



Briefing Note

Our ref 41303/02/PW/LK
Date 17 January 2014

Subject Wirral: Proposed Submission Draft Core Strategy – Policies CS25 and CS28

- 1.1 Wirral Council has requested that NLP provides written advice on the compliance of Proposed Submission Draft Core Strategy Policies CS25 and CS28 with the National Planning Policy Framework (Framework, March 2012) and other relevant national planning guidance. This briefing note has been prepared jointly with planning officers.
- 1.2 In providing this advice, NLP has reviewed the findings of:
- the Wirral Town Centres, Retail and Leisure Study (2009);
 - the Integrated Regeneration Study for Birkenhead and Wirral Waters (2010);
 - the Wirral Town Centre Study (2011); and
 - the Wirral Retail Study Update (March 2012).
- 1.3 NLP has reviewed a number of Core Strategy/Local Plan Inspector's Reports in order to understand the approach adopted by other Local Authorities and found that in the main, locally set impact thresholds are found to be justified where based on local circumstances and up-to-date evidence.
- 2.0 **Submission Draft Core Strategy Policy CS25: Hierarchy of Retail Centres**
- 2.1 Policy CS25 sets out the hierarchy of centres in Wirral, which will be used to support community regeneration and provide a sustainable distribution of shops and services. As currently drafted, the policy also provides guidelines for the scale of Class A1 retail development considered appropriate in each centre.
- 2.2 The Framework does not include a scale test for retail development. Scale is not a test that an applicant must satisfy but it is relevant to consider whether the quantum of retail floorspace proposed can be brought forward without a significant adverse impact being caused to any defined centre. This requirement is met through the submission of an impact assessment where the floorspace of a proposal exceeds a locally set threshold (Policy CS28).
- 2.3 NLP therefore recommends that Wirral Council amends Policy CS25 to remove references to the scale of Class A1 retail development appropriate in each

centre. If this approach is adopted, there is a need to amend Policy CS26 accordingly.

3.0 **Policy CS28: Retail Impact Assessments**

National Policy and Related Guidance

- 3.1 Paragraph 26 of the Framework affords local planning authorities the opportunity to set a proportionate, locally set threshold for edge-of-centre and out-of-centre retail office and leisure development above which it is deemed that an assessment of impact will be required. The ‘town centre’ referred to in this advice is the defined Primary Shopping Area, which means that the recommendations apply to edge-of-centre and out-of-centre sites.
- 3.2 The Planning for Town Centres: Practice Guidance on Need, and the Impact of the Sequential Approach (Practice Guide, December 2009) – which remains current until such time as it is superseded by National Planning Policy Guidance (NPPG) – specifies that in setting such thresholds, important considerations are likely to include: the scale of known proposals relative to town centres; the existing vitality and viability of town centres; the cumulative effects of recent developments; the likely effects on a town centre strategy; and the impact on any other planned investment. The web-based NPPG is published in Beta (draft) mode and includes an additional consideration for the setting of locally appropriate thresholds: ‘whether local town centres are vulnerable’. However, the weight that can be afforded to the NPPG during Beta mode is limited.
- 3.3 Of the considerations listed above, NLP considers that there can be practical difficulties with basing a local floorspace threshold on the scale of known proposals. This is because the Core Strategy is intended to guide development over the next 15 years and beyond, and the great majority of schemes that might come forward during this period will not yet be conceived and/or known about by the Council, with the exception of Wirral Waters, which has been factored into our recommendations in respect of Birkenhead and Liscard.
- 3.4 Also of relevance to the consideration of locally set impact thresholds is the application of the sequential approach test. The implication of the Dundee Judgement (Supreme Court Judgement: Tesco v Dundee City Council (21 March 2012)) is that applicants are required to consider whether a potential alternative site can accommodate the development proposed and not some alternative scheme that is materially different in purpose. It is likely that only larger centres could accommodate developments of, say, over 2,500 sq. m gross (i.e. applicants employing a reasonable degree of flexibility in respect of a scheme located outside one of the smaller centres would most likely be able to demonstrate that the sequential approach test is passed by virtue of a lack of suitable sites/buildings) and it is therefore important that the impact of such development in edge-of-centre and out-of-centre locations is assessed.

4.0 **Recommended approach to setting floorspace thresholds in Policy CS28**

4.1 The suggested floorspace thresholds at paragraph 4.4 onwards are based on a review of the information contained within the retail evidence base documents of the Council and the retail hierarchy set out in Policy CS25. A key consideration is that the GVA Grimley authored Wirral Retail Study Update (March 2012) concludes that there is no quantitative requirement for additional convenience floorspace in the Borough over the period to 2030 and that capacity for additional comparison floorspace is limited (3,200 sq. m net at 2030).

4.2 A development of 2,500 sq. m gross will account for a significant proportion of the projected need for retail floorspace in the Borough. This suggests that retail developments of less than 2,500 sq. m gross could have an impact on town centres and the Framework threshold is not appropriate to all local circumstances in Wirral. NLP does not consider that this applies to Birkenhead for the reasons outlined below.

