Main Matter 4: A Prosperous District – Shops and Services – Policies LPP 10 to LPP 16

Braintree Local Plan – Section 2 Examination

for Williams Groups

Emery Planning project number: 14-007

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1. Introduction

1.1 This hearing statement is submitted on behalf of the Williams Groups in relation to Main Matter 4: A Prosperous District – Shops and Services – Policies LLP 10 to LPP16. The hearing session is scheduled to take place on Tuesday 6th July 2021.

1.2 As the Inspectors will be aware, our original representations to the publication draft section 2 plan are dated 28th July 2017 and are therefore 4 years old. In summary, in relation to Policies LLP10 to LLP16 our representations stated:

- Braintree town centre should be identified as a higher order centre than Halstead and Witham and strategic retail allocations identified separately.
- The retail floorspace requirement identified should be increased or stated to be a minimum to allow for an improvement to the scale and quality of the retail offer in Braintree. This would encourage a higher retention of expenditure in the town.
- The floorspace identified in the NLP Study should be considered to be minimum.
- Braintree Retail Park can continue its positive role in the shopping, leisure and entertainment experience of Braintree and the potential for infill development should be recognized.
- We support the identification of land to the south of Millennium Way as a retail allocation.

2. Main Matter 4: A Prosperous District – Shops and Services – Policies LPP 10 to LPP 16

Policy LPP 10 Retailing and Regeneration
Policy LPP 11 Primary Shopping Areas
Policy LPP 12 District Centre
Policy LPP 13 Freeport Outlet Centre
Policy LPP 14 Leisure and Entertainment
Policy LPP 15 Retail Warehouse Development
Policy LPP 16 Retail Site Allocations

Are the above policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the BLP Section 1?

2.1 No. The Nathaniel Lichfield and Partners (NLP) Braintree Retail Study (BRS) is the most relevant and up to date study for the Braintree District. Updates to this Study were prepared by Lichfields in 2012, 2015 and 2018.

2.2 The Study is based on an NEMS telephone survey of 800 houses across the Braintree Study Area carried out in October 2015 and which informed the 2015 retail study. Since that date there have been a number of changes in retailing. For example, in Braintree the Morrisons supermarket in Braintree town centre has closed and been re-occupied by a B&M store and in Witham, an Aldi has opened and is now trading. Lidl has also opened in Halstead.

2.3 Furthermore, the capacity for convenience goods floorspace in the 2018 Retail Study Update is based on constant market shares. The Williams Group considers that this approach, which is translated into the methodology for identifying future retail floorspace capacity, fails to take the opportunity to reduce expenditure leakage, to create far more sustainable travel patterns and instead is aiming to protect a relatively weak 'status quo'. The Local Plan should be seeking to improve the retail performance of Braintree town especially by facilitating the provision of a greater choice of retailers and reducing the draw of neighbouring locations for residents. While the identification of future capacity for convenience and comparison retail floorspace is welcomed, the amount should be increased to avoid the continuation of the current unsustainable shopping patterns, not to do so renders the plan unsound.

2.4 The evidence base does not recognise that Braintree is a Principal Town within the region along with Colchester and Clacton-on-Sea. Braintree is considered as a town centre along with Halstead and Witham. This approach fails to recognize that there will be certain, larger scale, retail developments that will only be appropriate within the principal town of Braintree rather than the smaller settlements of Halstead and Witham. This should be recognised within the hierarchy of shopping centres.

Do policies LPP 10 to LPP 16 provide clear direction as to how a decision maker should react to a development proposal in relation to these allocations and policies?

2.5 No.

2.6 With regard to **Policy LPP 10,** the policy should recognise that Braintree performs a different role to Halstead and Witham in the settlement hierarchy. The capacity for convenience goods floorspace in the 2018 Retail Study Update is based on constant market shares and should be re-assessed to improve the retail performance of existing centres particularly Braintree. This is especially the case given the role that the Designer Outlet (former Freeport) plays in extending to a much wider shopper catchment than would otherwise be the case with a centre such as Braintree, which is also suffering from significant local expenditure leakage. There is an opportunity to consolidate and recover local expenditure together with benefitting from additional spend beyond the more local catchment which would lead to much more sustainable patterns of retail.

