

Independent Examination of the North Dorset Local Plan (Part 1)

Statement by Clemdell Limited (ID No: 1191)

Hearing Session: ISSUE 3

1.0 INTRODUCTION

1.1 Clemdell's Objections and Submissions focus upon the Primary Shopping Area of Blandford Forum's Town Centre.

1.2 Clemdell's single topic has been split across a range of Questions for examination and include the impact of the Local Plan proposals on town centre vitality and viability:

- Fragile trading revealed by MWA
- Parking – public
- Parking – residential
- Housing Locations
- Affordable Housing
- Design & Amenity
- Out of Centre retail
- Economic importance
- No up-to-date monitoring
- One dimensional planning

2.0 THE STATE OF BLANDFORD FORUM TOWN CENTRE

2.2 Arising from two planning applications ("the Applications") coming forward for out-of-town retail development, firstly for Tesco and then Asda, NDDC commissioned MWA to prepare a series of MWA Reports on Retail Matters between February 2011 and February 2013 (MWA) (SED016). These were presented to Committee. Agendas (A7) and Minutes (A8) confirm that Planning Policy Officers considered and entered into discussion arising upon the effects of the Applications upon the health of Blandford Town Centre As has been noted by the Planning Policy Manager (A9) on Asda: "*The main planning policy concerns at outline stage related to:- the potential retail impact on Blandford Town Centre,*".

- 2.3 Although this up-to-date, Council commissioned, research was available during the preparation of LP1 and the Focussed Changes the Council continues to rely upon the Joint Retail Reports (SED007) researched in 2007 for the County as a whole. Prima facie that part of the evidence base is not up-to-date as required in NPPF158 and PPG Local Plans. It should be noted that Christchurch & East Dorset (a partner to SED007a) commissioned new retail research for its Local Plan evidence base, issued September 2012, for its Examination in September 2013.
- 2.4 MWA is the up-to date evidence base that PPG Local Plans states should shape the development of the Local Plan. Indeed PPG goes on to state that “*if key studies are already reliant on data that is a few years old they should be updated to reflect the most recent information available*”. By agreement MWA is added to the Library as SED016.
- 2.5 MWA is the NDDC’s evidence base to judge whether Local Plan policies encourage the regeneration and enhancement of the town centre. MWA identifies the current fragility of the Town Centre. Whether or not the Applications approved for Tesco (2/2010/1222/PLNG) and Asda (2/2011/1439/PLNG) proceed, it sets out the existing vulnerable trading conditions in the Town Centre and in particular:
- 2.5.1 MWA reports on a 2012 Appeal (APP/E2340/A/12/2175946) where “*the Inspector concluded that there was a strong probability of a substantial impact on the vitality and viability of the town centre undermining its current role as a focus for the community. While we do not seek to argue that this appeal decision is on ‘all fours’ with the situation in Blandford, there are certain parallels. The town centre is anchored by the Morrisons store*” (SED016 page 7)
- 2.5.2 MWA examined the current performance of the Town Centre food shops against the traders’ expectations/averages finding Morrisons, Iceland and Co-Op all below company requirements (see e.g. SED016 page 41 especially paragraph 2.12)
- 2.5.3 MWA concluded “*the Morrisons store in particular would trade well below company averages and would continue to do so.*” (SED016 page 11 paragraph 3.2), and with regard to s.106 proposals state “*we nonetheless believe that the impact on the town centre would be significantly adverse. We do not believe that these improvements can be used as a basis for mitigating the impact of the proposed development. Moreover it is not clear that further enhancements to the town centre would be*

*capable of mitigating the cumulative impact of both schemes given that **the impact will strike at the heart of the town's** convenience goods offer and have additional impacts on the comparison goods turnover. Consequently we do not believe that a package of further improvements would be capable of mitigating the likely impact. Nonetheless this ultimately is a matter for the Council to decide.”(SED016 page 11 paragraph 3.6) and “The proposed measures are targeted in specific areas and cover a range of complementary solutions. Although these are to be welcomed, it is not clear that they are sufficiently extensive for me to conclude that they would ensure that the trade diversion and concomitant reduction in the town's vitality and viability, would be ameliorated to an acceptable degree. I accept that ultimately this is a matter of planning judgement and it is for the Council to decide where the planning balance lies. In impact terms it turns on the question of whether the significantly adverse cumulative effects which the Applicants agree will occur, can be mitigated to an acceptable level.” (SED016 page 2)*

