



# Hartlepool Local Planning Framework Emerging Local Plan

## Matter 5

### Retail, Leisure and Mixed Uses



September 2017



## Issue 1 – Does the Plan set out a positively prepared strategy for viable centres and the provision of shopping facilities, which is justified, effective and in line with national policy?

### Q1. Does the approach to retail planning in the Plan accord with the principles set out in the NPPF in relation to the vitality of town centres?

The hierarchy of centres is consistent with the NPPF in that it promotes a hierarchy of centres which focuses retail and other main town centre uses in the town centre first and then other designated centres, depending on their size, this “town centre first” approach is consistent with paragraph 23, point one in the NPPF.

### Q2. Are the thresholds for sequential tests and impact assessments in Policy RC1 soundly based and supported by robust and credible evidence? Have alternative thresholds been considered?

The threshold for sequential tests are deemed to be robust and based on credible evidence.

Paragraph 13.15 of the Publication Draft explains that a sequential test should be provided on all town centre use applications that are not within a designated centre. This requirement is set out in NPPF paragraph 24.

Paragraph 13.19 and 13.20 of the Publication Draft explains that many units within local centres are not in direct competition with the town centre and that there are many independent businesses within such centres that may be unduly burdened if they had to submit a sequential test with a planning application. The anchor stores within the local centres are often the stores that attract the highest footfall; the average size of the anchor stores within the local centres is approximately 300m<sup>2</sup>. Units above the average size are typically national chains, such chains are likely to be better practiced in engaging with the planning system and the associated documents that sometimes have to be produced and therefore to request a sequential test from applicant looking to operate larger units would not be unreasonable or an undue burden.

Paragraph 13.21 of the Publication Draft explains that within the town centre there are numerous units available with an average size of 250m<sup>2</sup> therefore proposals below that size could easily be accommodated within the Town Centre and should therefore be located within the Town Centre in the first instance. All proposals in edge of centre areas and retail and leisure parks and below 250m<sup>2</sup> must submit a sequential test. A main modification has been proposed to ensure that the policy is aligned with the justification in paragraph. The proposed main modification is as follows:

**“Proposals for main town centre uses, within an edge of centre or retail and leisure parks, with a floor area of below 250m<sup>2</sup> or ~~above~~, will be required to provide a robust sequential test.”**

An update to the Main Modifications document will include this change.

Paragraph 13.13 of the Publication Draft recognises the importance of all retail and commercial centres and that the Council seeks to ensure that all retail and commercial centres continue to thrive. Although the Town Centre’s vitality and viability is a priority, the Council considers it important to ensure that new commercial development is directed to all existing centres and therefore proposals above 250m<sup>2</sup> in edge of centre and retail and leisure parks will not be required to submit a sequential test. It may be the case that units above 250m<sup>2</sup> are available in the town centre. However, the Council considers it acceptable to allow units above 250m<sup>2</sup> to locate in other designated areas instead of the town centre as the Council are aware of the need to

utilise the many vacant units within other areas of the Borough. To ensure the town centre is not negatively impacted upon then an impact test may be required.

Paragraphs 13.22 to 13.26 in the Publication Draft sets out the Council's position regarding impact tests. Paragraph 13.26 justifies the threshold with regard to the application of an impact test relating to applications for retail, leisure and office development located in edge of centre and retail and leisure parks. The Council has made the following minor modification to Paragraph 13.26.

"In general the **smaller** units within local centres are not in direct competition with the Town Centre, as such the Borough Council consider it would be unreasonable to **request a sequential test and to** place an undue burden upon these often small scale, local businesses. **The anchor units within the local centres are often national chain stores that assist in creating a high level of footfall.**

**It is assumed that such stores draw trade away from the town centre. The average size of such stores is 300m<sup>2</sup>, therefore to ensure that retail, leisure and office applications within local centres above 300m<sup>2</sup> do not negatively impact upon the town centre an impact test will be required."**

Reason for mod - Text is added for clarity with regards to impact test thresholds.

The thresholds set derive from data within the retail surveys, the methodology used to set the thresholds has been used and was successful at the last Examination in Public in 2013 thus it was not necessary to consider alternative thresholds. The thresholds derive from data and are mathematical averages. The Sustainability Appraisal Addendum considered a policy-off approach. This was considered less sustainable than a policy-on approach.

**Q3. Are the hours of operation in RC1 justified and reasonable? Is it clear whether it applies to proposals in the "late night uses area"?**

Hours of operation are not discussed in policy RC1.

