LONDON BOROUGH OF BRENT

PLANNING COMMITTEE
15th March 2004

REPORT NO : /04 FROM THE DIRECTOR OF PLANNING

FOR ACTION NAME OF WARD ALL

CONSULTATION DRAFT PLANNING POLICY STATEMENT 6 (PPS6): PLANNING FOR TOWN CENTRES – COUNCIL'S RESPONSES

1.0 SUMMARY

1.1 The Government have recently carried out consultation on their proposals for reviewing current Planning Policy Guidance 6 (PPG6) on Town Centres. The draft sets out the Government's broad policy objectives relevant to planning for town centres in England, and its proposed planning policies that will help deliver these objectives to sustain and enhance the role of town centres for the benefit of all.

1.2 This draft is part of an ongoing review of Government Guidance and the production of Policy Statements, which are part of the process of ushering in a new planning regime, due to come into effect this summer after the Planning and Compulsory Purchase Bill receives Royal assent. This report provides a summary of the Draft PPS being consulted upon and seeks Committee approval for the proposed response on behalf of the Council.

2.0 RECOMMENDATION

2.1 That Members agree the responses set out in paragraphs 8.18 - 8.27 as Brent Council's formal response to the Government consultation.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no resource implications for Planning as a result of this consultation draft.

4.0 STAFFING IMPLICATIONS

4.1 There are no staffing implications for Planning as a result of this consultation draft.

5.0 DIVERSITY IMPLICATIONS

5.1 There are no diversity implications for Planning as a result of this consultation draft.

6.0 ENVIRONMENTAL IMPLICATIONS

6.1 The draft proposals, if implemented in their present form, will allow for the expansion of existing out-of-centre superstores and retail warehouses within the Borough, with implications for levels of new convenience and some comparison retail investment in particular, within Brent town centres.

7.0 LEGAL IMPLICATIONS

7.1 Difficulties in demonstrating the likely impact of extensions on town centres, and in countering need assessments, are likely to result in most applications for extensions being more or less automatically granted.

8.0 DETAIL

Introduction

8.1 Planning Policy Guidance notes (PPGs) set out the Government's national land use planning policies for England. The Government's Planning Green Paper, *Planning - Delivering a Fundamental Change*, published in December 2001 announced that the Government intended to review all its planning policy guidance: to see whether it is needed; to seek greater clarity; and to remove from national policy guidance advice on practical implementation and policies which are better expressed at a regional or local level.

8.2 Following consultation on the Green Paper, the Government announced (18 July 2002) that it intended to proceed with the proposals for review and reform of national planning policy guidance. In carrying out the review, however, the aim was not to change the existing balance of economic, social and environmental objectives.

8.3 In this context, the Office of the Deputy Prime Minister (ODPM) has assessed the effectiveness of PPG6 (*see Policy Evaluation of the Effectiveness of PPG6*, published separately), and has carried out a review of PPG6.

8.4 It is the Government's intention that this PPS (and accompanying guidance to be drafted) should, in due course, replace *Planning Policy Guidance note 6 (PPG6): Town Centres and Retail Developments* (June 1996). PPG6 can be viewed on the web site of the Office of the Deputy Prime Minister at

http://www.odpm.gov.uk/stellent/groups/odpm_planning/documents/page/odpm_plan_026232.hcsp

8.5 Views and comments on the draft can be made until the deadline of 15 March 2004. The Government would welcome our views on whether:

A) There are any further elements of PPG6 that should have been included in PPS6

B) Anything in the draft policy statement is unclear, or would present difficulties in practice

C) Separate guidance on any other aspects of the planning policies in PPS6 would assist in the implementation of these policies.

8.6 Committee’s endorsement of these comments is sought. If your Committee wishes to make amendments to the comments, or make additional ones, then these will be passed on the ODPM.

What happens next?

8.7 The policies in draft PPS6 would complement, but would not change, other national planning policies (e.g. those set out in other PPGs). The final published version will reflect, as necessary, any changes to the planning system brought about through the Government's package of planning reforms, in particular, and subject to Parliamentary approval, the proposals in the Planning and Compulsory Purchase Bill.