- 2.5.4 The overall annual loss of Town Centre turnover will be 21.9% split 35% comparison and 16.6% convenience trade according to MWA (SED016 pp6&7). It can be assumed that the loss of convenience trade will principally affect the independent shops that constitute the majority of Blandford retail space rather than the three larger food chains.
- 2.6 Morrisons objected to the Asda Application, repeating the MWA conclusions and adding that Asda “*will compete directly with the town-centre's retail offer which due to its size is particularly vulnerable to an out-of-centre retail development*”. (A19) It should be noted Morrisons reopened in 2008 after closing, and trying to sell, the store previously branded as Safeways,
- 2.7 The granting of the Permissions was prima facie contrary to NPPF27. The importance of the Town Centre as an employment hub and the principles of sustainable development were either not considered or rejected by NDDC. These decisions cannot be reversed but the foreseen effects can be mitigated by clear policy changes in the Local Plan.
- 2.8 Subsequent to the Applications, there has been:
- A planning application (2/2014/1459/FUL) by the freeholder of Iceland to subdivide that shop, specifically in anticipation of that shop becoming vacant. (A10)

- Appeal (APP/N1215/A/13/2205814) requiring an Inspector to comment upon the vitality of Blandford Town Centre. In November 2014 the Planning Inspector posited the Appellant’s case “its vitality is being eroded” and the Inspector stated “.I agree”. (A11)
- Argos has moved from the Town Centre to Stour Park Blandford St Mary – one of the “other facilities” supported by CON16/1 as of equivalence to the Town Centre.
- Tesco has put its extension site on the market.

2.9 CON16/1 equates the Town Centre with “other facilities”; enquiry of NDDC disclosed that a prime “other facility” was Tesco. Neither CON16/1 nor the LP1 reliance on out-of-town retail has been subject to a sustainability appraisal for its effects upon the Town Centre and Blandford’s self-containment – MWA is clear.

3.0 PUBLIC PARKING

3.1 Public Car Parks in the Town Centre are managed by NDDC. NPPF40 states that Councils “*should set appropriate parking charges that do not undermine the vitality of town centres*”.

3.2 The main Town Centre Car Park is the Marsh & Ham, mainly owned by Morrisons (Title Number DT196024) which should be managed by the terms of the 1984 s.52 Agreement (A12). By clause 5(a)(iii) it should be managed as a shoppers car-park for the use and encouragement of shoppers wishing to shop at Morrisons and/or any other shops in Blandford Forum. (This clause is not affected by a later agreement) More particularly charges must be comparable with other similar car parks in North Dorset (i.e. other supermarket car-parks). That is not the case. For example Tesco in Blandford St Mary is free and Asda indicate that its Blandford store will also provide free parking

3.3 Revenue between April-October 2013 totalled £309,457, Marsh & Ham £103,044 and Langton Road £24,027. (A13) This illustrates the Marsh & Ham’s location within the Town Centre and Langton Road as outside the centre.

3.4 DCC control on-street parking. In the Town Centre they already apply charges in the Market Place and Sheep Market Hill. DCC recently proposed to introduce charges elsewhere in the Town Centre to the concern of the Town Council and residents (A14).

4.0 HERITAGE ISSUES

4.1 The Blandford Town Centre core buildings are Listed Buildings. The Focussed Changes are based on only a single issue – concern for the setting of heritage assets e.g. *“Consequently, the proposal to delete the Crown Meadows site from the Local Plan Part 1 is based on heritage issues and not on other issues.”* (A15 paragraph 31)

4.2 But LP1 fails to consider the effect of that deletion upon the regeneration and enhancement of the Town Centre. Setting is the only part of the heritage issue that was considered by NDDC. Long-term conservation of important Listed Buildings will only come from increased footfall and inward investment.

