

Out of Town Retail Development - Liberty Mercian Proposal, 08/15788/OUT

ENCLOSURE 1 The Planning Issues

CPRE has read the planning application of Liberty Mercian, (LM), and compared it with the criteria set out in the Government's **Planning Policy Statement 6: Planning for Town Centres, PPS6**. In the following passages, the black sections are taken from the Government Planning Policies, **while the red sections are the response of CPRE, Oswestry.**

Government Objectives

- **PPS6 1.1**, the headline policy states, the planning system has a key role in facilitating and **promoting the creation of vital and viable town centres.**
- **PPS6 1.3** The Government's key objective for **town centres** is to promote their vitality and viability by promoting and enhancing **existing centres**; by focusing development in **such centres.**

Through Regional Spatial Strategies and Local Development Documents, Regional Planning Bodies and Local Planning Authorities respectively should implement the Government's objectives for **town centres**, by planning positively for their growth and development. **The headline objective of the Oswestry Borough Local Plan (OBLP), is to promote the viability and vitality of the town centre by strengthening Oswestry's role as a thriving market town.**

CPRE feels that the Liberty Mercian proposal to develop the Smithfield site is contrary to the above Government Guidelines, as it fails to meet this headline national policy. The stated aim of the LM report is, *inter alia*, to attract shoppers and those people who enjoy eating out, away from the town centre.

Evidence of the need for large, out of town, retail development, as presented in the report by Nathaniel Lichfield (NL), is unreliable, based as it is on an unrealistic catchment area, notional estimates of consumer demands, and comparison of those with national average turnovers; (see CPRE report, pg 13 onwards). LM has relied on NL's methodology, with additional unsubstantiated assumptions. (See Enclosure 2).

Promoting Growth and Managing Change in Town Centres

- **PPS6 2.3** Local Planning Authorities should actively plan for growth and manage change in **town centres.**

Retail development should be led by the Borough Planners and not by the Developers. The 1996 OBLP is still in place. No land was set aside for out of town retail development. The site, that LM is proposing to develop, is described in the OBLP as being industrial/employment land and by NL, the Borough's Consultants, as being a POOR option for retail development. CPRE does not believe that any planning reasons have been put forward by LM, which would justify any change of these definitions.

Street Markets

- **PPS6 2.27** states that: Street and covered markets (including farmers' markets) can make a valuable contribution to local choice and diversity in shopping as well as to the vitality of town centres and the rural economy. As an integral part of the vision for their town centres, local authorities should seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones. Local authorities should ensure that their markets remain attractive and competitive by investing in their improvement.

The NL and LM reports excluded from their calculations of the retail trading analysis ,the impact of the indoor and outdoor markets on the town's economy, even though they are and always have

been an important part of the local economy. The LM proposal if implemented will have an adverse effect on Oswestry's ancient markets, as potential customers will be attracted away from the town centre.

Assess the Need for Development

- **PPS6 2.32** states that local need assessments carried out by **local planning authorities** should take account of the strategy for the region's centres, set out in the regional spatial strategy, as well as the catchment areas of each of their centres and of the catchment areas of centres outside their boundaries which extend into their area, rather than merely focusing on the centre within the authority's administrative boundaries.

CPRE has shown in its report, (Section 7, page 7 and Section 13 onwards, starting at page 12), that the NL report, which Oswestry Borough Council commissioned, failed to prove that demand for retail space could not be met by the 4.5 acres of development land, identified by NL within the town centre:-