Policy RC2 stipulates the hours of operation within the town centre, which includes the late night uses area. Paragraph 13.134 of the publication draft justifies the operational hours within the town centre, namely that if businesses close to the public at 11.30 then visitors and staff will be home before midnight thus minimising noise and disturbance beyond midnight.

Policy RC2 has been amended to provide clarity with regard to the late night uses area, the policy will indicate that "Business will not be permitted to operate between the hours of 11.30pm and 7am *unless they are located within the late night uses area, as identified on the proposals map.*

An update to the Main Modifications document will include this change.

**Q4. Does the Plan strike the right balance between supporting a late night economy focussed on the Church Street area in Policy RC17 and encouraging a wider Innovation and Skills Quarter (the ISQ in Policy RC3)? What is the objective of the ISQ and are there any planned investments to support the Plan's positive approach?**

The late night uses area has been reduced in size, the eastern part of Church Street has been removed, (see Changes to Proposals Map Modifications Document references EXHBC/13 and EXHBC/14) and subsequent justification. The reduced late night uses area assists in ensuring that the evening economy businesses are

located to the west of Church Street allowing units to the east of Church Street to be utilised by businesses aligned with the ISQ initiative.

The objective of the ISQ is set out in paragraph 13.37 and 13.38 of the Publication Draft. Guided by recommendations included in the Regeneration Masterplan the ISQ is designed to address the key economic and property market challenges that are a barrier to development in the area. There is currently a lack of suitable space for start-up companies and small firms that require space, centrally located in Hartlepool, to set up grow, and expand. The ISQ seeks to create a focus for new small business development particularly relating to the creative and digital industries sector.

The Council has secured £5.5m LGF and £1.2m HLF. Works to the public realm and conversion of the GPO building on Whitby Street are due to start at the end of September 2017. The Council are also due to launch the HLF Townscape Heritage scheme.

The Council has secured an additional £505,000 to develop the next phase of projects within the ISQ including the Film and TV Studios.

**Q5. Are the different thresholds for impact assessments for town centre and local centre locations justified?**

See response to question 2 above

## **Issue 2 – Is the approach to edge of town centre areas sound, particularly in relation to area RC8 and the football ground?**

**Q6. Is the Plan's approach to edge of town centre areas sufficiently clear in respect of RC8 Mill House area and the status of the Victoria Football Ground? What is the approach to the existing bowls club?**

The Borough Council considers that the approach to the RC8 Mill House area and the status of Victoria football Club Ground is sufficiently clear. The spatial area covered by RC8 remains unaltered from the area shown on the Proposals Map for the Publication Local Plan with the exception of Victoria Football Ground. The area of Victoria Football Ground no longer falls within the remit of RC8. It now falls within the remit of Policy NE2d (Green Infrastructure – outdoor sport including playing fields). This acknowledges the validity of the case presented in representations that NE2d is the appropriate designation for Victoria Football Ground. Policy LT1 Leisure and Tourism has been extended so that its remit now includes the whole of the RC8 area and also the NE2c and NE2d areas that are inset within, but separate from, RC8. This policy therefore provides an appropriate designation for the existing bowls club.

**Q7. Does the Council's proposal to extend Policy LT1 (Leisure and Tourism) into RC8 provide clarity or uncertainty on the future of the football ground?**

The Borough Council considers that the proposal to extend Policy LT1 (Leisure and Tourism) provides clarity on the future of the football ground. Policy LT1 has been extended so that its remit now includes the whole of the RC8 area and also the NE2c and NE2d areas that are inset within, but separate from, RC8. It therefore includes the area of Victoria Football Ground. This responds positively, as does placing Victoria Football Ground within the remit of NE2d, to representations received in response to the consultation on the Publication Local Plan. However, whilst acknowledging the strong views of Hartlepool Football Club supporters on this matter, as with all policies in the development plan, the Borough Council cannot provide a cast iron assurance that there could never be other material considerations which might take precedence

over the policy. The location of the football club is accessible by public transport, which is consistent with national guidance. If there was a proposal to re-locate the football club, then this would be an important material consideration when assessing the proposal. The Borough Council has been made aware that there is interest from Hartlepool United Supporters Trust in applying for Asset of Community Value status for the football ground.