Summary of the Draft Planning Policy Guidance (PPS6)

8.8 The results of planning research evaluating the policy effectiveness of PPG6 were published in January 2004. Some of the main conclusions of the Government's consultants are that:

- *"PPG6 has been effective in changing attitudes to retail development…*
- *… in terms of coverage, there is little understanding of the applicability of the guidance to non-retail uses, particularly leisure…*
- *Despite the clear focus in the guidance on the need for positive planning to promote town centre development, it has largely been interpreted as a development control tool As a consequence, while it has been effective in curtailing the pipeline of out of town development, it has been less successful in re-diverting activity into town centres, especially smaller centres….*
- *Research has uncovered a gap in effective planning for retail at the regional level. The focus of development in fewer, larger, centres and the controversial issue of 'emerging' town centres suggest a key role for more effective regional retail planning policies…*
- *The issue of 'need' has been a key theme… consultation… has revealed a considerable amount of confusion surrounding the factors that constitute need, and how to measure it. In addition, the assessment of the impact of retail development has been raised as an issue…*
- *… the sequential approach has given rise to debate about the rigour with which it should be applied, the extent to which operators in the retail and leisure sectors should be required to disaggregate their operations, and the uses to which it should be directed…*
- *… within the limited timescale within which the guidance and subsequent clarifications have been operating, the policy has attracted widespread support and, within its inherent limitations, the policy has begun to deliver changes in the retail and leisure sector.*
- *The aims of the policy are well-understood, and it has had a degree of success in controlling out-of-centre development. "*

8.9 Graphs showing some of the key results are shown in Appendix 1.

8.10 Based on these results the Government has therefore aimed to maintain the core planning policy framework provided by PPG6, and much of the guidance in the new draft remains as before. The draft PPS deals with town centres and main town centre uses. It is divided into chapters which deal with:-

- Planning for town centres
    - ❑ A Plan-led approach
    - ❑ Development control
    - ❑ Monitoring and review
    - ❑ Definition of centres, locations and development
    - ❑ Implementation and community involvement
- Regulatory Impact Assessment
    - ❑ Purpose, Options, Benefits, Equity/fairness,
    - ❑ Costs for businesses, Other costs, Competition assessment,
    - ❑ Enforcement/sanctions and Monitoring/review
- Consultation Criteria

Government Aims & Objectives

8.11 The Government's expressed aim is to promote the vitality and viability of town centres through the following objectives:

- *Enhancing the environment in existing centres and accessibility of a wide range of services for all, by focusing development in these centres, and*
- *Planning for the growth of existing centres,*

Other objectives related to these are:

- *to enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;*
- *to support an efficient, competitive and innovative retail and leisure sector, with improving productivity;*
- *to improve accessibility, ensuring that existing or new development is, or will be, highly accessible and well-served by a choice of means of transport.*

Expectations of Local Authorities

8.12 Government has re-emphasised in draft PPS6 that it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.

- As with PPG6, Local planning authorities are expected to implement the Government's aims and objectives for town centres, through their development plans and other strategies by planning positively for the growth of, and development in, existing centres

A Plan-led approach

8.13 A more 'pro-active' approach is now sought from development plans, involving:

- <u>Regional & Local Plans</u> (visions and positive planning)
  - Current Regional Planning Guidance (RPG) and future Regional Spatial Strategies (RSS), which includes the London Plan, should provide a strategic vision and framework for local plans;
  - Deciding where growth should best go among existing centres or in planned new centres, by balancing the needs of the communities within their region;
  - Local authorities should work with local businesses and others to assess local needs, identify gaps and assess the capacity of existing centres to meet these.

This effectively places greater emphasis on the role of the Regional Planning Bodies, in London the GLA, to determine the role of centres within the hierarchy and where, for example, growth is appropriate.

<u>SubRegional/Regional Shopping Centres</u>. Para. 2.12 of the draft PPS re-affirms the restrictions on regional shopping centres and states that:

"The Government does not consider it likely that there will be a need for any new out-of-centre regional or sub-regional shopping centres (see Annex A) or the expansion of existing ones. If such a need is identified, however, it should be addressed through the Regional Spatial Strategy. Proposals to renew or replace existing facilities where this would not involve additional retail or leisure floorspace and would not involve additional car parking facilities may be allowed, where a need has first been identified in the Regional Spatial Strategy. There may be a need to improve public transport to existing out-of-centre facilities, but this will not justify extending them".