1. NL and LM overestimated the Oswestry catchment area, by including places, which are outside any commonsense definition of its catchment area.
2. The conclusions of the NL report were based on some twenty seven assumptions. A slight change in any one of these assumptions and estimates could have an impact on their figures and the conclusions drawn from them, (see page 13 onwards of the CPRE report).
3. The NL report and LM application failed to include in their calculations the existing, available floor space of the retail outlets on the Maesbury Road and the Gledrid Industrial Estates, totaling some 18 large outlets. (pages 11 and 18, CPRE report).
4. The turnover and the impact that Stan's Store has on convenience and comparison shopping in the Oswestry area was underestimated by NL. (CPRE report, page 16). Further large expansion to Stan's Store is planned. Already it has a gross floor space of over 3,000sq m.
5. The sale of alcohol and cigarettes in the town centre hotels and pubs was included in the gross sales figures, but the related retail floor space was excluded, by both NL and LM. (Assumption 3, page 14, CPRE report). (See also Enclosure 2).
6. Welshpool is developing a town centre retail park, which will attract shoppers from the southern side of the Borough; those living in zone 8 and the southern end of zone 3. (Map 1, pg 33, CPRE report).
7. A new Tesco's is to be built at Ellesmere, an application for Sainsbury's at Ruabon is being processed and Stan's Store in St Martins is expanding. These will all discourage inward movement of shoppers from zones 1 and 4.
8. Wrexham and Shrewsbury are expanding their retail parks. Both these towns include Oswestry in their catchment area, (pages 5 and 7 of the CPRE report; and Paragraph 13 of Enclosure 2).
9. The economic importance of the indoor and outdoor markets has been ignored.
10. The downturn in the economy, which is forecast to become deeper during the next two to three years, does not support the proposition that demand will continue to be strong, or that it will continue to rise at historic rates.
11. CPRE has seen no evidence published by the Local Authority, proving a need for increased retail space. If the NL report is its base datum, the need for large, out of town, retail development has not been made.

12. Enclosure 2 analyses the figures used by LM in more detail. These show that LM has failed to make a case for additional retail development.

Appropriate scale of development

- **PPS6 2.41** In selecting suitable sites for development, local planning authorities should ensure that the scale of opportunities identified are directly related to the role and function of the centre and its catchment. **The aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and that it complements its role and function.**

CPRE's separate comments, (Enclosure 2), show that the developer, LM, has failed to demonstrate the need for a large-scale retail development on one site. The use of 8 postal codes to delineate the boundaries of Oswestry's catchment area is clearly unsound, (page 13, CPRE report). In addition, the assumption that further inflow of customers will come from outside the catchment area is unsubstantiated. (Assumption 7, inflow, page 17 of CPRE report). NL gives a figure of 5% for expected inflow. There is no justification for this, yet it is used as fact by LM, giving as its reason that "the NL report used it". This figure assumes that customers will be attracted from outside the catchment area of Oswestry, which is contrary to RSS11, Policy T2.

Oswestry does not yet need additional, out of town, retail park development, as sufficient space exists within the empty shops in the Town Centre, AND the three sites identified by the Borough Council's Consultants, Nathaniel Lichfield. The failure to include in the LM calculations some 18 warehouse-size, retail, comparison stores on the industrial sites at Maesbury Road and Gledrid and the under estimation of the scale of the convenience goods at Stan's Store in St Martins, downgrades all the calculations, designed to show the need and scale of comparison store development. (See paragraph 5 onwards, Enclosure 2).

The Sequential Approach to Site Selection

PPS6 2.44 A sequential approach should be applied in selecting appropriate sites for allocation within the centres where identified need is to be met. **All options in the centre (including, where necessary, the extension of the centre) should be thoroughly assessed before less central sites are considered for development for main town centre uses.** The sequential approach requires that locations are considered in the following order:

Firstly, locations in appropriate, existing centres where suitable sites or buildings for conversion are, likely to become available within the development plan document period, taking account of an appropriate scale of development in relation to the role and function of the centre; and then

Secondly, edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then

Finally, out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

Applying the Sequential Approach

PPS6 3.16 One of the purposes is to explore the possibility of enabling the development to fit onto more central sites by reducing the footprint of the proposal.

4.5 acres of potential retail development sites were identified in the town centre by the NL report. Until the Local Authority has seriously considered these sites, together with the retail floor space available in the empty shops, and revised the scale of development that Oswestry really needs, all other options should be put on hold. The planning guidelines confirm how great is the advantage of town centre development, compared to out of town development.

CPRE has been informed that the outline development proposal for the Central Carpark in Oswestry would lead to a small **increase** in available parking spaces, in addition to more convenience and comparison retail stores.

CPRE does not believe that it is a planning requirement that new development should take place on one site or that development should take place at the same time.

The Smithfield site is described in the NL report as “**Unsuitable for town centre use given the distance from the town centre**”. It is noticeable that LM has excluded from its sequential test all reference to the Burbidge site and the Guttercrest site, which are also mentioned in the NL report. Both were given better ratings than the Smithfield site.

