

Report to: **Strategic Planning Committee**



Date of Meeting: 5 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Topic paper relating to town centres, retail and sequential test in the new Local Plan

Report summary:

At the 7 September 2021 meeting, this committee agreed in principle that the emerging local plan should continue to take a policy approach which will support the positive appearance and active use of town centres, ensuring they are vital and viable. Members are now asked to consider a topic paper explaining the proposed approach to be taken and establishing up to date Town Centre Area boundaries and Primary Shopping Area boundaries. It is intended that the proposed boundaries, supported by the assessment work, be subject to public consultation in Spring 2024.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Strategic Planning Committee endorse the topic paper supporting the policies of the Local Plan, set out in appendix 1 of this report.
2. That Strategic Planning Committee agree that the draft Town Centre and Primary Shopping Areas, drawn in accordance with the methodology set out in the topic paper, be subject to public consultation.

Reason for recommendation:

To ensure that Town Centre and Primary Shopping Areas are based on a logical and transparent assessment process and that the public are given an opportunity to comment on the proposals as part of the local plan production process.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets

- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; It is important that we set out how Town Centre and Primary Shopping Area boundaries are to be defined to ensure a rational process is followed and can subsequently be justified. It is important that the public are given the opportunity to provide feedback in response to the draft proposals.

Links to background information

See links in Appendix 1.

Link to Council Plan

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

1. Introduction

- 1.1 The emerging East Devon Local Plan will contain policies to ensure that East Devon's town centres continue to thrive and meet the everyday shopping, leisure and service needs of local residents and visitors. This report seeks Member endorsement of the attached topic paper which explains the approach taken to the retail and town centre policies and sets out the boundaries within which these policies will apply. Members are asked to agree that the boundaries be subject to public consultation in March/April 2024.
- 1.2 Based on size, population and shopping facilities, East Devon has eight towns:
 - Axminster;
 - Budleigh Salterton;
 - Cranbrook;
 - Exmouth;
 - Ottery St Mary;
 - Honiton;
 - Seaton; and
 - Sidmouthwhich are assessed in the report attached at Appendix 1, along with the small town/large village of Colyton and the village of Beer which both have an extensive range of shops for their size. The Local Plan establishes a hierarchy of settlements based on their role and function- tiers one and two comprise settlements with a range

of shopping facilities but not all of the tier 3 and 4 villages contain a range of shops and those that don't are not the focus of the report.

- 1.3 Each of these towns support a town centre (although at Cranbrook the planned centre is not yet fully established). Colyton is the smallest of the East Devon towns (it could be considered a large village) and it has the least facilities of the centres listed. The village of Beer, although slightly smaller than Colyton, actually supports more shops, with a number of these most likely to be viable on account of the busy tourist trade.
- 1.4 As identified by the Government nationally, the role and function of East Devon's town centres is shifting away from retail uses. The last ten years has seen the decline of traditional shops selling comparison goods. These are products which are purchased infrequently, such as white goods, household items and clothing where consumers want to compare a range of items to get the best value and quality. These products can often be bought more conveniently online. This can be quick and convenient but it reduces the viability of physical shops and in turn reduces the availability of goods and services to those without the internet, without electronic banking or without the means to access alternative out-of-town shops.
- 1.5 Whilst East Devon's High Streets are still relatively vibrant (there are fewer vacant units and more independent shops than the national average 10.3 %- (High Streets and Town Centres 2030 report <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1010/report-summary.htm>) the traditional anchor town centre uses such as banks, clothing shops and pubs have closed many outlets. Where vacant shops have been taken over, they are often filled by cafes and coffee shops and health and beauty businesses – nail salons, hairdressers, tattoo parlours and barbers – all offering experiences rather than products. Higher numbers of vacant units and new uses with 'blank' frontages or visits by appointment are unattractive to shoppers and reduce the interest and bustle generated by diverse window displays enticing passers-by, although by-appointment businesses can be an excellent way to bring upper floors into use.

2 Local Plan Proposals

- 2.1 Currently, the adopted Local Plan Policy E9 Town Centre Vitality and Shopping Areas provides the overarching policy relating to retail provision in the current defined town centres. Policy E10 establishes Primary Shopping Frontages. These are areas within which permission will not normally be granted for the change of use of ground floor premises from retail to non-retail uses unless it can be demonstrated that this would not be harmful to the existing character or primary shopping function of the area. In addition, Policy E11 requires a sequential approach to be taken to ensure that town centres remain the preferred location for new retail development. Other policies address smaller, neighbourhood centre shops, rural retail and loss of village shops and services.
- 2.2 The NPPF has relaxed the previous requirements for town centres to focus mainly on retail use and now allows changes between uses and encourages housing and

activities such as leisure, community, offices and healthcare alongside traditional shopping.

In Winter 2022 “Strategic Policy 56- Town Centre hierarchy, sequential approach and impact assessment” and “Policy 57- Town Centre development” were subject to consultation as part of the draft new Local Plan. Policy 56 is a strategic policy because it establishes the network and hierarchy of centres. Maintaining the vitality and viability of the town centres in East Devon is a strategic priority in the plan. This policy is also the starting point for the suite of non-strategic policies on town centres and primary shopping frontages, local shops and services, and rural shops.

- 2.3 Policy 57 takes a positive approach to the growth, management and adaptation of the town centres. As part of a positive strategy for the future of each town centre, the Local Plan defines their extent and makes clear the range of uses that are acceptable within them.
- 2.4 This consultation referred to the Town Centre area and Primary Shopping Area (which in most cases are one and the same due to the compact nature and concentration of retail uses) but did not show the boundaries on the Policies Map. If Members agree, the boundaries (as set out in the report at Appendix 1) will be subject to a further consultation in Spring 2024.
- 2.5 It should be noted that the criteria-based policy relating to Primary Shopping Frontages (E10) in the adopted Local Plan was reviewed and considered to be out of date given the change of use now allowed by permitted development rights. We have now taken on board the consultation responses received during last Winter’s consultation which stressed the importance of keeping frontages up to date, the need for a policy approach that sought to retain a certain proportion of retail uses in the town centres and concerns that historic features will be lost during conversion and has addressed these matters through other policies.
- 2.6 The attached report also addresses the potential impact of out of centre retail development and proposes that a lower than nationally prescribed, 500sqm, threshold for retail impact assessments be applied (as it currently is in the adopted Local Plan) but the NPPF default threshold of 2500sqm be applied to other types of development.

