessment would be required.

LPA's should assess the distance (measured in actual walking distance) of proposals from existing public transport facilities. Local authorities should assess the extent to which developers have met the Government's objectives on accessibility, including through the use of green travel plans and home delivery services. Developers are encouraged to orientate development so that it fronts the street and provides level access closest to the primary shopping area.

Car parking to the rear or underneath the development is encouraged.

LPA's are advised to consider using planning conditions to prevent development from being subdivided, ensure ancillary elements remain as such, limit internal alterations to increase the amount of floorspace (e.g. mezzanine floors), to control the range of goods sold and the mix of convenience and comparison goods.

The draft PPS6 includes a "*Partial Regulatory Impact Assessment*" comparing the guidance within the draft document to the current PPG6 and the 1980's "*No Planning, Limited Controls*" approach. This considers the relative merits of the three approaches in terms of benefits, equity and fairness, costs for business, other costs, competition, enforcement and monitoring and review.

The new PPS6 is available for public consultation until 15 March 2004. Should any client wish to make representations on this document or wish to discuss in more detail the implications of the emerging guidance they should contact either Jim Morrissey or Julian Sutton at Chase & Partners, Town Planning Department.

FURTHER INFORMATION

Further copies of this and previous briefing papers may be obtained from Graham Chase as may additional information or assistance on planning and development issues.

Chase & Partners provide comprehensive retail planning and development services to the private sector and Local Authorities, including 'health checks' and retail impact assessments. Graham Chase and Jim Morrissey, Directors of Chase & Partners, have advised over 100 private sector clients and 50 Local Authorities on retail planning matters in the past four years.

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