4.3 The floorspace thresholds adopted should be applied to proposals for new convenience and comparison retail floorspace, extensions to existing Class A1 stores and applications to vary the range of goods permitted to be sold from existing floorspace in edge-of-centre and out-of-centre locations. It is recommended that the floorspace thresholds should be used as a guide for other main town centre uses (including office and leisure proposals) outside of town centres, albeit the diverse nature of such uses means that the Council is justified in considering the justification for an impact assessment on a case by case basis.

Birkenhead Sub-Regional Centre

4.4 The recent land use survey maps prepared by Wirral Council indicate that existing retail units within Birkenhead town centre are generally small in scale and there are vacancies in central locations such as the Grange Shopping Centre. The Wirral Town Centres, Retail and Leisure Study (2009) identifies a predominance of fashion multiples operating towards the lower end of the retail market and Beatties (House of Fraser) is the only department store in the centre. The leisure offer of Birkenhead is poor and there is also a low quality physical environment on the approaches to and within the town centre.

4.5 The purpose of locally set floorspace thresholds is to ensure that development outside of centres does not come forward at the expense of town centre health. Although it is important for the Council to provide policy support for the reoccupation of existing units, the Integrated Regeneration Study for Birkenhead and Wirral Waters (IRS, June 2010) recognises that the accommodation requirements of multiple retailers are not currently being met and there is a need to revitalise and diversify the town centre offer through the

provision of modern retail floorplates. If it is not possible for retailer requirements to be accommodated within the town centre (either in existing units or in units created following redevelopment) then it is reasonable for edge of- centre and out-of-centre locations to be considered.

- 4.6 In order to support the IRS and to ensure that Birkenhead town centre retains its status as a Sub-Regional Centre in the face of competition from Liverpool One and potential future competition from the 60,000 sq. m gross of retail floorspace proposed at East Float (Wirral Waters), NLP recommends that the Framework threshold of 2,500 sq. m gross for all retail development is adopted for Birkenhead town centre.

Town Centres

- 4.7 The composition of the four town centres is characterised by a range of unit sizes, with Heswall, Liscard and West Kirby each being served by a medium size foodstore.
- 4.8 In terms of vitality and viability, there is evidence that Liscard is in declining health; indicators include a high vacancy rate and predominance of low-value and service uses and poor environmental quality. Whilst the scale of the centre might normally suggest that the Framework threshold of 2,500 sq. m is appropriate, it's declining health and proximity to Wirral Waters indicates that a lesser, locally set threshold should be adopted. NLP advises a locally set threshold of 1,500 sq. m gross for all retail development. It is recommended that this threshold is reviewed as part of any future assessment of vitality and viability, as an improvement in town centre health might justify raising the impact assessment barrier to the Framework threshold of 2,500 sq. m.
- 4.9 West Kirby and Heswall are identified as being in good health and recent site visits by NLP confirm that little has changed since the Wirral Town Centre Study (WTCS) was undertaken in 2011. Whilst Moreton is showing signs of weakness, it is a relatively healthy centre with a mix of convenience, comparison and service uses. However, the scale of these centres and lack of large unit shops means that they would be vulnerable to edge-of-centre or out-of-centre proposals above 1,000 sq. m gross. This quantum of floorspace could not be accommodated within the centres, even when demonstrating a degree of flexibility. NLP recommends a threshold of 1,000 sq. m gross for all retail development for each of these centres.

District Centres

- 4.10 The WTCS identifies that the three District Centres of Bromborough, Woodchurch Road (Prenton) and Hoylake are showing signs of weakness. For Bromborough and Woodchurch Road (Prenton), this is due to issues such as the diversity of retail offer, level of vacancies, quality of public realm and car parking.

- 4.11 NLP suggests a locally set threshold of 1,000 sq. m gross for Woodchurch Road (Prenton) and Bromborough for all retail development. This is based on the presence of larger unit shops within the centres and the availability of development sites at Woodchurch Road (Prenton).
- 4.12 Hoylake is a linear centre that is largely comprised of traditional shop units. Although it has a vibrant evening economy, the existing comparison retail offer is limited. It is therefore recommended that a 500 sq. m gross threshold is adopted for Hoylake for all retail development.

Local Centres

- 4.13 The sixteen local centres generally meet the day to day shopping needs of local residents. Although the scale and function of each centre varies, it is common for a small foodstore to be present i.e. the Express and Local formats operated by Tesco and Sainsbury's respectively. It is therefore recommended that the floorspace threshold for Local Centres is set at 500 sq. m gross for all retail development.

Out of Centre proposals with a Catchment Area spanning more than one Centre

- 4.14 If the catchment area of a proposed development extends across a number of centres that are categorised differently in the local retail hierarchy (and have different thresholds for impact assessments) then it is recommended that the lower of any impact thresholds is taken as the trigger for an impact assessment being required.

Out of Centre proposals with a Catchment Area not extending to any Centre

- 4.15 In circumstances where the catchment area of a proposal is claimed not to extend to any defined centre, the requirement for an impact assessment should be considered on a case-by-case basis. In most circumstances such proposals will be of floorspace not sufficient enough to justify an impact assessment.