

## Examination of the Birmingham Development Plan 2031

### Matter K – Centres, Retail and Tourism

#### Hearing Statement on behalf of St Modwen Developments Ltd

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#### 1.0 Introduction

- 1.1 These further submissions are made on behalf of St Modwen Developments in respect of Matter K of the Birmingham Development Plan (BDP) Examination concerning centres, retail and tourism.
- 1.2 Their views point to the Plan being unsound by reasons of not being consistent with national policy, and not being justified, effective or positively prepared.
- 1.3 This is explained further below, structured around the Inspector's Matters and Questions (only those questions are addressed below that are relevant to St Modwen's duly made objections to the Plan).

#### 2.0 Matter K: Centres, Retail and Tourism

##### **1) Is policy TP20 fully consistent with national policy towards the location of main town centre uses?**

- 2.1 Policy TP20 directs main town centre uses towards centres, but also treats community uses, which are not main town centre uses, in the same way. This is not consistent with national policy.

Policy TP20 includes an appropriateness of size and function test in directing growth towards both district and local centres. There is no such test in national policy. A recent (11 June 2014) Secretary of State's (SoS) "Call-in" decision in respect of an out of centre retail led, mixed-use, proposal at Rushden, East Northamptonshire (APP/G2815/V/12/2190175) speaks to this point. Here, the Inspector considered the question of whether there is a hierarchical dimension to the sequential test and concluded (paragraph 8.48) that, "...there is nothing in the sequential test as set out in NPPF [24] that states that the concept of "suitable" sites means suitable in terms of the scale of the nearest centre to the site in question and / or its place in the "hierarchy" of centres. The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site." The SoS agreed with the Inspector in this regard. This requirement should therefore be excluded from Policy TP20.

##### **2) Does policy TP20 make adequate provision of suitable sites within town centres to meet the anticipated level of growth in retail, leisure and other main town centre uses?**

- 2.2 Policy TP20 does not indicate how leisure uses will be provided for. It addresses retail and office uses in only relatively general terms.

For comparison retail it provides a general distribution for 250,000 sq m, thereby leaving the remaining 100,000 sq m identified by Policy PG1 (as modified) unaccounted for. This distribution is almost entirely consistent with that suggested in the February 2013 Birmingham Retail Needs Assessment Update (BRNAU, Table 4.2) and as such leaves this substantial amount of floorspace to be distributed across "remaining district centres" and "other locations", with the latter including out of centre locations. This strategy creates the risk that significant levels of comparison retail development will need to be directed out of centre.

For these reasons it is considered that Policy TP20 is inconsistent with the provisions of the sixth bullet of paragraph 23 of the NPPF which requires LPAs to allocate sufficient sites to meet the full need for uses including retail, considering the expansion of centres if necessary.

**3) Should the boundaries of the centres referred to in policy TP20 be identified on the Policies Map?**

- 2.3 Given the number of centres this is likely to be unwieldy; it is adequately dealt with in the Shopping and Local Centres SPD.

That said, the town centre and primary shopping area boundaries for Longbridge should be amended to reflect the reality of how the centre has been implemented (as discussed below), rather than the schematic extent indicated in the AAP and relied on by the Shopping and Local Centres SPD.

**4a) Should Longbridge be promoted to District Centre and Growth Point status? [no comment on 4b) and 4c)]**

- 2.4 Analysis in the BRNAU indicates that the then (2013) existing and permitted retail floorspace at Longbridge would generate sales greater than any of the Development Plan local centres. It would also generate sales greater than a number of the district centres, including Fox & Goose, Maypole, the Swan, Edgbaston, Sheldon and Stirchley.

Functionally, Longbridge operates as a district centre in a manner comparable to others on this tier of the hierarchy, including those such as Maypole and Castle Vale which were "promoted" to district centre status by the emerging Plan. It is anchored by a food superstore, and offers a range of other shops and services including a pharmacy and a post office. It has a wider leisure, employment and community offering with a 75 bedroom hotel, pub / restaurant and coffee shops, 3,250 sq m of town centre office space, a park, and the 23,200 sq m Bournville College.

In terms of the scale of development, the range of facilities, the associated turnover, and a comparison with other centres in the hierarchy it cannot sensibly be regarded as a "Local Centre", either in the context of Birmingham or in the widely accepted meaning of the term. As a matter of practical reality Longbridge operates as a district centre.