2.7 Policy LPP10 would also benefit from a wider focus than retailing. As drafted, it will do little to address the underperformance of the town centre and thus is not sustainable and not "positively prepared". Braintree town centre scores positively in "Health Check" terms but is nevertheless falling below its potential to serve its catchment population well. The town centre needs regenerating using initiatives that go beyond simply the redevelopment of three main identified sites. There is a need to make the whole of the town centre an attractor, offering an experience that takes advantage of the historic core and a stronger offer. There is a need to improve dwell times, by improving the poor food and beverage offer, for example; and the town centre lacks a cinema, for which the NLP study identifies as having the potential for three screens. There is no real evening economy. The policy should therefore encourage a greater range of interventions across the town centre - beyond the identified sites - as well as suggesting a range of initiatives that would improve the town centre experience and performance.

2.8 **Policy LPP 13** relates to Freeport Outlet Centre and simply states that the Factory Outlet Centre shall be maintained for the purpose of a discount shopping outlet centre. Paragraphs 6.48 to 6.52 deal with both Braintree Retail Park and the Freeport Outlet Centre.

2.9 Paragraph 6.50 of the publication draft states that:

> *"The area is well connected to Braintree Town Centre by an hourly train service and a more frequent bus service, which operates during the opening hours of Freeport. The Council intends that the Outlet Centre and bulky goods provision should be complementary to Braintree Town Centre, rather than competing with it."*

2.10 The recognition of the connections between the town centre and Freeport and Braintree Retail Park is supported. However, the implication that Braintree Retail Park only accommodates bulky goods retailing is incorrect and the plan should recognise the diverse range of the lawful retail, food and beverage and leisure uses taking place at the Retail Park. The lawful use of the retail park extends to open A1 retailing across circa 70% of the existing retail floorspace save for a restriction to the quantum of that floorspace that can be used for the sale of clothing and food (up to 15% of 150,817 sq.ft). In addition, there is a 12 screen cinema, further leisure space and a diverse food and drink offer that equates to approximately 40% of the retail park area.

2.11 Paragraph 7.7 of the Braintree Retail Study: 2018 Update sets out the comparison goods projections and how these could be distributed. These projections show an increase in new comparison floorspace of 5,978 sqm for Braintree and 2,480 sqm for Freeport/Braintree Retail Park by 2033 in addition to the retail commitment for a new retail warehouse unit adjacent to Halfords. Since that time there has also been a commitment to a further 2,360 m2 of floorspace as an extension to the existing Next store at the retail park. The Draft Local Plan should recognize that there is potential for further infill development, re-purposing or intensification at Braintree Retail Park subject to all other development control policies being met, especially in the absence of the site to the North of Freeport not now coming forward following new ownership (**MM23/LPP16**) and a shift in focus of the Outlet offer to higher value products.

2.12 Braintree Retail Park will continue to play a positive role in the shopping, leisure and entertainment experience of Braintree and can accommodate further development in its role as a retail, leisure and entertainment park. The Williams Group continues to see strong interest from additional retailers who wish to locate within Braintree but who are unable to find a suitable format and size of unit in the town centre which struggles to accommodate larger format units. Braintree Retail Park plays a complimentary role to the convenience, service and specialist retail led offer of the town centre which is driven by its historic role and format of units.

2.13 **Policy LPP14** seeks to limit proposals on part of the site at Braintree Retail Park to D2 uses only. The policy should, as a minimum, also recognize the positive, parallel role that food and beverage outlets now play in leisure provision. We note the proposed modifications to reflect the changes to description within the use classes order but do not consider this is wholly reflective of the role that the wider leisure offer at the retail park now plays in the local economy.