3 Public Consultation

- 3.1 It is proposed that public consultation on various local plan designations and allocations, including Town Centre and Primary Shopping Areas, will be undertaken as soon as possible after receiving SPC approval. Such consultation will last for a minimum of 6 weeks.
- 3.2 The suggested text and maps for the consultation are overleaf (these may be subject to minor amendments). The strategic policy does not establish policy area boundaries but does explain our approach and set out the settlements to which these will apply, hence it’s suggested inclusion in the consultation. Other retail related policies, for example those supporting provision of local-scale neighbourhood shops and facilities and preventing loss of shops in small settlements, are criteria based and do not have associated maps, so are not subject to this consultation.

East Devon Local Plan 2020 to 2040

Preferred Options Reg. 18 Further Consultation Draft Plan

Spring 2024

We consulted on a draft local plan from November 2022 to January 2023 that referred to Town Centre Areas and Primary Shopping Areas. At that stage we suggested possible policy wording but did not show proposed boundary lines on maps. We are now consulting on:

- The Policy Wording (this has been revised from the previous consultation)
- Town Centre Area Boundaries
- Primary Shopping Area Boundaries

In considering these we would encourage you to look at the consultation [commonplace-reg-18-final-071122.pdf \(eastdevon.gov.uk\)](https://www.eastdevon.gov.uk/commonplace-reg-18-final-071122.pdf) as this sets out the context for the policy and also to read our background technical papers - [insert link \(the topic paper which includes the methodology and full assessments\)](#).

The idea behind Town Centre Areas and Primary Shopping Areas is to protect important services and facilities at the heart of local communities. These policies will only apply to the main towns and villages with a large range of shops and services; other policies in the plan will protect shops and services elsewhere.

The Strategic Policy below sets out the settlements where town centre areas will be identified and the Town Centre Area and Primary Shopping Area policies will apply. As well as shops, these areas will offer a wide range of facilities often including: leisure and entertainment; sport and recreation; offices; cultural spaces and tourism development which are essential for local communities. In order to help town centres to thrive, we will not usually allow larger scale town centre uses (based on national planning policy) to be developed elsewhere if town centre locations are available. The policy also explains how these applications will be dealt with. We welcome your views as to whether the policy wording is appropriate:

Strategic Policy xx – Town centre hierarchy, sequential approach and impact assessment

The tier one and two town centres will be the preferred location for the development of main town centre uses as defined in the NPPF. Proposals must be appropriate in terms of their scale and design to the centre in which they are proposed, as well as the function of the centre and accord with other policies in the plan. The hierarchy of centres in East Devon is defined as follows:

- Tier one Town Centre: **Exmouth**
- Tier two Town Centre: **Axminster**, Cranbrook (this is subject to the Cranbrook Plan policies), **Honiton, Ottery St Mary, Seaton, Sidmouth**
- Tier three Local Centre: Broadclyst, **Budleigh Salterton, Colyton**, Lympstone, Woodbury
- Tier four Village Centre: Clyst St Mary, Uplyme, **Beer**, West Hill, Newton Poppleford, Feniton, Whimble, Kilmington, Otterton, East Budleigh, Stoke Canon, Tipton St John, Musbury, Sidbury, Chardstock, Broadhembury, Payhembury, Branscombe, Plymtree, Dunkeswell, Hawkchurch, Exton. Settlements shown in bold text have defined Town Centre Areas to which town centre development policy will apply.

Applications for main town centre uses that are not proposed in the defined town centres and are not allocated for development through other policies of this Plan will only be permitted where the applicant can demonstrate that:

- The proposal accords with (satisfies) the sequential test as set out in the NPPF, and

flexibility has been demonstrated on issues such as the format and scale of development.

- *For retail proposals greater than 500sq.m, and other town centre use proposals greater than 2,500sq.m, an impact assessment has been undertaken, which shows that the proposal will not have a significant adverse impact in line with requirements set out in the NPPF, either alone or cumulatively. Neighbourhood Plans may set different thresholds where local considerations, supported by evidence, indicate this is appropriate.*
- *Retail development will only be allowed on sites allocated for other uses if equally suitable alternative provision can be accommodated in the immediate locality.*

Edge-of-centre¹ and out-of-centre sites, which satisfy the sequential test, should be accessible by public transport, bicycle and foot and well-connected to the centre by these modes. Routes to the centre should be clearly signed. In order to ensure that land is retained for the benefit of the local economy, permitted development rights allowing changes to alternative uses will be withdrawn.

Over recent years the national rules have been relaxed to allow a wider range of activities in town centres and to allow buildings to change between uses without the need for planning permission. This, combined with changes to the way that people shop and greater online shopping and home deliveries, has led to fewer shops and leisure uses in town centres. We are still very keen to ensure that town centres offer a wide range of good quality shopping, along with other uses and activities to draw in customers and visitors and ensure that everyone is able to meet their day-to-day shopping needs. We have identified areas within town centres where most shops are located and where it is particularly important to maintain retail uses. We will resist changes to non-retail or leisure uses within these 'Primary Shopping Areas'. It should be noted that in some cases, the Town Centre Area and the Primary Shopping Area share the same boundary.

We have drafted new policy wording for the town centres, as set out below. This explains what we would allow within these areas. We welcome your views as to whether the policy wording is appropriate:

Policy xx - Town Centre development

Town Centre Areas and Primary Shopping Areas are defined on the Proposals Map for the tier one and two towns (excluding Cranbrook which is subject to the policies of the Cranbrook Plan) and the settlements of Budleigh Salterton, Beer and Colyton.

To ensure that Town Centre Areas are vital and viable, proposals for development will be permitted where they improve the quality and/or broaden the range of retail and leisure facilities and enhance the role of the town centres as sustainable shopping and leisure destinations.

Proposals must not undermine the shopping character or visual amenity of the town centre, either alone or cumulatively, or adversely affect the amenity of the surrounding area through noise, smell, litter, traffic or disturbance arising from operating hours.

Development proposals should make a positive contribution to the townscape of the centre in which it is proposed.

Opportunities to enhance the natural and historic environment will be sought wherever possible.