This role is set to be elevated further following the recent (August 2014) grant of planning permission for the expansion of the centre (BCC application ref. 2013/09229/PA). This allows the relocation of 4,200 sq m of previously permitted unit retail space, a new 500 sq m restaurant, multi-storey and surface level car parking,

and a 14,000 sq m store to be occupied by Marks & Spencer, offering their full non-food range, plus a "Simply Food" convenience element, and in-store café. St Modwen are committed to the rapid implementation of this planning permission with a construction programme in place to ensure the scheduled Christmas 2015 opening is achieved.

Again, the ongoing transformation of Longbridge is such that it can only sensibly be designated as a district centre. The centre boundary, and the extent of the primary shopping area, should be amended to reflect the reality of what has been developed and permitted there, including in particular the permission allowing the development of Marks & Spencer.

The existing and permitted elements of the centre at Longbridge are illustrated in the plan at Appendix 1. This also shows the physical capacity to accommodate further development, including retail development, here. It is considered that an additional 10,000 sq m of retail floorspace could be directed here (over and above that already developed and permitted), and located (for example) in the plot immediately to the west of the surface level car park, and as mezzanine space in the large retail units permitted at the southern end of the centre.

Accordingly, Longbridge should be given Growth Point status, as well as being identified as a district centre. In this way it would offer the opportunity to accommodate some of the need for comparison retail development identified by the Plan that, as discussed above, is currently unaccounted for. It would create further impetus to the regeneration of Longbridge, helping to establish its status as a location for investment up to the international scale.

**5) Are policies TP21 and TP23 positively prepared and consistent with national policy to promote growth and competitiveness in town centres?**

- 2.5 Policy TP21 includes an appropriateness of scale test. For the reasons set out above this is inconsistent with national policy and the manner in which it has been applied by the Secretary of State. Positive planning to promote growth and competitiveness within centres should not be constrained in this manner; the test should be excluded.

A similar point applies in relation to Policy TP23, which refers to consistency with the scale and function of the centre, and meeting people's "day to day" needs. Many of the centres within the hierarchy already serve higher order, as well as "day to day" needs. A more positive approach, consistent with promoting growth and competitiveness, would be simply to encourage and support the provision of the relevant facilities and uses within centres; the limiting text within the policy should be excluded.

**6) Should Edgbaston be included in the list of centres with niche roles in the final paragraph of policy TP22?**

- 2.6 No comment.

**7) Should policy TP23 contain more detail about the approach taken to the concentration of specific uses in centres, currently set out in the Shopping and Local Centres SPD?**

2.7 The policy provides sufficient guidance in this regard, i.e. in terms of maintaining a predominant A1 retail function within centres, and avoiding an over concentration of other A class uses. The "Implementation" section of the policy notes the relevance of the SPD, and this should be sufficient, rather than requiring significant duplication of text.

**8) Should policy TP23 be more specific about what is meant by community uses and cultural facilities?**

2.8 The policy seeks to promote diversity within centres, subject to the overriding objective of ensuring their predominantly retail function. This is a positive approach, and one that should help to support the vitality and viability of centres. As such, it is reasonable to allow a broad interpretation of "community uses" and "cultural facilities" which might contribute to diversity in an otherwise retail led environment. Moreover, it would be difficult to frame comprehensively what is meant by these terms without excluding some activity which might otherwise be welcomed. The use of these general terms allowing a degree of interpretation is therefore appropriate in this particular case.

**9) Is policy TP24 fully consistent with national policy towards main town centre uses?**

2.9 No comment.

**10) Should the Plan include a policy about the leisure and evening economy?**

2.10 No comment.

**11) Are these policies effectively drafted to achieve their intended purpose and do they provide a clear indication of how a decision-maker should react to a development proposal?**

2.11 Subject to the comments set out above, in general terms these policies would be effective. That said, a key concern remains with the extent of the identified retail need which is currently "unallocated" in terms of the locations to which it might be directed. This amounts to some 100,000 sq m of comparison retail floorspace. Whilst it is reasonable to allow some "headroom" for piecemeal development within centres, greater certainty should be provided in this regard.

