

4: TOWN CENTRES, RETAILING AND LEISURE

POLICY S 1

Town Centre Improvement

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Fairfield Golf and Sailing Club	288	158	O	
OBJ NO	SUMMARY OF OBJECTION			
158	No mention is made of the function of town centres for accommodating B1 employment uses			

Main Issue

4.1.1 Whether the policy adequately addresses the employment opportunities of town centres.

Conclusions

4.1.2 The objection was made to the draft deposit plan. The policy and its reasoned justification were altered at the draft deposit stage and now includes references to the role of town centres in providing for office and other employment use. The location of such uses in town centres is in line with PPG6. I support its inclusion and do not consider any further amendment to the policy is required in respect of the objection.

Recommendation

4.1.3 I recommend no modification to the plan as a result of this objection.

POLICY S 2

New Retail Developments in Town Centres

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Bourne End Properties Ltd	97	72	O	
Invensys plc	434	170	O	
Reeb Estates Ltd	645	177	O	Yes
Sainsburys Supermarkets Ltd	672	698	O (rd)	
Denton Local History Society	230	145	S	
Sainsburys Supermarkets Ltd	672	541	S	
OBJ NO	SUMMARY OF OBJECTION			
72	New retail or leisure developments within town centres are not required to demonstrate need.			
170	Support the policy, but the site at Edward Street, Denton should be included in a list of sites suitable for retail use.			
177	The site west of Ashton Rd, Denton should be included in the town centre and allocated for retail development.			
698	The new paragraph in the reasoned justification simply represents a snapshot in time and should be deleted.			
145	Something needs to be done to help the centre of Denton and prevent the leaking of expenditure.			
541	The defined town centres where new retail developments will be permitted are supported.			

Main Issues

- 4.2.1 i) Whether allocation E2(15) should be included within the town centre as a retail site.
ii) Whether allocation E2(11) should be included as a retail site.
iii) Whether the policy requires developments in town centres to demonstrate need.

Conclusions

- 4.2.2 **In respect of the first issue.** In response to objections and as a result of planning permission being granted for a retail development of just over 19000 sqm on the site, the Council proposed some changes at the revised deposit stage of the plan with further unadvertised changes proposed following the approval of details in August 2002. Events have therefore overtaken both the draft deposit allocation of the site under policy E3 (established employment area) in the deposit draft version of the plan and policy E2(15) (Development Opportunity Area) in the revised deposit version of the plan.
- 4.2.3 As one of its unadvertised changes the Council propose deleting the last paragraph in the reasoned justification - its information is now out of date - and replacing it with policy S2(1) to reflect the retail permission. The changes propose the insertion of the following at the end of the reasoned justification to policy S2.

The following site is allocated for retail development:

(1) Ashton Road/Wilton Street/north of M67, Denton

This 8.2ha site is located on the north western side of Denton town centre immediately north of the M67 and west of Ashton Road. It is occupied by industrial, commercial and residential uses which were mostly in a run down condition and clearance had begun by September 2002. Outline planning permission for a substantial non-food retail development was granted by the Secretary of State in September 2001 following a public inquiry. Progress was delayed by legal challenges but these have since been withdrawn and reserved matters permission was granted in August 2002 for siting details. The scheme comprises 24 units totalling 19376 sq metres of floorspace, a drive through A3 use and 795 parking spaces. New accesses will be provided from Ashton Road for customers and rear servicing. Extensive off highway improvements and environmental improvements in the town centre will be funded through a Section 106 obligation.

- 4.2.4 Policy area S2(1) in effect replaces E2(15) in the revised deposit UDP. Policy E2(15) was contingent on the outcome of the then legal challenge to the Secretary of State's decision and policy S2(1) is in effect one of the options in policy E2(15). It does not therefore fundamentally change, just updates the situation at the revised deposit draft stage of the plan. I support the proposed change which reflects the current planning situation which is capable of being implemented irrespective of the allocation in the plan.
- 4.2.5 It is also proposed to include the new retail site within the town centre boundary. I acknowledge that one objector has fears that the new development may not function as part of the town centre and believes the site's allocation for retail purposes and its inclusion within policy S2 should be delayed until the impact of the new development has been assessed. Given the separation of the site from the existing shopping area I understand the concerns. However from a practical point of view this course of action would serve little purpose as the planning framework is already in place to permit the development of this site for retail purposes. I consider it would be unrealistic for the development plan to ignore this situation.