¹ Edge-of-centre locations are defined for retail purposes, as locations that are well connected and within 300 metres of the Primary Shopping Area. For all other main town centres uses, it is a location within 300 metres of a town centre boundary, however for office development this includes locations outside of the town centre but within 500 metres of a public transport interchange. Local circumstances should be taken into account when determining whether a site falls within the definition of edge-of-centre.

High quality, safe routes through the town centre will be sought wherever possible, both for pedestrians and cyclists (to include properly designed and located cycle parking) and to act as well designed, connected, diverse natural corridors for wildlife.

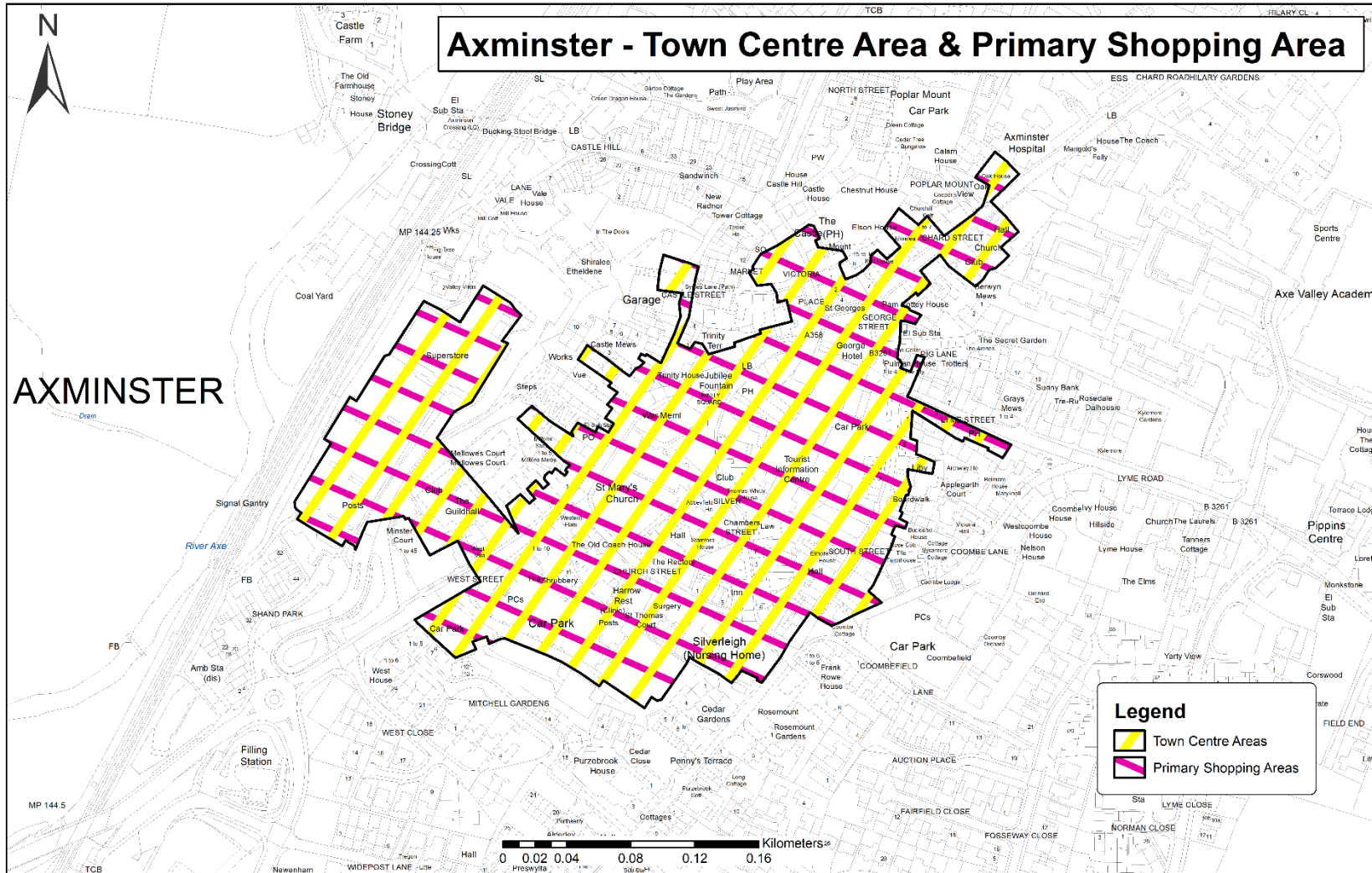
The Primary Shopping Areas will be the focus for retail and appropriate leisure uses. Development proposals for other town centre uses within the Primary Shopping Areas will only be permitted where the majority of the total number of ground floor units in the Primary Shopping Area are in retail or leisure uses. Unless it can be demonstrated that there is no longer a retail or leisure demand, other town centre uses (including residential) will not be permitted on the ground floor within the Primary Shopping Areas. Evidence of demand should be outlined in a marketing statement. Criteria on what will be considered an adequate marketing statement will be published and available online via the Council's website.

Where change of use of a shop is permitted within the town centre and the shopfront, entrance or other features are considered to be of architectural or historic merit they should be retained and incorporated into the new development scheme.