4.3 English Heritage published research in October 2014 into how the balance between regeneration and heritage has been addressed through the effect of the NPPF on local plans. (A16) It concludes *“There is some evidence that the relationship between heritage policy and growth policy has changed slightly in favour of growth, following the NPPF particularly, with a specific major example in Thornbury.”* (A16paragraph 3.48)

4.4 At Thornbury (South Gloucestershire) *“English Heritage accepted the mitigation measures proposed” “(T)he town was potentially suffering from economic and social decline....This point was grasped by the Core Strategy Inspector in making the overall planning balance”* such that *“Here the greater emphasis on growth due to the NPPF had resulted in a major site being released at the expense of heritage to secure urban development for wider benefits.”* The benefits were *“The need to sustain and enhance its facilities and services in the face of competition from other retail outlets, the need to retain the town’s schools and the role of the historic town centre.”* It concluded *“Heritage considerations are having some impact on the scale of development promoted through plan-making at historic towns, but this is secondary to the determination of central and local government to provide the necessary homes, jobs and facilities for a rising number of households”* (A16 paragraph 3.42)

5.0 EMPLOYMENT

- 5.1 Blandford Forum Town Centre is a focus for local employment. The most recent figures provided by DCC (A18) indicate some 2300 working around the Town Centre of some 5500 in Blandford Forum as a whole. It therefore provides some 40% of Blandford Forum's paid work force.
- 5.2 From enquiries it appears that NDDC do not monitor these figures. Additionally the DCC figures exclude volunteers in Charity Shops which also provide a form of engagement in the vitality of the Town Centre.
- 5.3 LP1 paragraph 6.10 states "*The broad locations for additional employment land and mixed-use regeneration at the four main towns are outlined in Policies 16 to 19. These locations will be more closely defined during the site allocations in the Local Plan Part 2.*" Identifying allocations to "*about*" a decimal point in LP1 is unsound; particularly when there has been no assessment of alternative site allocations because reliance has been placed on 6.10. There is no explanation of what is meant in LP1 by "*key strategic sites*" and how those apparent LP1 allocations fit in with LP2.

6.0 POLICIES COVERED IN OTHER ISSUES

- 6.1 LP1 contains a series of policies and proposals that combine to prejudice the vitality and viability of Blandford Town Centre. Examination is by way of separate Issues and Clemdell's submissions to those Issues are not repeated and are material to Question 3.2. In each of the following LP1 is unsound:
- 6.2 Residential Parking – Issue 11. LP1 applies suburban standards to Town Centre sites and fails to acknowledge County-wide Guidance and practice.
- 6.3 Design & Amenity – Issue 11. LP1 applies inflexible suburban standards to the Town Centre, ignores heritage issues and ignores NDDC Guidance.
- 6.4 Affordable Housing – Issue 4. LP1 applies inflexible greenfield standards to the Town Centre, reverses its SPG supporting flexible standards and special consideration of brownfield sites, ignores County-wide Guidance.

6.5 Housing Locations – Issue 7. Broad locations are chosen without regard to the effect upon Blandford Town Centre.

7.0 DISCUSSION

7.1 NPPF23 states: “*Planning policies should be positive, promote competitive town centre environments*” and on the narrow issue of Local Plans: “*In drawing up Local Plans, local planning authorities should.....recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*”

7.2 In parallel with preparing the Local Plan NDDC approved the Applications with an impact that, MWA concluded, will strike at the heart of the town.(SED016 page 11) Its consultant, MWA, said that that damaging decision was ultimately a matter for the Council to decide.