- 4.2.6 **I now turn to the second issue.** There have been progressive changes to policy E2(11) since the draft deposit plan was produced. At the revised deposit stage the potential uses for the site were expanded to include retail and residential in recognition of the sites location within Denton town centre. A further unadvertised change proposed by the Council now says that*A retail led mixed use scheme would be particularly appropriate....*(change is in italics). The Council say that these changes reflect the developing situation at the site and given that there is no indication at present that the site would be developed for anything but a mixed use scheme I consider it would be inappropriate to reallocate it as a S2 site.
- 4.2.7 **The third issue.** Policy S2 itself is permissive of new retail developments in the town centres without qualification. The reasoned justification was altered at the revised deposit stage to say explicitly that proposals for new retail developments on sites in town centres should not be required to demonstrate need. It is therefore unambiguous and in accord with Government policy. In my view there is no need for the policy to be modified in respect of the third issue.

Recommendation

4.2.8 I recommend that

- i) the policy E2(15) be deleted from the plan and replaced by policy S2(1)
The following site is allocated for retail development:
- (1) *Ashton Road/Wilton Street/north of M67, Denton*

This 8.2ha site is located on the north western side of Denton town centre immediately north of the M67 and west of Ashton Road. It is occupied by industrial, commercial and residential uses which were mostly in a run down condition and clearance had begun by September 2002. Outline planning permission for a substantial non-food retail development was granted by the Secretary of State in September 2001 following a public inquiry. Progress was delayed by legal challenges but these have since been withdrawn and reserved matters permission was granted in August 2002 for siting details. The scheme comprises 24 units totalling 19376 sq metres of floorspace, a drive through A3 use and 795 parking spaces. New accesses will be provided from Ashton Road for customers and rear servicing. Extensive off highway improvements and environmental improvements in the town centre will be funded through a Section 106 obligation.

- ii) the final paragraph of the reasoned justification to policy S2 be deleted
- iii) the Denton town centre boundary be extended to include policy area S2(1) as shown in appendix C of inquiry document C645-177-1(S2).

POLICY S 3

New Retail Developments outside Town Centres

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Coal Pension Properties	172	448	O	
Sainsburys Supermarkets Ltd	672	542	O	
Stayley Developments Ltd & AMEC Developments Ltd	21	74	O	
Wm Morrison Supermarkets plc	858	496	O	
Derbyshire County Council	239	162	S	
Greater Manchester Passenger Transport Executive	339	686	S (rd)	

Morbaine Limited	529	696	S (rd)
OBJ NO	SUMMARY OF OBJECTION		
426	The policy should exclude out of town retail and leisure amenities as these are unsustainable.		
448	The policy should direct additional retail warehouse development first to existing retail warehouse parks.		
542	Criteria (b) does not meet PPG6 tests for alternative sites to be suitable, viable and available.		
74	The preferred location for development meeting the S3 criteria should be Ashton Moss.		
496	There should be more detailed definition of the factors the Council will include in an assessment of need		
162	The criteria should safeguard against any adverse effects of major retail development on Glossop.		
686	Support alterations strengthening policy on out of centre sites, which are car borne destinations.		
696	The changes to this policy are supported.		

Main Issues

- 4.3.1 i) Whether criterion (b) should be amended to reflect national policy guidance in PPG6
 ii) Whether part of Ashton Moss should be allocated specifically for A1 non-food bulky goods retail warehousing.
 iii) Whether existing out of centre retail developments should be considered before new free standing sites when it has been demonstrated that there is a proven need for new development .
 iv) Whether the policy should include details of the factors to be taken into account in assessing need.

Conclusions

- 4.3.2 Insofar as the objection by Action Against Kingswater Park is related to the proposed development at Waterside Park and the planning application which is currently subject to legal challenge, I would comment only that if that development is eventually approved the limited amount of shopping proposed could go ahead, irrespective of the provisions of UDP policies. However any future proposals which may be put forward will need to be tested against the policies in the UDP which overall are based on sustainable principles.
- 4.3.3 **The first issue.** At the revised deposit stage, the Council changed criterion (b) and it now refers to the sequential approach set out in PPG6. However as viability is referred to in paragraph 1.12 of PPG6, the Council now suggest a further change so that criterion (b) would read *the development complies with the sequential approach in which first preference should be for town centre locations where suitable viable sites are available, followed by edge-of-centre sites, and only then by out-of-centre sites in locations that are accessible by a choice of means of transport, and.* I support this change which gives added clarity to the policy.
- 4.3.4 **I now turn to issue (ii).** Policy S3 is concerned with new retail developments over 1400sqm gross floor area outside town centres. It does not express any preference for the development of one site above another nor does it distinguish between comparison and convenience shopping. What it does do is set out a list of criteria that retail development must meet in order to be acceptable. Its criteria are in line with the thrust of national policy guidance in PPG6 in that it says there must be a proven need for the development, it must be demonstrated that there has been a sequential test for site selection, there should be no harm to the vitality and viability of nearby centres, no unacceptable increase in congestion and the site must be accessible by public transport. As written (and subject to the change referred to above) policy S3 provides a sound basis on which to judge the merits of any application for retail development that may come forward outside the town centres. To seek to prevent out of town shopping *per se* would be both unduly restrictive and contrary to national policy guidance.