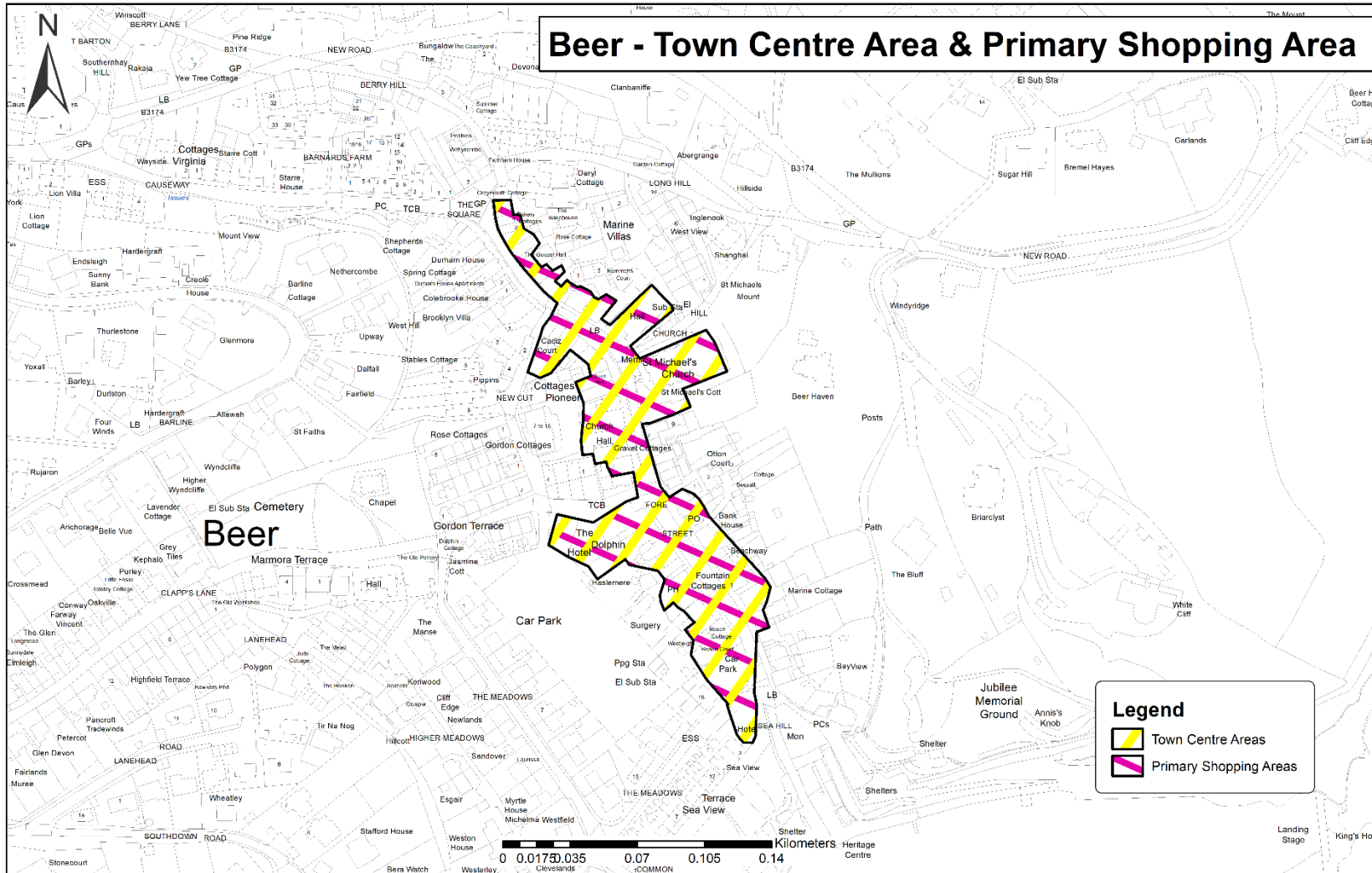
Throughout the Town Centre Area appropriately designed development proposals for residential or community use of upper floors will be encouraged. Such use should be independently accessed, have provision for refuse storage and should not result in adverse impacts on any retail use of the building.

The maps that follow show the areas of land that we think should be designated as Town Centre Areas and/or Primary Shopping Areas because they are really important in terms of providing shopping, leisure and associated uses at the heart of local communities. We think that development in these should enhance the range and quality of town centre, shopping and leisure facilities.

We include maps of the proposed Town Centre Areas and Primary Shopping Areas in the remainder of this report and we would welcome your views on whether you think we have shown appropriate boundaries. If you think that different boundaries would be more appropriate, please tell us where they should go and why.