- Actively Managing Change (Growth Or Decline)
  - Prioritising centres to meet growth in needs – allowing extension of primary shopping area, or in the case of decline, allowing retail units to change to other uses;
  - Identifying re/development sites in or on the edge of these centres – by allowing particular buildings to change use and assembling larger sites for big stores;
- Defining A Network Of Centres (A Hierarchy Of Roles)
  - Ensuring a well-defined range of centres serving a variety of needs, to minimise gaps in provision
  - Distributing growth to strengthen centres at the bottom, and avoid over-concentration in the top centres
  - Where despite consolidation, decline is inevitable demoting the relevant centre(s) within the hierarchy
- Using Tools To Overcome Barriers (Preparing Strategies, Assembling Land, Design, Preventing Crime)
  - In order to make efficient use of scarce land, plan policies should reflect the need to encourage higher-density, multi-storey development within and around existing centres, including the promotion of mixed-use areas
  - Encourage diversification of uses, so tourism, leisure and cultural activities are dispersed around the town centre
  - Street and covered markets (including farmers' markets) should form an integral part of the local authority's vision for their town centre.
- Consulting With The Community (On Needs & Site Allocations)
  - Consult local stakeholders in assessing the need for development;
  - Allocate sufficient sites to meet anticipated demand for the next five years. An apparent lack of sites of the right size and in the right location should not be an obstacle to site allocation and development to meet this need;
  - Use compulsory purchase (CPO) powers for effective site assembly, to ensure that suitable sites within or on the edge of centres are brought forward for development;

Development Control

8.14 In considering planning applications either on implementing sites allocated in the Plan, or on sites not allocated, draft PPS6 policy is applicable to:

- 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. mezzanine floors) or changing the range of goods sold, thereby changing the scale and/or character of the development.

8.15 Applicants should be required to demonstrate they have used the same considerations in their proposals, used by the local authority in allocating sites. These are:

- The Need For Development;
- That The Development Is Of An Appropriate Scale;
- That There Are No More Central Sites For The Development
- That There Are No Unacceptable Impacts On Existing Centres
- That locations are accessible by a choice of means of transport

Extensions To Existing Out-Of Centre Stores. The draft PPS6 para.3.31 states that:

"Applications for the extension of existing developments may raise specific issues. The impact on the town centre of the proposed extension should be given particular weight if new and additional classes of goods or services for sale are proposed. In addition, where establishing need is concerned, local planning authorities should establish that the evidence presented on the need for further floorspace relates specifically to the class of goods proposed to be sold. The sequential approach is not a relevant consideration in relation to extensions, but local planning authorities should still have regard to the accessibility of the proposed development.."

Monitoring & Review

8.16 The Government expects the following matters should be kept under regular review by local planning authorities, through Annual Monitoring Reports:

- the network and hierarchy of centres (at both the regional and local levels);
- the need for further development;
- the outcome of the strategies for local shopping and services; and
- the vitality and viability of centres

8.17 Annex A of the draft PPS is a glossary of terms and definitions and includes a definition of edge-of-centre which differs from the current PPG6. This effectively extends the consideration of what would constitute an edge-of-centre site to those sites that are within 300 metres of the edge of the secondary part of a town centre rather than within 300 metres of the Primary part of the centre as current guidance states. This means that a greater number of sites will be considered as edge-of-centre when making an assessment of whether they are appropriate for retail development in applying the sequential approach to development. This is of particular significance to proposals at Wembley by Quintain and the LDA. There should be no doubt under the proposed new definition that these sites are considered to be edge-of-centre.

The Council's Response - Likely implications of the proposals in draft PPS6

8.18 The continuing support expressed for town centres is welcomed, as is the statement constraining the development of new out-of-centre sub/regional shopping centres, and the expansion of existing ones, unless the need has been identified in Regional Spatial strategies.