7.3 The Council did decide to approve the Applications. There are no balancing proposals in LP1 to address the effects foreseen by MWA. As noted in the EH Report (A16) the Thornbury decision to support the Town Centre was anticipatory: “*the town was potentially suffering from economic and social decline.*”

7.4 Contrast the EH Report’s conclusion: “*The economic wellbeing of towns is councillors’ primary concern everywhere*” (A16 paragraph 3.47) For the reasons set out in Clemdell’s Objections and Statements that conclusion could not be applied to Blandford Forum. The Local Plan vigorously pursues a 'Town Centre Last' agenda. For that reason it is unsound.

7.5 As to NDDC recognising NPPF23 “*town centres as the heart of their communities and pursue policies to support their viability and vitality*” and the three sustainability principles in NPPF7, the following concern Clemdell:

The Local Plan:

- has not taken account of its own up-to-date retail research, contrary to national policy, relying upon (what neighbouring councils have recognised to be) out-of-date reports;
- states retail reports will be produced for Part 2 but it has already effectively identified site allocations in Part 1;
- promotes NDDC’s land-owner interests at Langton Road;

- fails to consider NDDC obligations to comply with NPPF40;
- makes no proposal to manage Marsh & Ham for the encouragement of town centre shoppers, running it as a profit centre;
- makes no proposals to support the Town Centre as the employment hub of Blandford Forum;
- has no proposals or vision to respond to the probable closure of Iceland and the fragile situation of Morrisons;
- by reason of CON16/1, equating Tesco as of equal importance to Blandford Town Centre, endorsing Town Centre uses (such as Argos) to move out-of-town;
- by reason of the detail set out for Issues 4, 7 and 11, discourages the regeneration of Blandford Town Centre;
- reverses, without any assessment, its SPG recognition of bownfield, town centre, development.

7.6 To assist in making the Plan sound to encourage the regeneration and enhancement of the main town centres requires changes set in response to other Issues plus:

- Add bullet points to paragraph 6.9 “*to recognise that town centre residential development can play an important role- in ensuring the vitality of town centres* to support the evening economy of town centres.*”

POLICY 11: THE ECONOMY

- Add :”*a1) the mixed-use regeneration of sites within the town centres*
c1) encourage town centre residential development to support business
uses
c2) encouragement of the evening economy of the town centres”
- Amend b) to read: “*the mixed-use regeneration of sites on the edge of existing town centres with a focus on start-up, office and non B-Class employment generating uses provided it does not detract from the regeneration of the Primary Shopping Area”;*
- Delete (f) and (k) and any other site in the course of implementation;
- At a minimum delete hectares from site allocations;

- Amend paragraph 6B(SUD015/6/12/4) to read “NDDC has commissioned recent research into the state of Blandford’s retail sector; ~~t~~To ~~maintain~~ assess the vitality of town centres and to reflect Planning Practice Guidance (ID: 2b) further retail and town centre studies will be undertaken to inform Part 2 of the Local Plan and/or the neighbourhood plans” ~~for the four main towns.~~
- Amend paragraph 6.71 to read “However, there is potential for the extension to the rear of a wider range of premises on the southern side of Market Place / East Street, ~~including land around the existing Co-op store,~~ as outlined in Policy 16 – Blandford.”

POLICY 12: Uses in Town Centres

- Add to text: “Development for retail and other main town centre uses ~~(including appropriate residential uses)~~ will be supported within a town centre....”

Enhancing and Expanding Existing Town Centres

- Amend (f) to read “~~supporting permitting~~ retail and other main town centre uses ~~(including appropriate residential uses)~~ in town centres ~~recognising the exceptional costs of mixed-use regeneration of town centres and”;~~
- Add (f1) “~~permitting retail uses~~ on sites identified for mixed-use regeneration on the edge of Gillingham, Shaftesbury and Sturminster Newton town centres, ~~to be identified in Local Plan Part 2 and/or the neighbourhood plans following the further retail and town centre studies to be undertaken and~~ ~~as identified in Policy 11 — The Economy and Policies 17 to 19~~ ~~providing such proposals can demonstrate that they do not prejudice the vitality and regeneration of the town centre; and”;~~
- Add (h) “~~Managing its town centre Car Parks for the use and encouragement of shoppers wishing to shop in the town centre”~~