



Braintree District Council

Local Plan Examination of Section 2

Main Matter 4 - A Prosperous District
– Shops and Services
– Policies LPP 10 to LPP 16

June 2021

Main Matter 4 - A Prosperous District – Shops and Services – Policies LPP 10 to LPP 16

Policy LPP 10 Retailing and Regeneration,

Policy LPP 11 Primary Shopping Areas,

Policy LPP 12 District Centre,

Policy LPP 13 Freeport Outlet Centre,

Policy LPP 14 Leisure and Entertainment,

Policy LPP 15 Retail Warehouse Development

Policy LPP 16 Retail Site Allocations.

- **Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?**

4.1 The Council's policies and allocations are supported by two retail evidence base documents produced by Lichfields in 2015 (BDC032) and a 2018 partial update (BDC032a.) which updated the floor space requirements of the 2015 document. All the policies and allocations included in this section of the Plan seek to meet the requirements of section 2 (Ensuring the viability of town centres) of the 2012 NPPF.

4.2 Policy LPP10 Retailing and Regeneration

This policy is justified and consistent with national policy as it seeks to direct retail development to and encourage it in town, district and local centres, as well as defining the retail hierarchy for the District. The proposed retail hierarchy is supported by the evidence base (BDC032 - Para 2.14). This meets the requirements of paragraph 23 of the NPPF (2012). The Council's comparison, convenience and food and drink floorspace requirements are also set out in Policy LPP10 and it is proposed to update those requirements in line with the 2018 evidence base document. This is proposed at modification MM17 of document SDBDC008a.

4.3 The policy also defines retail impact thresholds and identifies sites to meet the need for additional retailing, community facilities, services and other main town centre uses. Again, this is in line with the requirements of the NPPF. In terms of retail impact BDC032 (Paragraphs 5.37-5.39) states that the default retail impact threshold set out in the NPPF is not appropriate for the smaller centres as this would constitute more than the identified need for those centres. This approach continues to be supported in the updated evidence base BDC032A Paragraphs 5.22 – 5.25.

4.4 Policy LPP11 - Primary Shopping Areas

This policy is justified and consistent with national policy as it identifies which areas within town centres are considered to be primary and secondary retail frontages as per paragraph 23 of the NPPF. It also sets out which uses are appropriate. This policy is proposed for modification to reflect the updated use classes order.

- 4.5 The development plan distinguishes between primary and secondary frontages in Braintree, Witham and Halstead. Both evidence base documents indicate that the proportion of Class A1 uses (or E(a) uses within the 2020 amendment use class order) within the defined primary frontages remains high and there are no significant concentrations of non-Class A1 (shop) use. As such there is no need to change the current primary and secondary frontage designations. It is noted however that in implementing the new national use class order 2020 the Council has now more limited powers to protect the primacy of shop uses within primary retail frontages which will be able to switch to other uses within the new E commercial class without the need for planning permission. The policy is subject to re-wording of the policy to reflect changes to the use class order which is proposed in SDBDC008a as MM18.

4.6 Policy LPP12 – District Centres

This is a specific policy for the District Centre located at Great Notley. This policy is justified and consistent with national policy as it sets out what uses are appropriate in the district centre as set out in paragraph 23 of the NPPF. Annex 2 of the 2012 NPPF includes District Centres within the definition of a Town Centre designation. The retail evidence base supports the identification of District Centres as part of the retail hierarchy. The policy is subject to modification to update it in respect of changes to the use classes order as proposed in SDBDC008a MM19.

4.7 LPP13 – Freeport Outlet Centre

This is a site specific policy for Braintree Village (Previously known as Freeport it is proposed to update the name of this policy and elsewhere in the document to reflect this change). It is an out of centre retail destination and is not included in the retail hierarchy as it is a unique shopping destination offering discounted goods and is a regional rather than a purely local shopping destination. This policy is justified and consistent with national policy, in particular paragraph 156 which requires local authorities to provide retail, leisure and other commercial development, and it is necessary to recognise the unique nature of this site which requires special consideration when considering application for any further retail proposals, in order to protect the existing retail hierarchy within the district. The site is identified on Inset Map 1B.

4.8 LPP14 – Leisure and Entertainment

This policy is associated with leisure and entertainment development located at Braintree Retail Park as shown on Inset Map 1B. The site is an out of

centre site which is not considered part of the retail hierarchy for the district. It seeks to retain this area for the purposes of leisure and entertainment and per paragraph 156 of the NPPF states that Local Plans should seek to deliver leisure uses. The site currently comprises of a cinema, bowling alley, several restaurants and a leisure centre.

4.9 LPP15 – Retail Warehouse Development

This policy guides development proposals for more bulky comparison retail goods development such as larger DIY stores, furniture stores etc. It allows for non-bulky goods which are ancillary in nature. The majority of bulk retail provision is currently located at Braintree Retail Park. This policy encourages development proposals within or adjacent to town centres, then out of centre subject to sequential testing and impact assessment if applicable. This is in order to direct new development to town centres as per the requirements of the NPPF.