### **Issue 3 – Is the policy approach on Hot Food Takeaways justified?**

- Q8. What is the justification to the various thresholds for A5 uses by location in Policy RC18? Is there transparency in the evidence and methodology the Council has applied in devising the thresholds based on current A5 occupation levels, current vacancy rates, ward obesity data for adults, childhood obesity for schools and proximity to residential areas?**

Each retail and commercial area within the borough has a bespoke A5 threshold. The justification for the various thresholds for A5 uses by location is set out within the paper relating to hot food takeaway thresholds for retail and commercial areas, August 2017 (Document reference still to be assigned).

The hot food takeaway thresholds for retail and commercial areas, August 2017 paper provides clarity and transparency as to why the various thresholds have been set.

- Q9. Does the policy represent a moratorium on additional Hot Food takeaway premises in the Borough? What is the justification for total bans on new A5 uses in parts of the Borough, including some town centre sub-areas?**

The policy does not represent a moratorium on additional Hot Food takeaway premises in the Borough. In Church Street West, The Marina, Seaton Front and Wynyard Park additional hot food takeaway floorspace may be added and in some areas there is some room for expansion.

Total bans are essential in some areas for varying reasons, all reasons are set out in the hot food takeaway thresholds for retail and commercial areas, August 2017 paper. Reasons include, A5 uses are not compatible with the character of an area, i.e. in West of Marina Way Retail and Leisure Parks, protection of residential amenity as is particularly the case in the town centre sub areas and edge of centre locations, protecting the vitality and viability of an area and to assist in tackling the health inequalities across the borough.

Although it is essential to protect residential amenity across the whole of the borough, this issue is more paramount for the residents surrounding the town centre sub areas and edge of centre areas as those residents reside close to an area of high commercial activity, which includes a high level of restaurants, pubs and nightclubs and thus already suffer from some disturbance. In local centre areas there are fewer pubs and restaurants and no nightclubs so the current situation regarding residential amenity is already less of that for those in town centre and edge of centre locations.

- Q10. Does the Hartlepool Healthy Weight Strategy [HLP07/1] and Hartlepool Healthy Weight Action Plan [HLP07/2] endorse the approach in Policy RC18 as submitted?**

Hartlepool's Healthy Weight Strategy 2015-25 sets out a 10-year vision for tackling obesity issues in the Borough using a whole-systems approach to address the root causes and wider determinants which

influence people's health and weight. One such issue is access to and availability of convenience foods via hot food takeaway outlets, which are often high in fat, salt and/or sugar. The strategy sets out three strategic themes, underpinned by various actions which link to the issue of hot food takeaway outlets and endorse the approach in Policy RC18 of the Local Plan. Themes 1 & 2 specifically relate to planning, health and hot food takeaway outlets and the associated actions are highlighted below:

1: To transform the environment so that it supports healthy lifestyles (Primary Prevention)

Key objective (a) Planning and retail: Work with partners to improve access to healthy food options and remove barriers to adopting a healthy diet. Actions: Develop licensing conditions to reduce the number of fast food catering establishments in areas of high density, including near schools. Development of hot food takeaway policy as part of Local Plan. Outcome: Prevent an increase in the number of fast food outlets in the town.

2: Making healthier choices easier by providing information and practical support (Secondary Prevention)

Key objective (a) Develop a social marketing and communications plan for Hartlepool to promote and facilitate a healthy weight and lifestyle. Actions: Undertake further insight work with young people on fast food and sugar sweetened beverages. Using the Change 4 Life and Health Trainers to engage and mobilise citizens to make healthier choices.

Key objective (c) Ensure that tackling obesity is a key priority as part of the planning and implementation process for the Hartlepool Vision. Actions: Implement the Public Health Responsibility Deal with respect to labelling of nutritional information on menu's. Outcomes: Healthy options will be obvious and priced accordingly. New developments / projects to consider impact on obesity and physical activity.

**Q11. Does the Council's suggested main modification [reference MM/CHP13/04] to allow 1 hot food takeaway within each village provide sufficient flexibility?**

Yes the suggested main modification is sufficient to provide flexibility. There are currently no hot food takeaways in any of the villages, and thus if one hot food takeaway is permitted it is considered that such a use would not harm the character and function of the village. Allowing more than one is likely to begin to alter the character and function of the village along with potentially causing problems that are associated with such uses i.e traffic issues, litter and anti social neighbour. The Council have not set a proposed location or threshold for such a use which ensures flexibility and the ability to assess each application on its merits.