8.19 Brent Council particularly welcomes the emphasis in paragraph 2.7 on rebalancing the network of centres so that it is not overly dominated by the largest centres, that there is a more even distribution of facilities and that people's everyday needs are met at a local level. This is assisted by the revised definition of edge-of-centre sites as set out in Annex A.

8.20 However, as indicated earlier in paragraph.7.1 & end of para. 8.15, one of the main changes to emerge in the draft Statement is the removal of the requirement in PPG6 for extension proposals in out-of-centre stores to be subject to the same sequential approach applied to new stores (Draft PPS6, para. 3.31). This is at odds with both the approach advocated to be embodied within development plans, as well as the constraint rightly placed on sub-regional store expansion.

8.21 There are serious concerns about this change in policy. In urban areas such as Brent, where there are already several existing out of town superstores and retail warehouses in and around the Borough, the ability of retailers to much more easily extend their existing stores, rather than seek town centre sites for additional growth, will make it more difficult to attract quality retail convenience (food) and some comparison (e.g. electronics, household) facilities to these centres. This is likely to undo the momentum towards more town centre investment that has been built up under the PPG6 regime.

8.22 A further significant change is the removal of the requirement in PPG6 for extension proposals in out-of-centre stores to demonstrate why one or more elements of their goods range could not be accommodated within available town centre sites (draft PPS para. 3.18). The previous policy onus on all operators to consider flexibility of store format was instrumental in the development of smaller new shopping facilities such as the; Tesco '*Metro*', Sainsbury's '*Local*', and Sainsbury's '*Central*' specifically for town centre sites.

8.23 Our concerns are now that the drive for design innovation to satisfy operator market growth aspirations, by meeting town centre needs, has been weakened; the big stores can simply increase their market share by gradually, but significantly, expanding their existing stores, and therefore their range of comparison goods (in unsustainable locations), to attract more car-borne shoppers. This runs counter to the objectives of the policy to reduce the need to travel, and ensure social inclusion.

8.24 It will also have the effect of stifling rather than encouraging competition, because new retail developments in town centres (where parking constraints are tightening) would simply not be able to effectively compete with expanded, further improved, out-of-town superstores with their free parking and even wider range of goods. The likelihood of this anti-competitive effect is even foreseen in the Government's own Regulatory Impact Assessment (See para. 8.20 above – 'competition' bullet point), although this is then dismissed by the insistence that the other provisos within the policy would be sufficient to counter the resulting disinvestment in town centres. When extensions are carried out piecemeal, every 2-3 years, it is very difficult for local authorities to counter the claims commonly made for instance, that:

- there is a qualitative (operational) and quantitative (growth in expenditure) need for the expansion; or
- there would be no unacceptable impact on town centres; or
- the locations are no less accessible for existing customers in its catchment

The application of the sequential approach and the requirement for flexibility of store format were often the strongest arguments that were available to local authorities in resisting out-of-centre proposals in unsustainable locations and in promoting what are generally smaller town centre sites.

8.25 The Government's obligation on local authorities to concede to retailers' claimed difficulties in operating their business model from a town centre site (draft PPS6, para.3.17) so as not to *"require them to provide a significantly reduced range of products"*, is also at odds with the stated objectives of the Policy Statement, and will simply ensure 'operational difficulties' are regularly put forward as reasons why a town centre site is not acceptable.

Conclusions

8.26 The draft Statement contains much that is recognisable from the previous Guidance, and clarifies a number of issues about which there had been some confusion. The Government's continued general expression of support for town centres, especially the aim to rebalance the network of centres to ensure that it is not overly dominated by the largest centres, are particularly welcomed.

8.27 However, some aspects of the policy as described above, introduce new contradictions which will have the effect of watering down the ability of Local Authorities to effectively control the distribution of significant retail floorspace in their area.

8.0 BACKGROUND INFORMATION

Details of Documents:

8.1 CB Hillier Parker & Cardiff University, '*Policy Evaluation of the Effectiveness of PPG6'*, Planning Research, ODPM, Jan 2004

8.2 '*Draft Planning Policy Statement 6 – Planning for Town Centres*', ODPM, Dec. 2003.