4.10 LPP16 – Retail Site Allocations

This policy allocates areas for retail development to meet the identified retail needs for the district as required by the NPPF. It is subject to modification as a number of the sites have either been withdrawn or have been granted permission and completed for retail development. This is modification MM23 within SDBDC008a.

4.11 The remaining allocations within the policy are also shown clearly within the Proposals Maps which set out clearly the geographical extent to these allocations.

4.12 In terms of the potential for retail provision to come forward on unallocated retail allocations, within strategic growth locations, it is estimated in the evidence base that strategic growth locations of around 2,000 new dwellings can support 1,500 sqm of gross retail provision of all types and food and drink provision (Paragraph 7.15 – BDC032a). Whilst it is therefore not specifically reflected within the allocations, it is expected that further retail development in the form of neighbourhood shops or centres will come forward during the Plan period.

- **Do policies LPP 10 to LPP 16 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations and policies?**

4.13 Policy LPP 10 Retailing and Regeneration.

This policy is subject to modification to reflect the updated floorspace projection from the 2018 retail evidence base (MM17 in SDBDC008a). This policy makes it clear which sites would be appropriate for retail development proposals, that the town centres should be the primary destination for retail proposals, and if such sites are unavailable then a sequential test should be

undertaken. It clearly sets out the necessary impact threshold for development proposals which would impact different centres. The figures used for impact assessment are supported by a robust and credible evidence base.

4.14 Policy LPP 11 Primary Shopping Areas.

This policy provides clear boundaries and frontages within the town centres which clearly identify which uses will be appropriate where. These boundaries were identified through the Council's evidence base and show areas with the highest concentration of retail uses in Braintree, Witham and Halstead. The boundaries also provide a clear indication for the purpose of undertaking the sequential test.

4.15 Policy LPP 12 District Centre.

The policy provides a clear boundary for the District Centre and sets out which uses are appropriate within it. The identification of this area is supported by the Council's evidence base and through National Policy which includes District Centres within the definition of a Town Centre.

4.16 Policy LPP 13 Freeport Outlet Centre.

This policy is justified and consistent with national policy as set out above. It is necessary to recognise the unique nature of this site which requires special consideration when considering applications for any further retail proposals, in order to protect the existing retail hierarchy within the district. The policy clearly states that the only uses which should be allowed on this site should be discount shopping. The definition of discount shopping is contained within the original s106 agreement for the site and is defined as follows;

“The retail sale by either manufacturers selling their branded seconds, surplus stock, or discounted lines all at discounted prices –or- other retailers selling rejects, returned goods, seconds, clearance goods and surplus stock directly supplied to them by such manufactures all at discounted prices.”

4.17 The sale of goods not allowed for sale include;

4.18 Furniture, food* (other than food intended for immediate consumption), white goods (Namely cookers, microwaves, fridges, freezers, washing machines, dishwashers and similar items), DIY items, carpets, gardening requisites, motor vehicles, books*, pets or pet, foods

4.19 The sale of books is however now allowed.

4.20 This policy makes it clear that proposals which would not fall within the definition of “discounted shopping” should not be supported, and a definition of discounted shopping could be provided in either the supporting text or the policy if it is felt that would aid the decision maker

4.21 The site is identified on Inset Map 1B.

4.22 Policy LPP 14 Leisure and Entertainment

In order to retain leisure and entertainment uses within the District it is appropriate to continue to identify this sites as an out of centre leisure and entertainment. Provision for further intensification of leisure and entertainment uses such as expansion of the existing cinema would be considered appropriate at this location. This approach is compatible with paragraph 23 of the NPPF. Proposals for uses which do not fall within what would be considered as “leisure and entertainment”, would not normally be supported in the area identified on the Inset Map under this policy and this is considered clear within the policy

4.23 Policy LPP 15 Retail Warehouse Development.

This policy sets out the Council’s approach to planning applications for retail warehouse development. One site is currently identified at Braintree Retail Park. Braintree Retail Park is an out of centre bulk comparison good site which has had some convenience food provision allowed. As sufficient deliverable edge of centre sites cannot be identified, this allocation helps meet identified needs as the site is accessible from the main town centre at Braintree centre. This approach is compatible with paragraph 23 of the NPPF.

4.24 For other proposals for retail warehouse type development this policy makes it clear that a sequential test and impact assessment would be required for applications not located within a town centre, this is in accordance with paragraph 24 and 26 of the NPPF. This policy is subject to a proposed modification (SDBDC008a MM22) removing the requirement for traffic impact assessment and travel plan as this is covered elsewhere in the Plan

4.25 Policy LPP 16 - Retail Site Allocations.

This policy sets out which sites are allocated for retail development proposals in order to meet the identified retail and other main town centre uses identified in the evidence base. This is in accordance with paragraph 23 bullet point 6 of the NPPF (2012). Each site is shown on the relevant inset map, meaning applications for non-town centre uses on these sites should be resisted which is a clear position for the decision make.

4.26 In addition to the identified allocations, it is anticipated that retail proposals at the strategic growth locations would also provide retail floorspace to contribute the identified need for the district. This is noted in the policy to ensure decision makers are clear that additional retail can be acceptable within those locations.