2.14 As set out above, we consider that the policy should be broadened to address the whole of Braintree Retail Park (including the retail, leisure, entertainment and parking elements), recognizing the inter-relationships between different retail, food and beverage and leisure/entertainment uses within the wider site and the need to be able to respond flexibly to changes in commercial occupier requirements. These are all considered to be 'town centre' uses in the NPPF which tends not to distinguish between the different strands of town centre uses in its policy content. Policy LPP14 should be amended to apply to all of the area of the current Braintree Retail Park site as well as the draft retail allocation to the south of Millennium Way. The policy should allow for flexibility between the distribution of the current uses across the premises/areas within the policy area.

2.15 **Policy LPP15 Retail Warehouse Development** sets out the criteria for development of retail warehousing in the district. The use of the term 'Retail Warehouse' is unsatisfactory as it is vague, and in the absence of a definition in the glossary, is subject to interpretation. The criteria set out for assessing proposals for 'bulky' retail development set out in the policy largely repeats the content of policies set out elsewhere on retail impact assessment and traffic impacts. Policy LPP15 is unnecessary as the policy relating to retail allocations is set out in Policy LPP16.

2.16 **Policy LPP16 Retail Site Allocations** lists the sites identified for retailing and other main town centre uses in the town centres. It also states that new retail provision will be made at out of centre locations including strategic growth locations, new garden communities and land north of Freeport and off Millennium Way.

2.17 We support the allocation of land off Millennium Way which is commensurate with the planning permission granted on the site. However, in the absence of the allocation North of Freeport coming forward we consider that additional allocations are needed and the land off Millennium Way/South East of Braintree offers capacity to address this need within a location already identified as an established retail location within Braintree.

2.18 In the absence of the Garden Villages now coming forward we are concerned at the reference to retailing being accommodated in the 4 remaining 'strategic growth locations'. We consider that a much clearer direction is needed as to the form and type of retailing that is acceptable in those locations. The strategic growth locations identified are mainly focussed on employment and / or residential provision, and as such they should only be delivering retail provision commensurate to their role as either an employment location and/or residential allocation relevant to a local or neighbourhood centre. At present the policy is broad and vague as to the scale of retailing appropriate to these locations.

2.19 As referenced in our Matter 3 Statement, there appears to be a significant disparity between the LDO for Horizon 120 currently subject to further consultation and the detail within the Part 2 Local Plan. The LDO appears to indicate that up to 6Ha will be given over to B1, R&D and hotel development hub with an allowance for retail floorspace. Zones A and B combined amount to a huge amount of floor space and although the retail floorspace element appears to be restricted in the document, any provision of retail facilities on this site needs to be justified with a suitable evidence base and subject to the impact assessment and sequential assessment policy tests. Any alternative approach will likely provide an elevated policy position for extensive retail development in an out-of-centre location which would be of detriment to existing retail locations.

2.20 6Ha is a significant area and does not appear to accord with the quantum of floorspace overall identified for delivery within the district of retail and leisure uses nor our client's experience of seeking to provide improved and expanded retail and leisure provision within the context of longstanding and well-established retail and leisure destinations. Clarity is required as to both the figure itself contained within the LDO being at odds with the Part 2 Plan and, if that figure is correct, the justification for what appears to be a significant departure from the strategy being advanced within the Part 1 and Part 2 plans with regards the provision of retail and leisure space. If the 6Ha figure for Zone A is correct, and the Council are seeking to include this within the Part 2 Plan, our client will be objecting in the strongest possible terms in the context of Part 2 and the LDO irrespective of the indicated floor area restrictions on the basis that this is will provide an elevated policy position for extensive retail development significantly over the restricted figure and there is no justification for that quantum in a completely new location as far as what can only be described as primary retail provision is concerned. Significant further work on the impacts on existing centres and destinations is required to justify this new figure which we consider is completely absent at present and at odds with the evidence that has been presented.