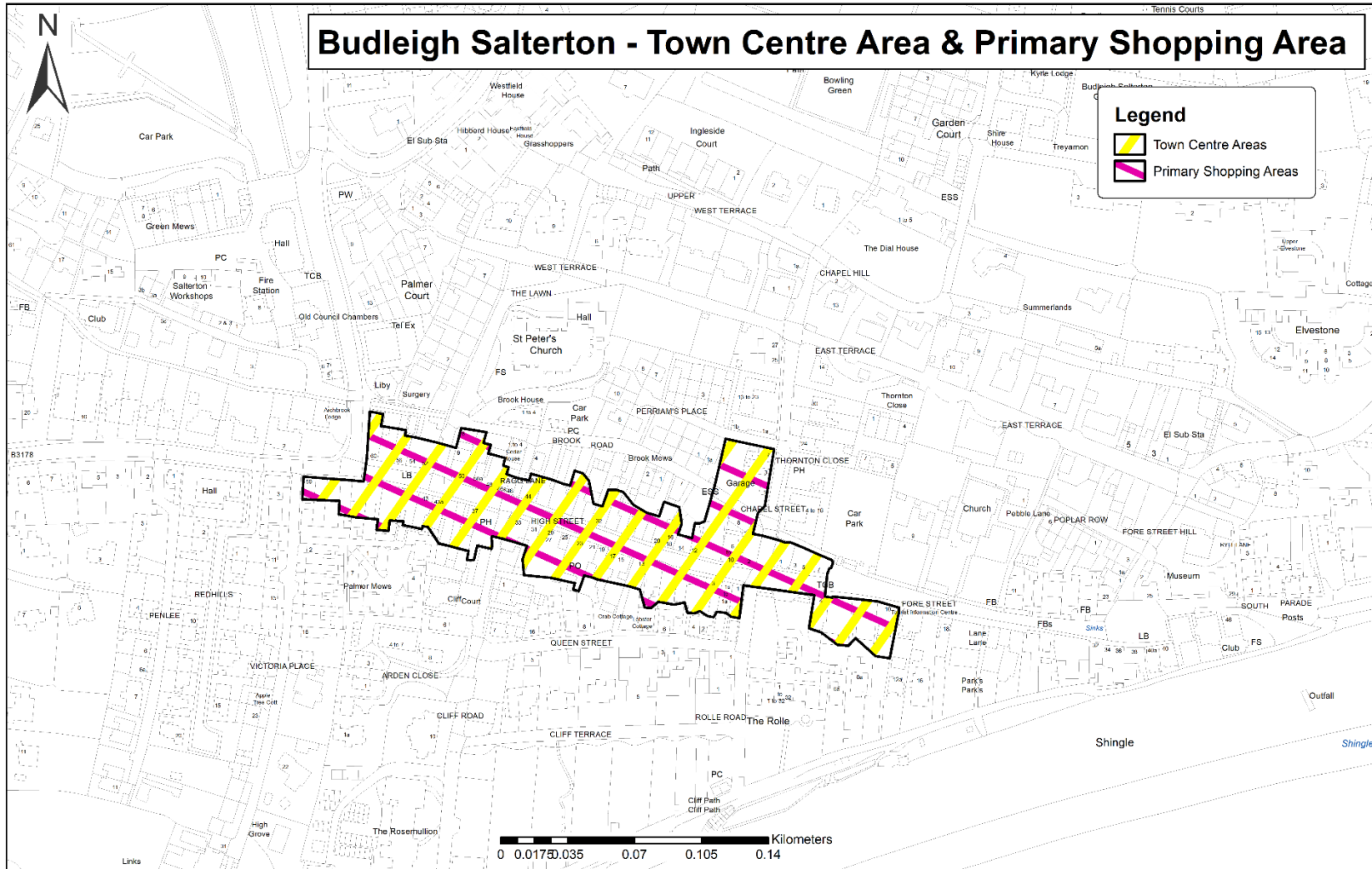


Town Centre Retail Survey - Axminster -

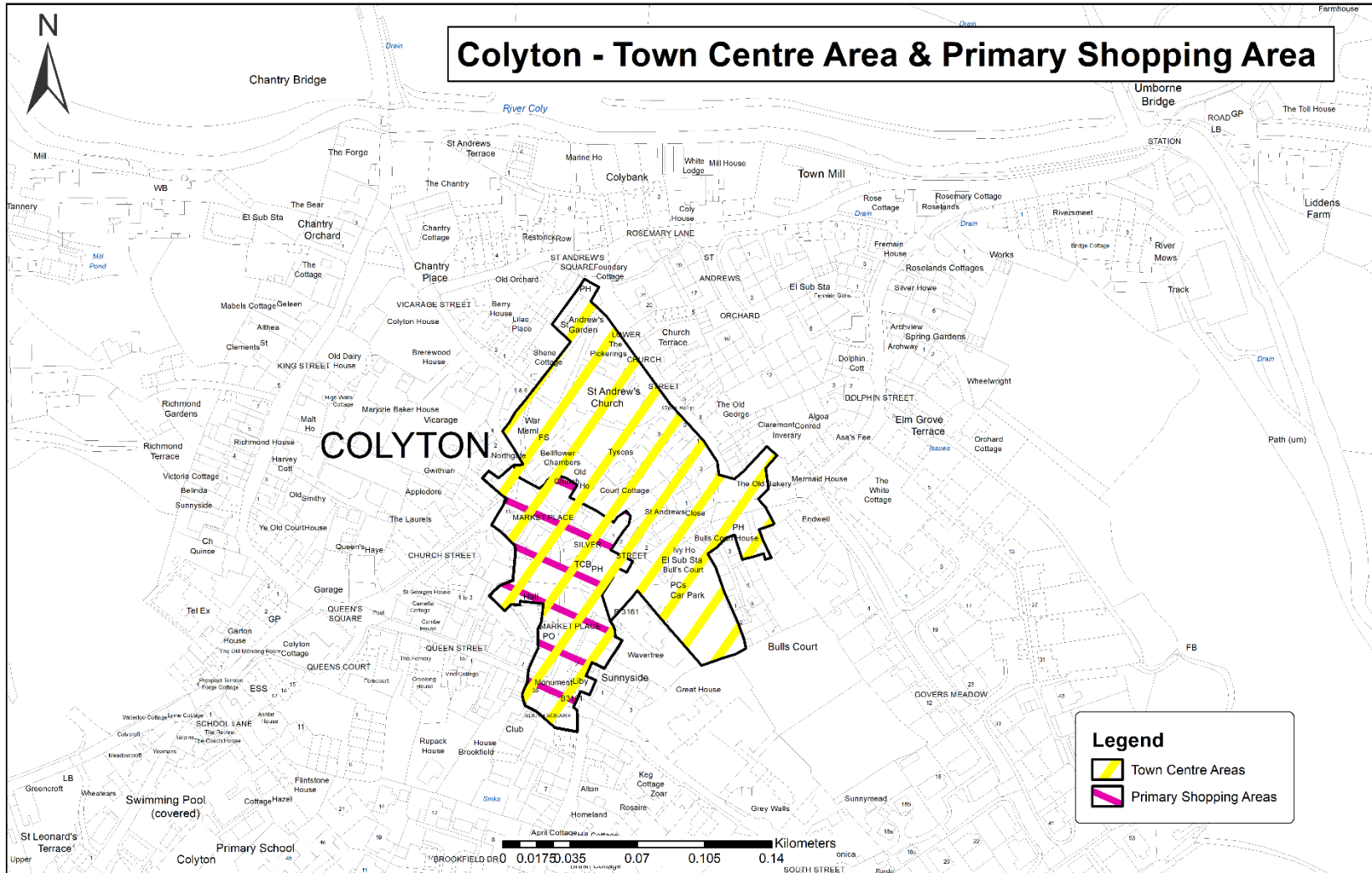


Town Centre Retail Survey

- Beer -

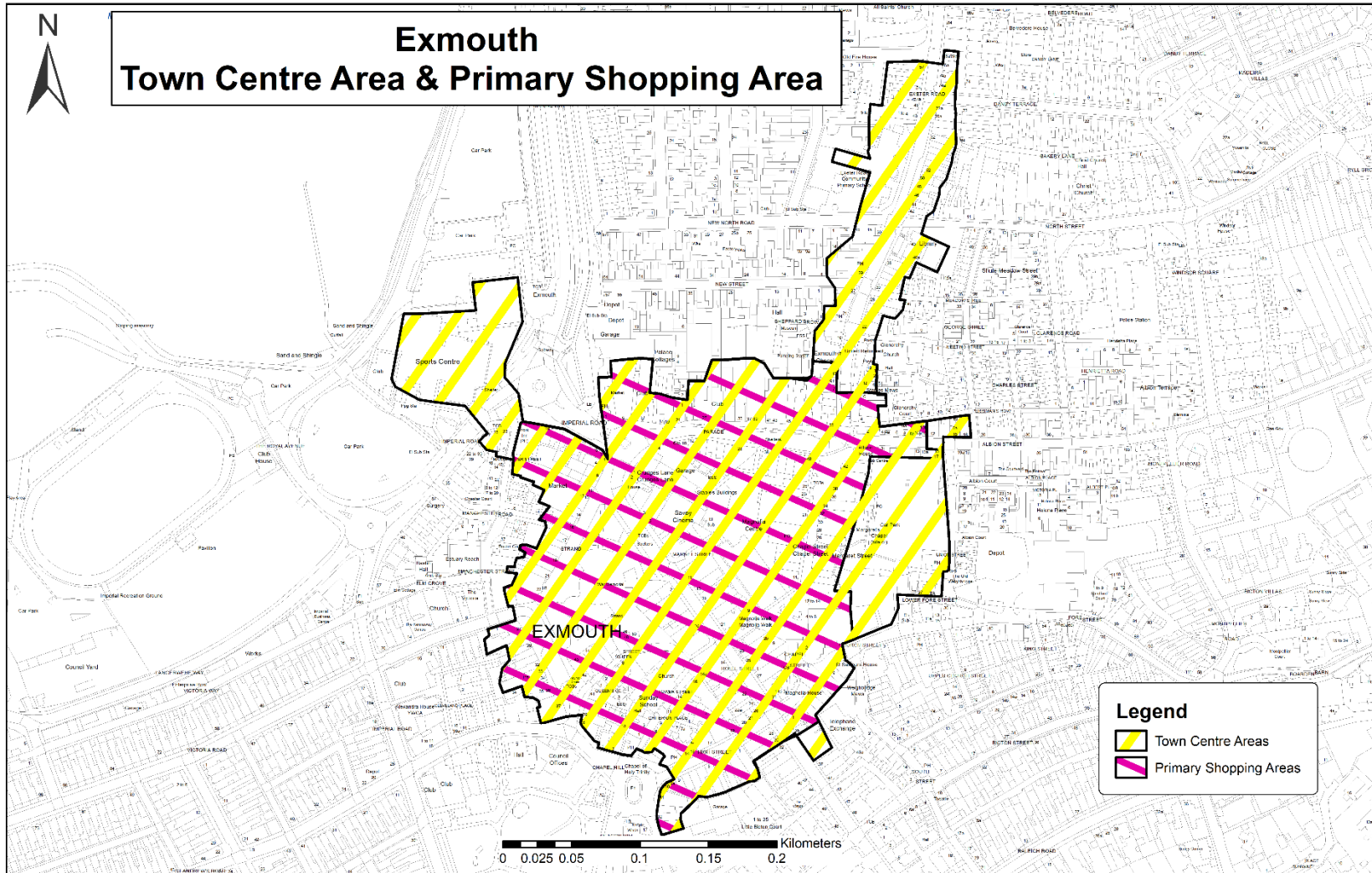


Town Centre Retail Survey - Budleigh Salterton -

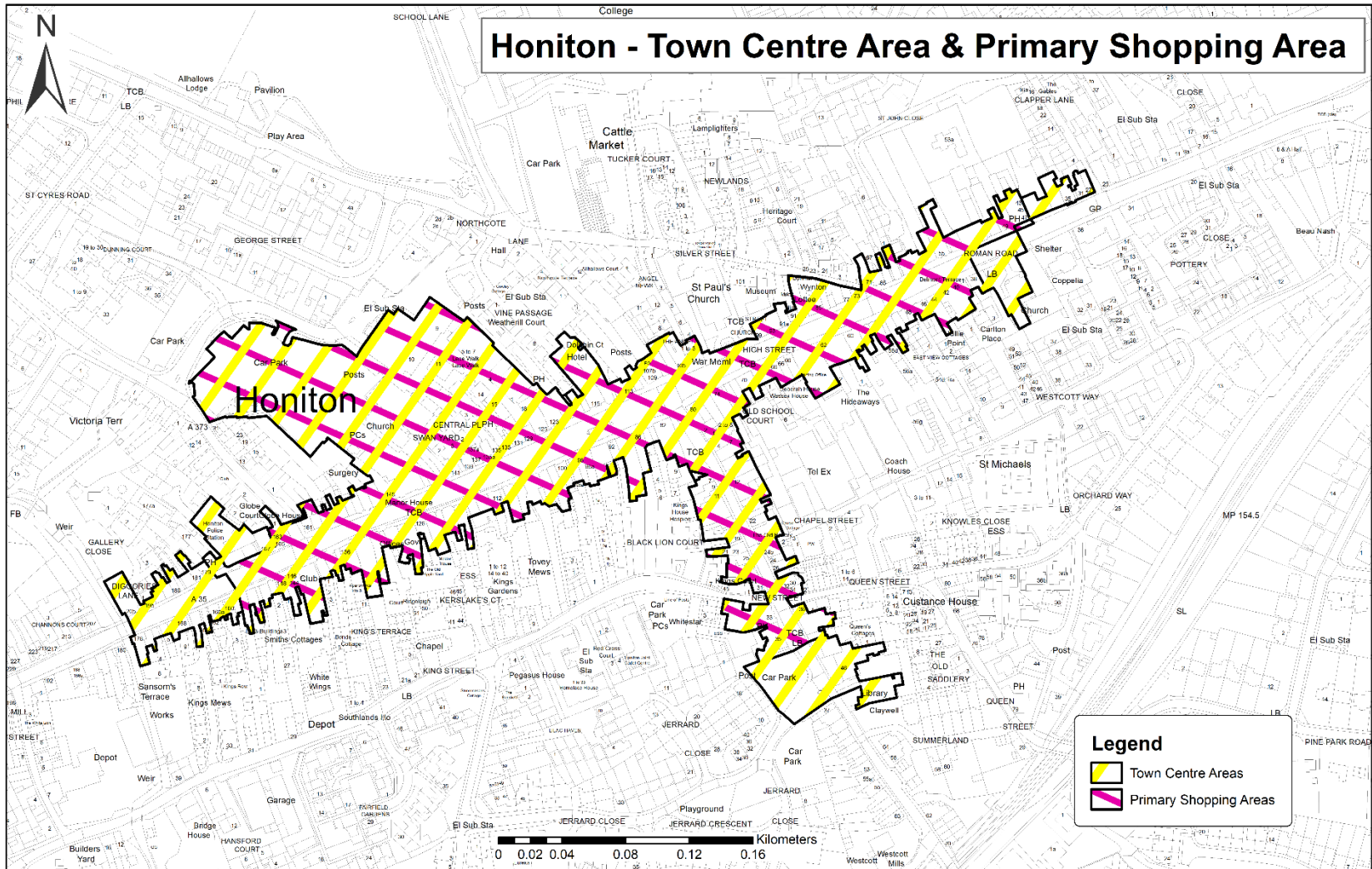