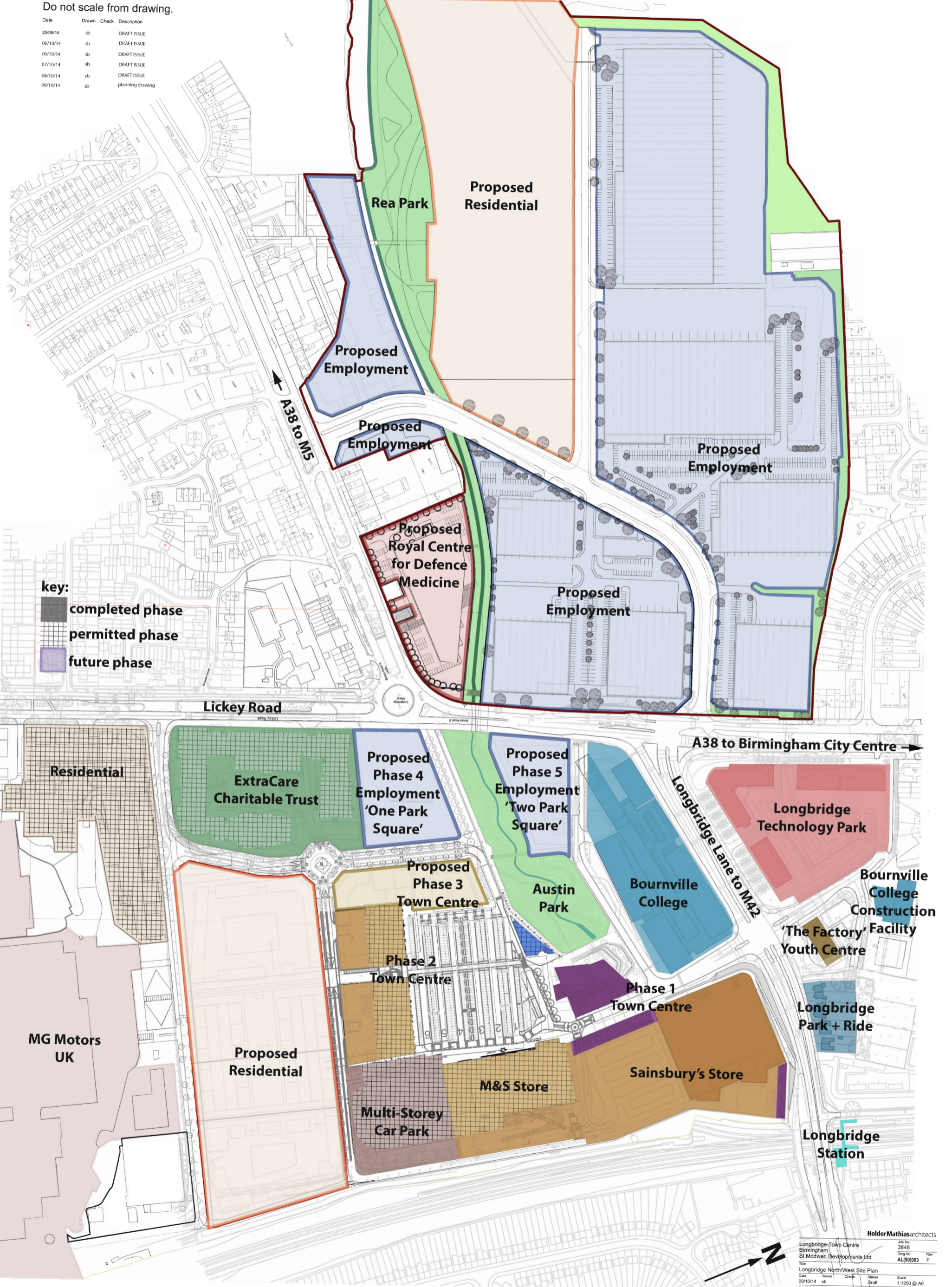
The suggestion set out above that some of this should be directed towards Longbridge should be understood in this context. Longbridge has the physical capacity to accommodate more retail floorspace, there is operator demand, and this would play an important role in furthering the wider regeneration objectives of the place.

## **APPENDIX 1**

### **Longbridge – Existing, Permitted and Proposed Centre Development**

Do not scale from drawing.

Date	Drawn	Check	Description
25/09/14	sb		DRAFT ISSUE
06/10/14	sb		DRAFT ISSUE
06/10/14	sb		DRAFT ISSUE
07/10/14	sb		DRAFT ISSUE
08/10/14	sb		DRAFT ISSUE
09/10/14	sb		planning drawing



**key:**  
 [Grey grid pattern] completed phase  
 [Light blue grid pattern] permitted phase  
 [Purple grid pattern] future phase