8.3 Any person wishing to inspect the above papers should contact Dellé Odeleye, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5309

Chris Walker
Director of Planning

Appendix 1 Results from Governments Research

Figure 19: **Number of Applications for Extensions to Foodstores**

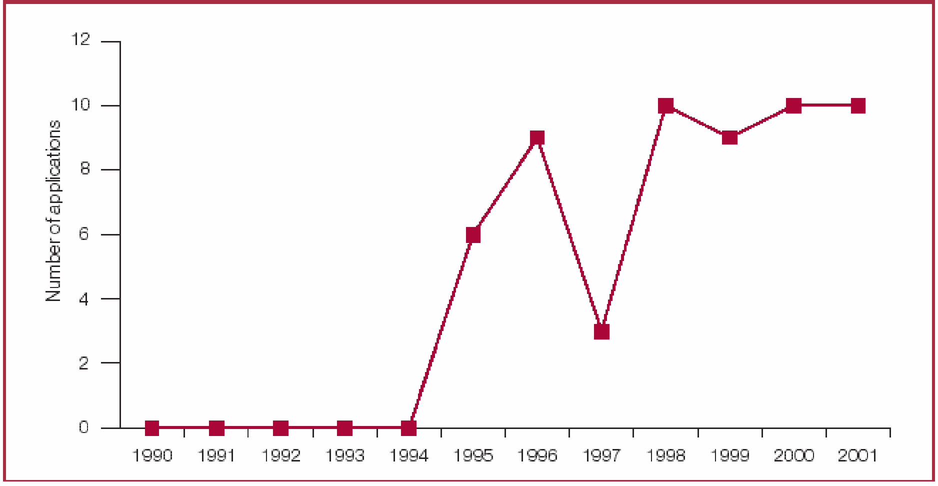


Figure 23: **Foodstore Openings (All major operators)**

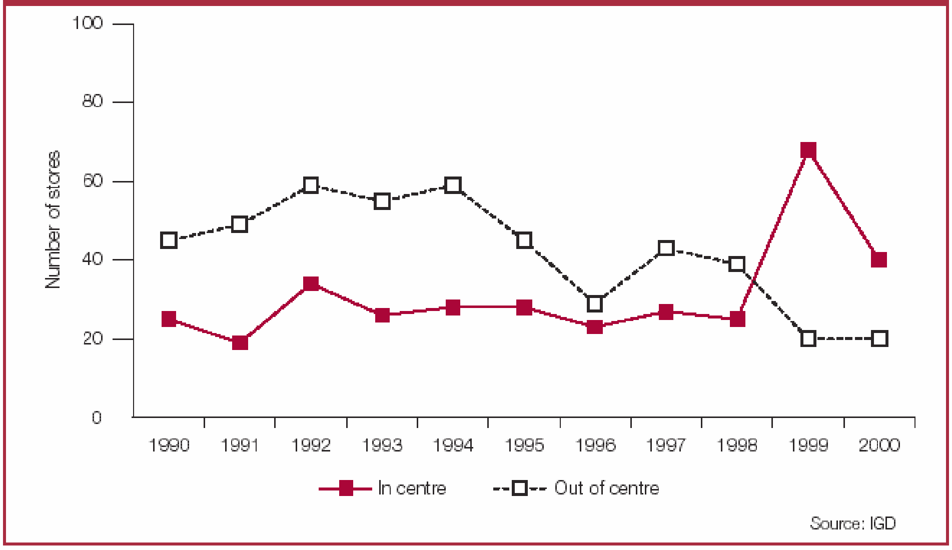
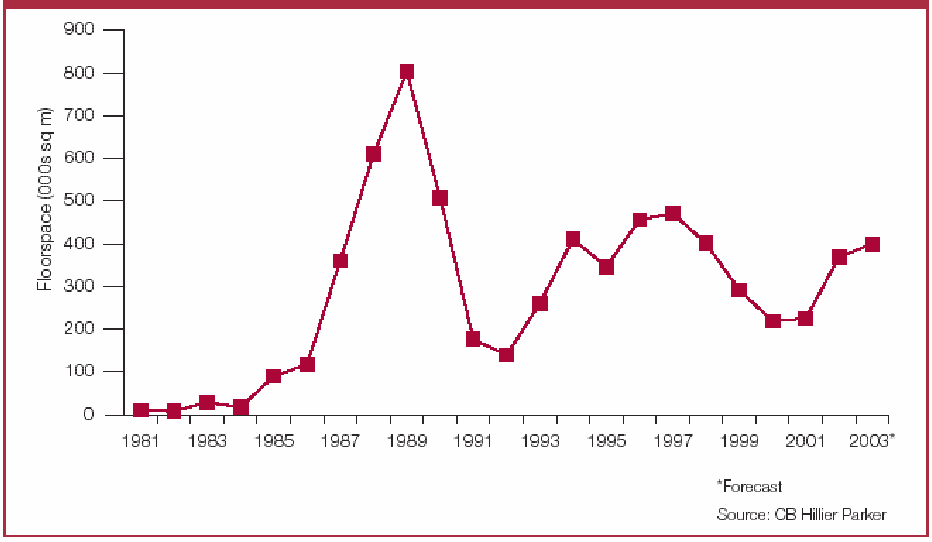
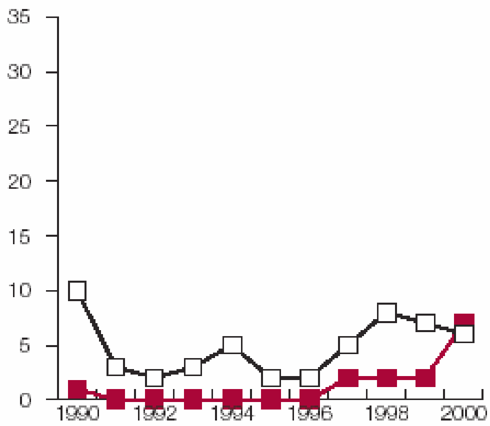