Town Centre Retail Survey

- Colyton -

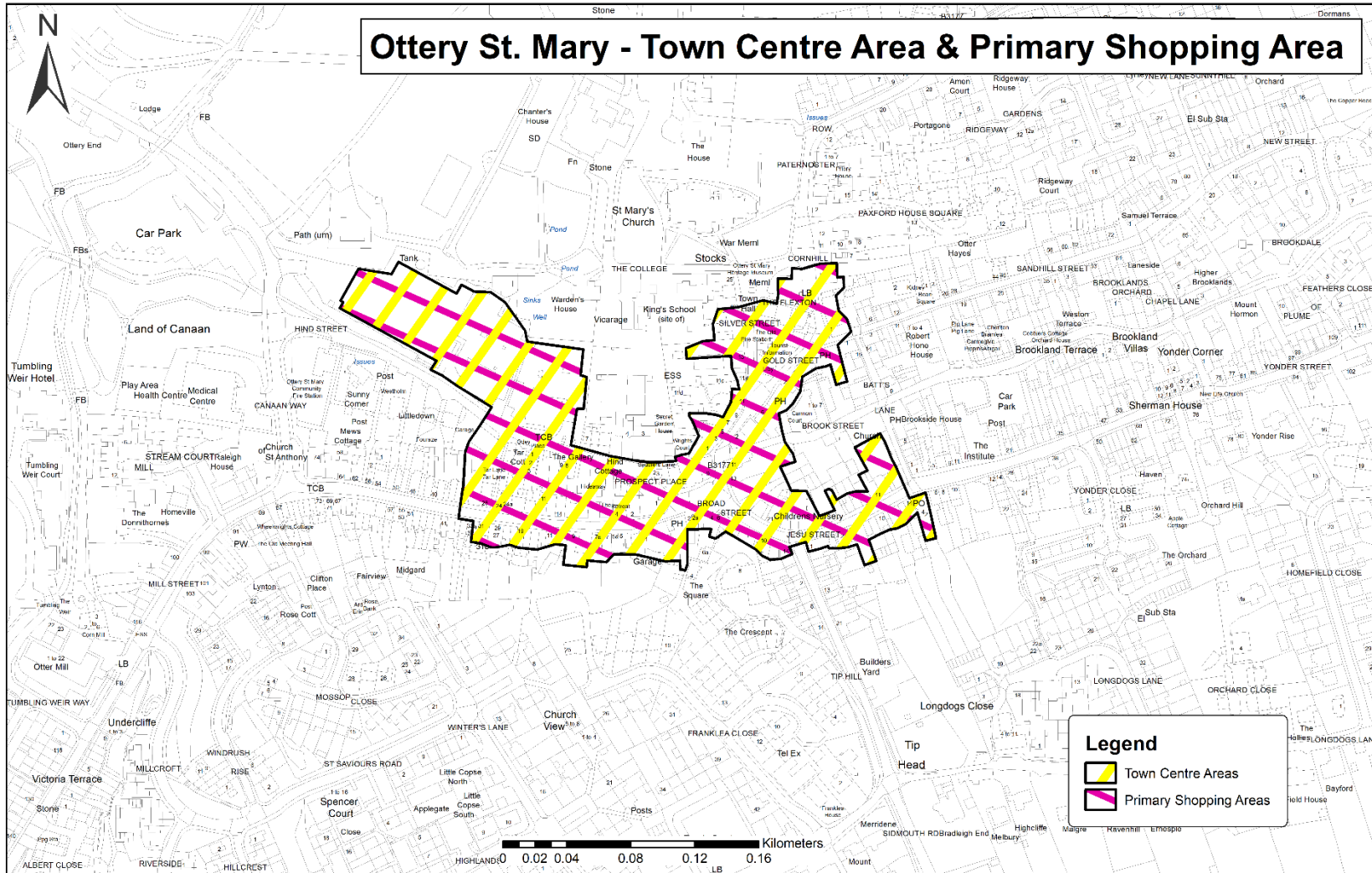


Town Centre Retail Survey
- Exmouth -

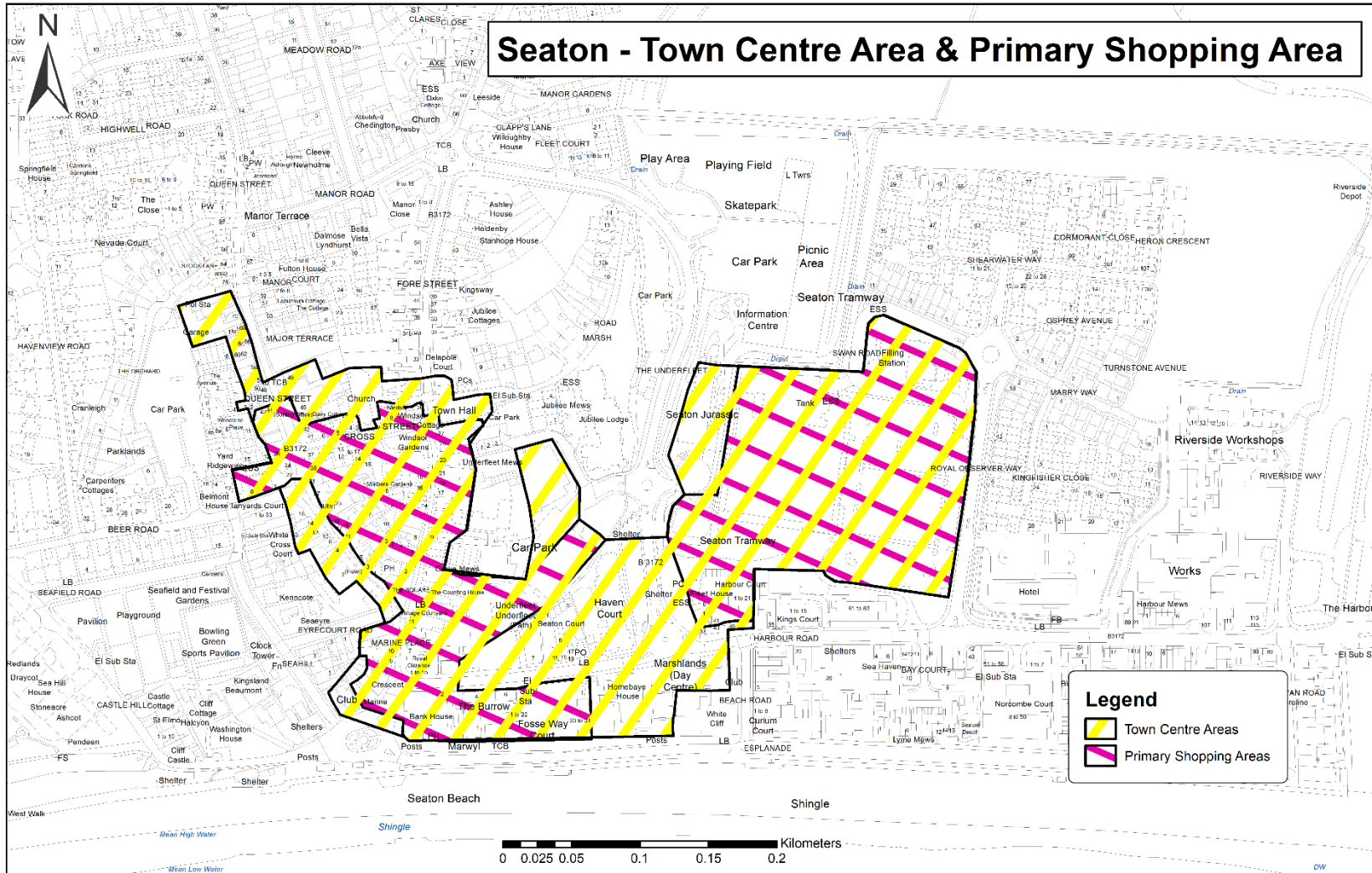


Town Centre Retail Survey - Honiton -

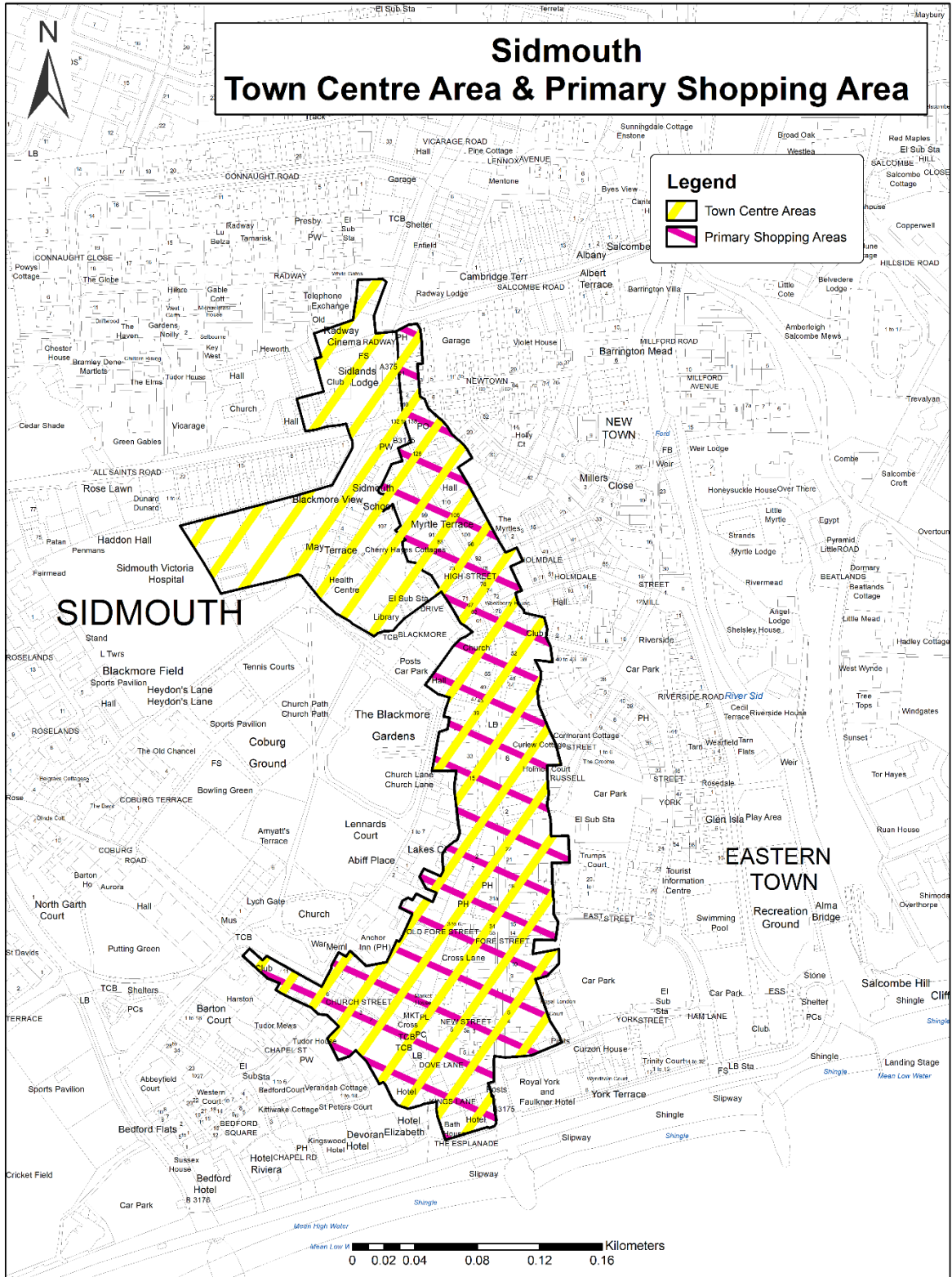
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Town Centre Retail Survey - Ottery St. Mary -



Town Centre Retail Survey - Seaton -



Town Centre Retail Survey
- Sidmouth -

It should be noted that the proposed consultation text and maps may be subject to minor changes prior to the consultation. These will be limited to typographical or other corrections and improvements to the clarity of the maps/text.

Financial implications:

There are no direct financial implication resulting from the report.

Legal implications:

There are no direct legal implications resulting from the report.