Assess Impact

- **PPS6 2.48** Making additional sites available for development may have both positive and negative impacts on existing centres. Positive benefits are likely to be strongest where additional development **takes place in the centre, or by an expansion of the centre**.
- **PPS6 3.20** Impact assessments should be undertaken for any application for a main town centre use, which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy.
- **PPS6 3.21** In assessing sites, **local planning authorities** should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development,
- **PPS6 3.22** In particular, **local planning authorities** should consider the impact of the development on the town centre:
 - the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre;
 - the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area.

PPS6 3.23. Impact assessments which address the issues in Paragraph 3.22 above should be provided for all retail and leisure developments over 2,500sq ms gross floorspace, but they may occasionally be necessary for smaller developments.

The research evidence from other towns is overwhelming. Out of town, retail development takes a substantial amount of business away from the town centres and in particular from the small shops. The LM proposal expects to take business from the town centre convenience stores, claiming that this will have little effect. But most of the town centre shops are small and will be badly affected by any loss of trade, however small. LM acknowledged that convenience stores in town will lose customers, but the numbers are no more than assumptions. The loss of trade to the town centre shops has been seriously underestimated.

It is also worrying that the only impact analysis, which has been carried out, has been the one presented by the developer; many of the figures are unsubstantiated. Statements such as “approximately half of this store's non-food trade draw will be derived from expenditure inflows (5%) and claw-back (45%)” do not appear to be backed up by evidence.

The Industrial estates at Gledrid and Maesbury Road have garden centres, DIY stores, computer centres, electrical, bathroom and stove centres, supplementing edge of town stores such as Focus and Colour Supplies. It is difficult to believe, as the LM report suggests, that Oswestry Borough is short of DIY stores or garden centres.

CPRE believes that the loss of customers visiting the town centre will affect all town centre shops, but particularly the small, specialist shops and the street markets; resulting in less money

circulating in the Town. The LM impact assessment has failed to examine requirements set out in PPS6 20-23. CPRE would like to have seen an impartial, impact assessment prepared by the Borough Council; the LM impact study obviously has a point to make.

Assembling Sites

- **PPS6 2.52** states that an apparent lack of sites of the right size and in the right location should not be construed as an obstacle to site allocation and development to meet this need. **Local Planning Authorities should consider the scope for effective site assembly using their compulsory purchase powers**, to ensure that suitable sites within or on the edge-of-centres are brought forward for development, including sites that are underutilised, such as car parks and single-storey buildings, which could be redeveloped for multi-storey mixed-use development.

The Council has the powers to assemble suitable sites, which will enhance the vitality of the town centre. The Borough's own consultants identified a total approximately 4.5 acres, within the town centre, which are suitable for town centre development.

Ensure that Locations are Accessible

- **PPS6 3.25.** Good access to town centres is essential. Jobs, shopping, leisure and tourist facilities and a wide range of services should therefore be located in town centres, taking full advantage of accessibility by public transport. In selecting appropriate sites for allocation, local authorities should have regard to whether the site is or will be accessible and well served by a choice of means of transport, especially public transport, walking and cycling, as well as by car. In rural areas, local planning authorities should focus town centre development in local service centres, such as market towns and large villages, where there is potential to maximise accessibility by public transport and by walking and cycling.

Public transport is centred on the town centre of Oswestry and train services in Gobowen. The majority of people likely to use the Smithfield site for shopping, will come by car. It is unlikely that many of those people will later take the bus into Oswestry Town Centre.

THE CINEMA

CPRE acknowledges that there is a demand for a cinema in or close to the town centre and realises that such projects are often supported by fast food restaurants. It supports such ambitions in principle. It is, however, concerned at the comparatively small population catchment area, given that five-screen cinema complexes already exist in Wrexham and Shrewsbury. Residents of Oswestry Borough would prefer to have their own cinema in Oswestry, but will sufficient people be attracted away from the catchment areas of Wrexham and Shrewsbury to make Oswestry's cinemas viable? It would be nice to think so, but anecdotal evidence suggests that even cinemas, situated within larger conurbations have problems attracting sufficient customers, especially during school term time. The population figures for the catchment area of the cinema appear over optimistic.

LM state that "The synergy between the restaurants and cinema is so fundamental that Cineworld's commitment to the development is dependent upon two restaurants being provided within the scheme.

CPRE is pleased to note that the developer is not claiming any synergy between the cinema and the retail comparison and convenience development.