



Wyre Forest District

Kidderminster Central Area Action Plan

Examination

Matter 2: A Good Place to do Business

WFDC Response

14th January 2013

Matter 2 – A Good Place to do Business

- 1. Is the sequential approach set out in Policy KCA.GPB1 consistent with the Framework?**
 - 1.1 It is considered that the approach set out in Policy KCA.GPB1 is consistent with the National Planning Policy Framework (NPPF) and is justified and sound. Paragraph 24 of the NPPF states that Local Planning Authorities should require applications for main town centre uses, in this case retail, to be located in town centres. Policy KCA.GPB1 compliments this approach by requiring future retail growth to be targeted within the Primary Shopping Area of the town, with the Weavers Wharf and Bromsgrove Street areas providing the major opportunities for this development.
 - 1.2 Policy KCA.GPB1 does allow for limited retail growth within the Horsefair and Comberton Hill neighbourhood centres, and the Mill Street mixed use area, which are essentially out-of-centre locations. However, the size limit proposed means that the small-scale nature of retail development would not adversely impact on the viability and vitality of the town centre. This is consistent with the approach set out in Paragraph 26 of the NPPF which allows for retail development outside of centres providing they are not above a proportionate floor space threshold and do not adversely affect town centre viability.
 - 1.3 Paragraph 5.8 of the KCAAP also highlights the need for retail development to follow the sequential test that is set out in greater detail in Policy SAL.GPB2 within the Site Allocations and Policies Plan which supports and compliments Policy KCA.GPB1. Policy SAL.GPB2 provides a clear approach to retailing within the District, placing the emphasis firmly on the town centres in the first instance. The policy also clearly sets out the Primary Shopping Area and the extent of the Primary and Secondary Frontages. The policy also identifies what uses are considered to be acceptable within each of these designations. This is in conformity with the guidance contained within the NPPF as is further discussed within Matter 5: Retailing for the Site Allocations & Policies Plan.

- 2. Is Policy KCA.GPB7 consistent with other policies in the Plan (in particular policies KCA.GPB2 and GPB3); and effective when read in conjunction with other policies in the Plan, to guide the location of small scale leisure development in the Kidderminster area?**
- 2.1 It is considered that Policy KCA.GPB7 is consistent with other policies contained within the plan and is effective when read in conjunction with them.
- 2.2 Paragraph 24 of the NPPF states that Local Planning Authorities should require applications for main town centre uses, including leisure , to be located in town centres. Policies KCA.GPB2 and KCAGPB3 conform with this guidance by allowing for leisure orientated development (including A3, A4, and D2 uses) within the Primary Shopping Area (PSA) of the town.
- 2.3 Policy KCA.GPB7 provides additional detailed guidance to build on the above policies by looking advance the Council’s objectives to develop the canal and river assets by specifically targeting major new leisure development to opportunities in the waterside areas of the Western Gateway. However, the policy also supports smaller scale proposals throughout the rest of the PSA, and then the wider KCAAP area providing they meet the objectives of the plan. The approach taken by these policies is consider to be complimentary and in conformity with the NPPF.
- 2.4 However, the Council have considered representations made on this particular point through representation number KCAAP19. As such, the Council has suggested an amendment to the plan that retains the preferred focus for major new leisure development towards the Western Gateway area of the town, but highlights the potential for leisure developments at all scales to come forward throughout the Primary Shopping Area. This wording is considered to provide greater clarity on the flexibility for leisure development within the Primary Shopping Area and retains consistency with other plan policies as well as the NPPF.

- 3. Is the retail floorspace threshold for small scale retail development of 250 sq m referred to in a number of policies appropriate and justified? (It is suggested in one representation that a 280 sq m net limit is appropriate in line with the 1994 Sunday Trading Act).**
- 3.1 The threshold of 250sqm identified in the plan is considered to be appropriate and justified. The figure provides a clear consistent approach to small scale retailing within the District and has remained the figure identified through the Adopted Local Plan of 2004.
- 3.2 The Inspector's Report from the 2004 Local Plan considered the issue in relation to the Council's approach to setting a local defined floorspace threshold at 250 sqm. The Inspector's report identified that the 250sqm threshold provided a practical way of reflecting the need to apply a sequential approach within a local context, whilst providing a degree of flexibility for small scale retail proposals. This had regard to the nature and size of the main shopping centres of Kidderminster and Stourport.
- 3.3 It is considered that the conclusions drawn by the Inspector still remain relevant to addressing this issue now. This is because although national policy has changed in terms of format, there has remained a constant message in terms of retail policy with regard to the sequential test and the requirement for a locally set threshold to be provided. This approach remains in the NPPF and specifically paragraph 26 which requires for development to provide an impact assessment if the *development is over a proportionate, locally set floorspace threshold*".
- 3.4 Notwithstanding this viewpoint, the Council has fully considered representations made on this particular point and is prepared to consider the proposed increase of this threshold to 280sqm net, as identified by representation number SALPP121.
- 3.5 This proposed increase would allow for an approach consistent with a nationally defined definition of a 'smaller store,' as provided for by the Sunday Trading Act, 1994, which restricts the opening times of larger stores. Those larger stores are considered to be stores of 280 sqm net or greater and therefore, by definition, anything falling under this threshold is defined as a smaller store. The proposed change may help to

improve the effectiveness of the plan and provide certainty and consistency for developers. It is proposed that the relatively small scale increase of the locally set threshold to bring it in line with a national approach would help to improve the soundness of the plan. It is therefore proposed to include this change within the main modifications of the plan (KCAPMOD07 and KCAPMOD08).