- 4.3.5 The Council commissioned a retail study, the results of which were published in January 2001. Broadly it suggests that there is the potential for further retail warehouse development in the Borough as a whole. Whether the figures from that study are flawed and produce a serious underestimate of retail capacity is not readily apparent. Both the study and the later figures I have seen are based on calculations which are open to challenge.
- 4.3.6 The figures I have seen have been drawn from various sources and are based on differing assumptions. I am not therefore satisfied that they are adequate enough to place reliance on in more than a general way. They do not in my view justify identifying a site for retail development outside the town centres. There is dispute about the availability and suitability of alternative locations to Ashton Moss. Also it seems to me that the particulars of other sites have not been explored in any great depth. These factors add weight to my conclusion that in principle I do not consider Ashton Moss should be identified as a site suitable for retail development.
- 4.3.7 It follows from this that I do not support the change to policy E1(1) put forward by the objector, that is, the inclusion of A1 non food retail use on Ashton Moss to the east of the M60 and south of the line of the Ashton Northern Bypass. In reaching my conclusions I do not presume that there are more suitable sites for retail development than Ashton Moss only that the evidence is not sufficient to identify it for development in the UDP. My findings do not of course preclude its development for retail purposes in the manner sought, should the criteria in policy S3 be met at the planning application stage. However at the present time from the information I have, I simply do not see the need for Ashton Moss to be given priority for retail development.
- 4.3.8 In addition to my conclusions above and **in respect of the third issue** I would add that I am aware that PPG6 says that where there is a clearly identified need that cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine with existing out of centre developments. Firstly as will be apparent from my conclusions on issue (ii) I am not satisfied that there is at the present a clearly identified need, especially if the figures in the retail study are accepted. That document says that the analysis did not indicate a clear need for further out of centre comparison goods floorspace.
- 4.3.9 Secondly, in principle I consider it would be fitting if all the criteria in S3 could be met that, in effect, another step to the sequential approach should be added to say that the Council would give preference to existing out-of-centre locations. It would be in accord with sustainable principles to first take up any potential at existing out-of-centre retail locations, before considering new free standing sites as this would improve opportunities for single trips to retail destinations and help reduce increases in the number of journeys. I therefore support the changes to the policy and its reasoned justification put forward by the Council in their statement.
- 4.3.10 **Finally with regard to the fourth issue.** Neither PPG6 nor the statement by Mr Caborn in February 1999 in answer to a parliamentary question, define in detail the factors to be taken into account when assessing need for shopping and leisure schemes. The statement does say however that need should not be regarded as being fulfilled by showing there is capacity or demand for a proposed development and it goes on to say that essentially the factors which may show need will vary and will be a matter for the decision maker in particular cases.
- 4.3.11 Whilst I accept that it would be possible for the Council to include a list of the type of matters which could be taken into account in assessing need, it would be difficult to provide an exhaustive list or one which would be relevant to a particular development,

as circumstances will vary depending on the type, size and location of a proposal. The statement from Mr Caborn is clear that it is the decision maker who will determine the significance of the factors in a particular case. Moreover it is usual when such development is being contemplated for early discussions to take place with a Council to find out what information is required to accompany an application. It is part of the normal development control process. Given these considerations I do not consider it is necessary for the policy or its justification to include more detailed information about the assessment of need.

