

SEFTON LOCAL PLAN EXAMINATION 2015/16

PROPOSED MODIFICATIONS – POST HEARINGS 3RD SET

RESPONSE BY SAVILLS ON BEHALF OF ELLANDI LLP

1. This Statement is made on behalf of GL Europe Bootle S.À.R.L (c/o Ellandi LLP), owners of The Strand Shopping Centre, Bootle, with reference to the Sefton Local Plan (SLP) Examination 2015/16. It is made in connection with the 3rd set of Post Hearings Proposed Modifications and provides comment on the following Proposed Modifications:

- *Main Modifications to Policy ED2, the Explanatory Text and Policy Maps*

2. This Statement should be read in conjunction with our Statement dated 18 December 2015 (response to Inspector's Matters, Issues and Questions) and follows our participation in the Local Plan Examination on 13 January 2016 (Matter 5b - Economic Development, Regeneration and Retail).

Background to Comments

3. Following the sitting of the Examination in Public of the Sefton Local Plan, WYG have provided further consideration of retail policy matters within the Plan. This has resulted in a series of Modifications to Policy ED2, the Explanatory Text and Policy Maps – a number of which relate specifically to Bootle Town Centre and are therefore of particular relevance to Ellandi.
4. We consider each of the relevant Modifications in turn below.

Proposed Modifications to the Policies Map

5. The following modifications have been made to the Policies Map for Bootle:
 - extension of the Bootle Town Centre Boundary to allow for further existing main town centre uses, as defined in Annex 2 of the NPPF, to be identified as part of the Centre;
 - extension of the Bootle Primary Shopping Area to the north to include further retail frontage on the eastern side of Stanley Road (including the Lidl supermarket), the Retail Quarter site identified within the emerging Investment Strategy to the south of the Strand and units on the western side of Stanley Road (south of Merton Grove); and
 - identification of Primary and Secondary Shopping Frontages.

6. We are comfortable with the proposed changes to the Policies Map and are happy that the terminology used is now compliant with the NPPF and associated guidance.

Proposed Modification to Policy ED2.2 (Sequential Test)

7. We maintain our objection to the wording of Policy ED2.2.
8. This section of Policy ED2 has been amended to reflect changes to the Policies Map and to align it more closely with the guidance set out in the NPPF. Whilst we welcome the majority of the amendments that have been made, we note with concern the continued reference to retail parks within the wording of the policy.
9. The NPPF requires a case by case assessment of the accessibility of the site as a measure of sustainability of any out of centre development and in the determination of planning applications. It allows for the consideration of retail parks as potentially sequentially preferable sites where out of centre development is proposed, but only where these parks are more readily accessible and well connected to an allocated centre. The approach proposed by Sefton simply assumes that these parks provide a sequentially preferable location to other out of centre sites. The unintended consequence is that these parks are afforded a degree of policy protection which is wholly unacceptable.
10. Indeed, as currently worded the policy implies that the retail parks listed at Footnote 2 are more accessible than other out of centre sites and are better connected to the Borough's allocated centres. This is certainly not supported by the evidence prepared by WYG¹.
11. Until such evidence is forthcoming, then we would suggest that the reference to retail parks is removed from the policy as it is not Justified.
12. We would also suggest a slight amendment to the first part of the Policy as follows:

“Proposals for all retail, leisure and other town centre uses will be subject to a sequential approach to development”.

¹ In the case of the retail parks at Aintree for example, they rely heavily on car borne trips with limited connectivity with existing and allocated centres within the Plan.

² There are numerous operators within the Town Centre including a Marks and Spencer Food Hall, Iceland, Cooltraders and Heron Foods situated within the Strand. This offer is supplemented by a number of larger retail supermarkets that are situated within walking distance of the Town Centre including an ASDA store on Orrell Lane, a Lidl store on Marsh Lane and an Aldi store on Washington

Proposed Modification to Policy ED2.3 (Impact Test)

13. We welcome the proposed amendments to the wording of Policy ED2.3 which provides greater clarity as to how and when the impact test should be applied.
14. We would however suggest a minor amendment to the wording of the Policy as follows:

Current Wording:

“For retail, leisure and office uses proposed outside of the identified areas below, impact assessments will be required to accompany planning applications based on the following floorspace thresholds at the following locations:”

Proposed Wording:

“Impact assessments will be required to accompany planning applications for retail, leisure and office uses where the proposed floorspace exceeds the thresholds at the following locations:”

15. The current use of the word “outside” in this part of the policy does not correlate with the requirement for impact assessments to be undertaken *within* 800m of the boundaries of district and local centres.
16. In addition, we note that no amendment to the threshold for requiring the impact test outside of the Primary Shopping Areas has been made. We have previously asserted that 500 sqm is too high and should be reduced to 300 sqm. This is because 300 – 500 sqm units are where there is currently most interest from potential occupiers for in and out of centre stores. In addition, Ellandi is in the process of amalgamating units at The Strand specifically to target such occupiers. Without the ability to test impact on the 300 – 500 sqm bracket for Bootle (which is already identified as a vulnerable centre by WYG), the planned investment strategy will be undermined.
17. We would welcome clarification from Sefton Council / WYG that this point has been considered in more detail following the Examination in Public.