Figure 24: **Retail Warehouse Completions**

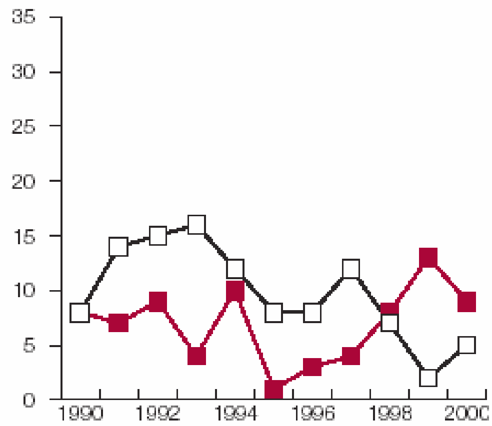


The Big 5 Supermarkets: In- and Out-of-Centre Openings

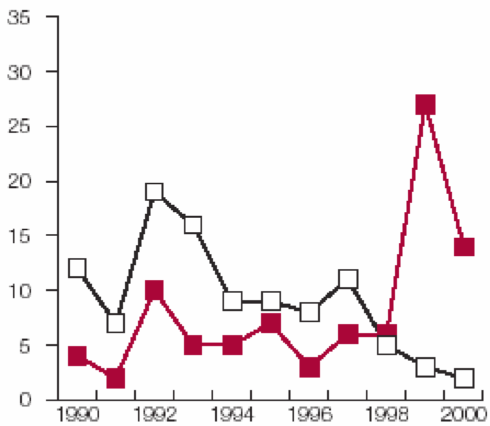
Asda store openings by location



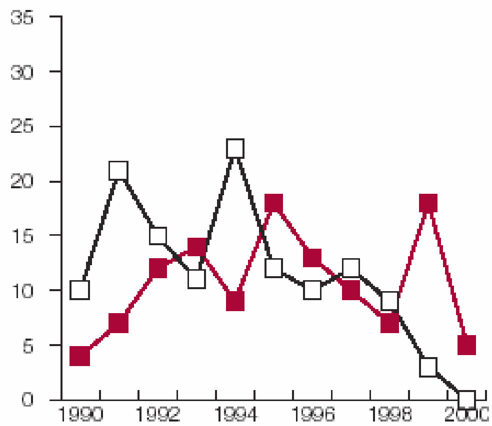