Recommendation

4.3.12 I recommend that:

- (i) **criterion (b) be modified to read :- *the development complies with the sequential approach in which first preference should be for town centre locations where suitable viable sites are available, followed by edge-of-centre sites, and only then by out-of-centre sites in locations that are accessible by a choice of means of transport, and***
- (ii) **an additional sentence be added at the end of the policy to read :- *Where these criteria can be satisfactorily addressed, the Council will first wish to see identified needs met at existing out-of-centre locations.***
- (iii) **an additional 2 sentences be added to the reasoned justification before the last sentence to say *..If such proposals are shown to meet each of the criteria (a) to (e) in this policy it would be preferable, from the point of view of sustainability, to first take up any potential at existing out-of-centre retail locations before considering new free standing sites. This should improve opportunities for single trips to retail destinations and help reduce increases in the number of journeys...***

POLICY S 4

Retail Dominance and Shopping Frontages

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Bourne End Properties Ltd	97	71	O	
OBJ NO	SUMMARY OF OBJECTION			
71	The policy needs to be more flexible, allowing a mix of uses both inside and outside primary shopping areas.			

Main Issue

- 4.4.1 Whether policy S4 is flexible enough to permit a variety of uses in the primary shopping areas and town centres generally.

Conclusions

- 4.4.2 Even though policy S4 seeks to restrict changes of use from retail in the primary shopping areas, it does not preclude them completely. It rather tries to ensure that they do not create an imbalance or become dominant. This is in line with the policy objectives of PPG6 which is supportive of the shopping function in primary shopping

areas whilst at the same time seeking to encourage diversification of uses in town centres as a whole.

- 4.4.3 The UDP only defines primary shopping areas in Ashton and Hyde. In all other defined central areas and outside the core areas of Ashton and Hyde the policy is permissive of uses which would generally contribute to the overall appeal of town centres. Given these circumstances I consider the policy as written is sufficiently flexible to meet the objections of PPG6 in relation to uses in the defined town centres.

Recommendation

- 4.4.4 I recommend no modification to the plan as result of this objection.

POLICY S 6

New Local Shopping Developments

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Action Against Kingswater Park (Waterside Park)	8	428	O	
Countryside Agency	190	109	S	
OBJ NO	SUMMARY OF OBJECTION			
428	The policy should restrict shopping to existing centres and parades.			
109	Supports the positive approach to new local shopping developments.			

Main Issue

- 4.5.1 Whether the policy should restrict shopping to the existing centres and parades

Conclusions

- 4.5.2 My conclusions on this policy are similar to those I reached on the objector's objection to policy S3 and whilst I do not repeat them here they should be read in conjunction with my conclusions below.
- 4.5.3 Policy S6 is a complementary policy to S3 in that it deals with developments of less than 1400sqm which cater for local needs. Basically the policy seeks to take advantage of opportunities for improving local shopping provision, if it would not weaken existing local centres or cause amenity or traffic problems. It seeks to redress the decline in traditional small local shops. It is broadly in accord with national policy guidance in PPG6. At its base are sustainable principles which seek to provide local facilities in local areas to reduce the need to travel. Whilst existing centres and parades of shops might in many instances be most suitably located to meet local needs, this may not always be the case. It follows from this that I support the policy and do not consider it should be so restrictive as to require all such shopping developments to be located in either existing centres or parades of shops.

Recommendation

- 4.5.4 I recommend no modification to the policy as a result of this objection.

POLICY S 8

Built Recreation, Leisure and Tourism Developments

NAME OF OBJECTOR OR SUPPORTER	OBJECTOR		OBJN	O/S	WITHDR
NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C	WDR
Action Against Kingswater Park (Waterside Park)	8	427	O		
Greater Manchester Passenger Transport Executive	339	363	S		
OBJ NO	SUMMARY OF OBJECTION				
427	The policy should exclude out of town retail and leisure amenities as these are unsustainable.				
363	Inclusion of the accessibility criteria will ensure developments are accessible by choice of modes.				

Main Issue

4.6.1 Whether the policy should exclude out of town retail and leisure facilities.

Conclusions

4.6.2 The objection is similar to that to policy S3 in that it seeks to preclude all new leisure facilities from all areas apart from town centres and my conclusions are similar insofar as the principle of the objection is concerned. Where the objection refers to the proposed development at Waterside Park and the planning application which is currently subject to legal challenge, I would repeat that if that development is eventually approved the limited amount of leisure proposed could go ahead, irrespective of the provisions of UDP policies. However any future proposals for leisure or related use which may be put forward would need to be tested against the policies in the UDP which are by and large based on sustainable principles.

4.6.3 As written however I consider there is a conflict within S8. The first paragraph is permissive of all leisure proposals provided they would not result in a loss of amenity or traffic problems. Paragraph 3 however is qualified, saying that whilst leisure proposals attracting large numbers of visitors will be permitted within town centres, outside these areas such proposals must demonstrate need and be subject to the sequential approach set out in PPG6. It seems to me that there is a further lack of clarity in that the first paragraph refers to indoor sport, recreation leisure and tourism whereas the third paragraph relates only to leisure proposals. Neither the policy nor its justification explains why this is so or if there is any distinction to be made between the various terms.