Proposed Modification to Policy ED2.4 (Primary Shopping Areas)

18. We object to the proposed modifications to the latter sections of this policy as it imposes an onerous requirement for Applicants to demonstrate that the unit is a long term vacancy (normally for a minimum of

1 continuous year) and that reasonable attempts have been made to sell or let the premises for A1 use where a proposal would result in more than 30% of units being in non retail uses in the Primary Retail Frontage.

19. The wording of this section of the Policy is counterproductive, conflicts with national guidance (please see references below) and is not supported by the available evidence. The new wording should be deleted or else it could serve to undermine the strategic objective of regenerating the Borough's allocated centres.
20. Whilst the principle of seeking to protect against the loss of A1 retail floorspace within the PSF is understood, this late modification is wholly restrictive and as stated above ignores national guidance on the need to adopt a flexible approach to the future role of the town centres. It also ignores the commercial needs of a centre such as The Strand to respond to shifting occupier demands and to perform its role as a vital community resource. Without the ability to include complementary town centre uses where this does not undermine the predominance of A1 retail, attempts to improve the vitality and viability of The Strand Shopping Centre and the wider Town Centre risk being undermined.
21. The approach to town centre development is set out by the National Planning Policy Framework at Paragraph 23 where it is stated that Local Planning Authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The NPPF defines suitable 'main town centre uses' as retail, leisure, entertainment facilities, which includes restaurants and bars, and offices. This recognises that retail forms only one part of the experience for visitors to a town centre; it is equally about gaining access to people driven services, eating out, meeting with friends and having an opportunity to socialise. Accordingly, it can be recognised within the Plan that customers expect more from their shopping experiences and there is pressure on shopping centre owners, managers and tenants to respond to this.
22. The NPPF also attaches significant weight to supporting economic growth through the planning system, noting that investment should not be overburdened by the combined requirements of planning policy expectations and that centres should be resilient to anticipated future economic changes. The need for resilience is also reflected through a series of amendments to the General Permitted Development Order (GDPO) which were enacted in April 2015. Subject to certain criteria being met the following is now permitted:

- a change from retail (Class A1) to financial services (Class A2);
- a change from retail/financial services (Class A1/A2) to food and drink (Class A3);
- a change from retail/financial services (Class A1/A2), betting offices, pay day loan shops and casinos to assembly and leisure uses (Class D2);
- extension of the temporary permitted development rights introduced in May 2013 for extensions to shops, offices, industrial and warehouse buildings to support business expansion and the economy so they apply permanently;
- the erection of click and collect facilities within the curtilage of an existing retail shop; and
- modifications to the size of an existing retail shop loading bay.

23. Much of the recent emphasis on the need for flexibility within our town centres is underpinned by independent reviews of the UK's high streets conducted by Mary Portas in December 2011, and more recently the Grimsey Review in September 2013 and "Beyond Retail" in November 2013. Each of these reports reflect the changing nature of town centres and the requirement for them to change and adapt to fulfill a function at the heart of a community.

24. In light of the above it is concluded that the additional wording at the end of Policy ED2.4 is unsound because it is not Positively Prepared, Effective or Justified. It is counterproductive and will likely undermine the Plan's overarching objective to help Sefton's town and local centres to diversify and thrive (Policy SD2).

25. The following text should therefore be deleted:

~~*"Where planning applications for non-retail use are proposed within primary retail frontages which would result in more than 30% of units being in non-retail uses, applicants will be required to demonstrate that the unit is a long term vacancy (normally for a minimum of 1 continuous year) and that reasonable attempts have been made to sell or let the premises for A1 use".*~~

26. The existing requirement for Applicants to demonstrate that proposals would not undermine the vitality and viability of centres (i – iii) provides sufficient protection against the over-provision of non-retail uses in the PSF whilst simultaneously allowing proposals for non-retail development to come forward without being over-burdened by onerous policy requirements (which could leave certain units vacant for over a year).

Proposed Modification to Explanatory Text (Paras 7.19 – 7.25)

27. We welcome the modifications to the Explanatory Text to Policy ED2 which has been updated to reflect the objectively assessed need in terms of plan led retail capacity provided within the Retail Strategy Review 2015.
28. The text should however re-emphasise that the Plan-led strategy is to direct any surplus capacity / objectively assessed need for new retail floorspace towards the Borough's allocated centres and in accordance with the sequential and impact tests set out in Policy ED2.
29. This is particularly important in regard to convenience goods as a significant amount of capacity has been identified for South Sefton. These capacity figures do not however reflect the fact that Bootle Town Centre and the surrounding area is already very well served by an excellent choice of convenience goods retailing² which is critical to its ongoing success. The fact that the Town Centre and the surrounding area is already very well catered for by convenience goods operators gives rise to concern that application proposals outwith the Centre could result in the relocation of an existing convenience goods operator from the Town Centre / a more accessible location. The reassertion of the Borough's town centres first approach within the Explanatory Text will go some way to ensuring this does not happen without proper scrutiny.

² There are numerous operators within the Town Centre including a Marks and Spencer Food Hall, Iceland, Cooltraders and Heron Foods situated within the Strand. This offer is supplemented by a number of larger retail supermarkets that are situated within walking distance of the Town Centre including an ASDA store on Orrell Lane, a Lidl store on Marsh Lane and an Aldi store on Washington Parade. In addition, there is a Tesco superstore located in Litherland (circa 2.5km from Bootle) and a Sainsbury's superstore situated at Walton (circa 3km from Bootle).