Sainsbury's store openings by location



Safeway store openings by location



Tesco store openings by location



Wm Morrison store openings by location

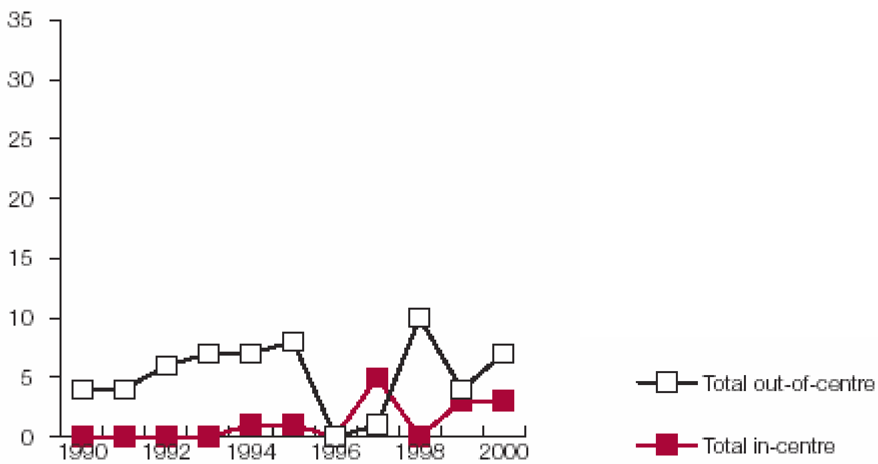
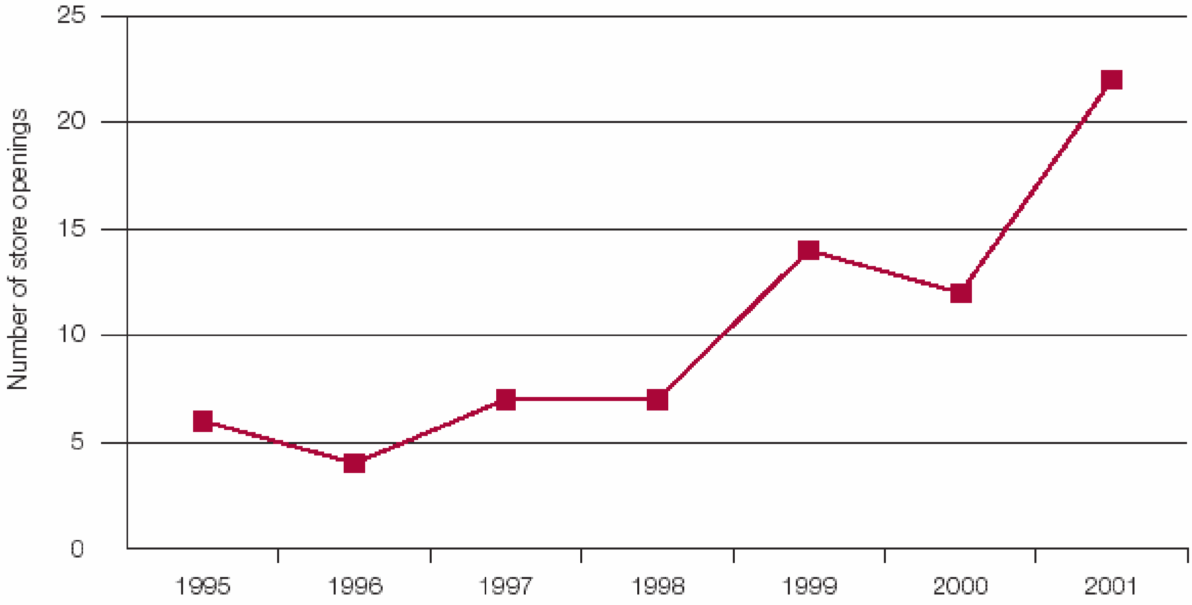