4.6.4 For the policy to be more easily understood I consider the Council, if they wish to distinguish between leisure and other forms of built recreational development, should spell out in the reasoned justification what they mean by *leisure proposals which are expected to attract large numbers of people*. Secondly I consider the policy would be more easily understood if it was modified to deal firstly with proposals attracting large numbers of people and secondly other proposals. Thirdly in order for the policy to be consistent with S3 it should be changed to refer to ...where suitable *viable* sites are available... And fourthly at present the policy requires absolutely no loss of amenity. I consider the policy would be more reasonable if it referred to an unacceptable loss of amenity, as often developments can result in a degree of harm to amenity without being unacceptable.

- 4.6.5 Overall I conclude on this objection that whilst I agree with the underlying principle behind the policy as written it lacks clarity and should be modified.

Recommendation

4.6.6 I recommend that:

i) The policy be modified to read

Leisure proposals which are expected to attract large numbers of visitors will be permitted within the Borough's town centres (as defined on the proposals map).

Such proposals not within town centres will be required to demonstrate firstly that a need exists for the additional facilities and if so that a sequential approach has been applied, in which first preference is for in-centre locations, where suitable viable sites are available, followed by edge-of-centre, and then by out-of-centre locations accessible by a range of modes of transport including public transport.

The Council will permit proposals for all other new, replacement, improved or extended facilities for indoor sport, recreation, leisure or tourism, provided any scheme will not lead to an unacceptable loss of amenity in surrounding residential areas or lead to traffic problems on adjacent highways.

Particular emphasis will be given to maintaining and improving recreational opportunities at the local and neighbourhood level and to increasing their provision in areas of the Borough which are relatively deficient or where extensive areas of new housing are to be built, and which meet an identified need in the District Sport and Recreation Strategy.

ii) The Council explain in the reasoned justification what is meant by leisure proposals in paragraph 1 of the modified policy at (i) above.

POLICY S10

Existing Out-of-Centre Retail Parks and Stores

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Coal Pension Properties	172	632	O (rd)	
OBJ NO	SUMMARY OF OBJECTION			
632	The policy should include reference to the consolidation of existing retail locations.			

Main Issue

- 4.7.1 Whether the policy should refer to the refurbishment and consolidation of out-of-centre retail locations.

Conclusions

- 4.7.2 The objector does not define what he means by consolidation. Neither is there an explanation in the text accompanying the policy to say what the Council mean by refurbishment. It is commonly associated with improving existing buildings rather than renewing them. In their statement the Council make it clear that within the terms of policy S10 the word is intended to cover *...more substantial renovation or even reconfiguration or replacement of some or all of the existing units within an overall site....* so long as the floorspace is not increased and the type of retail use altered.

- 4.7.3 It seems sensible to me that the policy should encompass such works which would maximise existing resources without undermining the sustainable principles of the plan which seek to apply a sequential approach to new retail development in line with PPG6. However to clarify the position I consider it is necessary for the reasoned justification include a definition of refurbishment to avoid confusion and conflict when future applications are being considered.

Recommendation

- 4.7.4 I recommend that the text accompanying policy S10 include an explanation of what is meant by the term refurbishment, along the lines set out in paragraph 4.7.2 above.

NON POLICY SPECIFIC OBJECTIONS

Town Centres, Retailing and Leisure

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Consignia plc	181	623	O	
OBJ NO	SUMMARY OF OBJECTION			
623	The zoning of Saxon Street, Denton delivery office is more permissive in the adopted UDP			

Main Issue

- 4.8.1 Whether the allocation of the site should be altered to make it more positive.

Conclusions

- 4.8.2 In the adopted UDP the site lies within DEN18 a Development Opportunity Area and is identified as having the potential for redevelopment as retail, leisure, commercial or employment use. Since then planning permission has been granted for a food store on the bulk of the site. Only a small area of the original allocation is remaining and it would in my view be inappropriate to continue to allocate such a small site as a Development Opportunity Area. The premises are however within the defined town centre where policies S1, S2 and S4 are permissive of retail development, support office and other employment opportunities, seek improvements to enhance central areas and generally encourage a diversity of uses so long as they contribute to the overall appeal of a centre. The general tenor of the policies is very positive and I see no reason to modify the allocation.

Recommendation

- 4.8.3 I recommend no modification to the policy as a result of this objection.