Figure 26: **B&Q Warehouse and IKEA Store Openings**



Source: B&Q/IKEA

Appendix 2 Definitions in Draft PPS6

Table 1: Types of Centre

City Centres	City centres will be the highest order of centre identified in strategic guidance. In terms of hierarchies, they will often be the regional centre and will serve a wide catchment. The centre may be very large, embracing a wide range of activities and may be distinguished by quarters or other areas which may perform different main functions, such as leisure and retail. Planning for the future of these quarters or other areas can be achieved successfully through the use of masterplans or area action plans with development briefs for particular sites. In London the 'international' and 'metropolitan' centres identified in the Mayor's Spatial Development Strategy typically perform the role of city centres.
Town Centres	The term 'town centre' encompasses a range of different size of centres, including market and country towns and traditional suburban centres. In terms of size and function, they will usually be the second order of centres after city centres and so, in many cases, they will be the principal centre or centres in a local authority's area (in rural areas, market towns and other centres of similar size and role function as important service centres, providing a range of facilities and services for extensive rural catchment areas). In planning the future of town centres, local planning authorities should consider the function of different parts of the centre and how these contribute to its overall vitality and viability. In London the 'major' and many of the 'district' centres identified in the Mayor's [draft] Spatial Development Strategy typically perform the role of town centres.
District Centres	District centres will usually comprise groups of shops, separate from the town centre, often containing at least one food supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
Local Centres	Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a general grocery store, a newsagent, a sub-post office and occasionally a pharmacy. Other facilities could include a hot-food takeaway and launderette. A network of local centres in an authority's area is essential to provide easily accessible shopping to meet people's day-to-day needs and should be the focus for investment in more accessible local services, such as health centres. The mix of uses in local centres should be carefully managed and the impact of other proposals on such centres carefully assessed.

Table 2: Types of Location

Town Centres	▪ Service centre; preferred location for all key town centre uses ▪ In larger centres may comprise a primary shopping area, and outside that a

	leisure and business quarter - Through the development plan, may be extended in scope to accommodate growth
Primary Shopping Area	- Defined area of retail development within larger centres (generally comprising the primary and secondary frontages)
Primary frontage	- Primary frontages are most likely to include a high proportion of retail uses.
Secondary frontage	- Secondary frontages provide greater opportunities for a diversity of uses.
Edge-of-centre	- For shopping purposes, a location within easy walking distance (i.e. 200-300 metres) of the primary shopping area, often providing parking facilities that serve the centre as well as the store, thus enabling one trip to serve several purposes. - For other uses, edge-of-centre may be more extensive, based on how far people would be prepared to walk. - For offices, this is likely to be within 500 metres of a public transport interchange, including railway and bus stations within the urban area. - Local topography will affect pedestrians' perceptions of easy walking distance. For example barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction of the town centre, are all factors which must be considered.
Out-of-centre	- A location that is clearly separate from the primary shopping area within a town centre, but not necessarily outside the urban area.
Out-of-town	- An out-of-centre development on a greenfield site, or on land not clearly within the current urban boundary.

Table 3: Types of Development

RETAIL	
Convenience shopping	Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers, tobacco and confectionery.
Supermarkets	Self-service stores selling mainly food, with a trading floorspace less than 2,500 square metres, often with car parking

Superstores	Self-service stores selling mainly food, or food and non-food goods, usually with more than 2,500 square metres trading floorspace, with supporting car parking.
Comparison shopping	Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.
Retail warehouses	Large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods) and DIY items, catering mainly for car-borne customers and often in out-of-centre locations
Retail parks	An agglomeration of at least 3 retail warehouses
Warehouse clubs	Out-of-centre businesses specialising in volume sales of reduced priced goods often in large buildings with large car parks. The operator may limit access to businesses, organisations or classes of individual.
Factory outlet centres	Groups of shops specialising in selling seconds and end-of-line goods at discounted prices
Regional and sub-regional shopping centres	Out-of-town shopping centres generally over 50,000 square metres gross retail area, typically enclosing a wide range of comparison goods. These should not be regarded as 'centres' for the purposes of this guidance unless identified as such in Regional Spatial Strategies.
LEISURE	
Leisure parks	Leisure parks often feature a mix of leisure facilities, such as a multi-screen cinema, bowling alley, night club, restaurants, bars and fast-food outlets, with car parking.
BUSINESS	
Business parks	A grouping of purpose-built office accommodation, with some shared facilities and car parking.