

Briefing Note

Our ref 06854/PW/ABe
Date 26 July 2018
From Lichfields, on behalf of Intu Properties (intu Uxbridge)
Subject **Main Matter 8 – Development Management Policies – Chapter 3: Town Centres**

1.0 Are the Town Centre Policies justified by appropriate available evidence, having regard to national guidance, and local context, including the HLLP1?

- 1.1 No. Intu is still concerned with the drafting of the town centre policies.
- 1.2 To assist the Inspector (and the Council) we outline the concerns here together with the amendments considered necessary to make the policies sound. These changes are important to secure Uxbridge’s successful future as a Metropolitan Centre over the plan period.

Policy DMTC2: Primary and Secondary Shopping Areas

- 1.3 Intu remains concerned with the drafting of policy DMTC2, specifically how it is applied to the Primary Shopping Area (PSA), within which intu Uxbridge is located.
- 1.4 As outlined in intu’s previous response, there have been significant changes to town centres over the past 5 years and further changes will be essential to help centres evolve and adapt to meet the changing needs and demands of customers. Town centres must adapt to respond to continued slow growth since the recession, Brexit uncertainty and the growth of internet shopping. To remain competitive, town centres must provide an appropriate mix of other town centre uses, such as restaurants, cafés and leisure, to attract visitors, increase their dwell time and thereby extend their trading hours.
- 1.5 Against this context and as set out in its previous representations, in 2015; the prescriptive nature of the policy, in terms of seeking to retain 70% of the PSA in A1 use and restricting separation between A1 uses in the PSA to no more than 12m, is considered counterproductive to the policy’s aim of encouraging a vibrant and vital town centre.
- 1.6 The Council has put forward the following wording, in response to the concerns previously raised, as an addition to the supporting text:

“...However, the Council will consider proposals which constitute a departure from the policies in this chapter, where they provide clear and long lasting benefits to the vitality and viability of town centres in the borough.” (page 26, paragraph 3.7)
- 1.7 The Council’s recognition of the need for flexibility in the application of town centre policies is welcomed, however the drafting remains problematic.
- 1.8 The Council’s 2016 survey showed that 67% of the PSA was in A1 use. The 70% threshold is arbitrary and has already been breached. As such, at present DMTC2 would not allow for any new uses other than A1 uses in the PSA, and therefore the policy is effectively an embargo on new non-A1 use. Any new non-A1 town centre uses within the PSA, importantly, including those aimed at attracting and retaining visitors to the town centre (for example restaurant or leisure

uses) would be considered “a *departure*” and would be required to show there is a “*long lasting benefit to the vitality and viability of the town centre*”. This wording is not considered to be consistent with the National Planning Policy Framework (NPPF), which states that local planning authorities should ‘*promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres*’ (Para 23), bullet 4).

- 1.9 In the last 3 years, the need for flexibility and appropriate mix of uses has become even more pressing as retailers and town centres continue to go through a period of change. The draft London Plan 2017 recognises the need for adaptation and diversification in town centres:

“To continue to thrive they will need to evolve and diversify in response to current and future economic trends, technological advances, consumer behaviours, and the development of the 24-hour city.” (Para 2.6.2,)

- 1.10 Similarly, in the Draft NPPF (March 2018):

Para 86: Planning policies and decisions should support the role that town centres play at the heart of local communities, by

a)...allowing them to grow and change in a way that supports a diverse retail offer, provides customer choice, allows a suitable mix of uses (inc housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, identify primary and secondary frontages, and make clear which uses will be permitted in such locations...
(Lichfields’ emphasis)

- 1.11 In the finalised version of the NPPF (July 2018) this was further strengthened to:

a)... allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre...(Lichfields’ emphasis)

- 1.12 According to the Government’s summary of consultation responses¹ “*In response to rapid changes taking place in the retail and leisure industries, as highlighted by many responses, we have made changes to the final Framework to encourage a more positive and flexible approach to planning for the future of town centres*”.

- 1.13 It is therefore even more important that Policy DMTC2 recognises the need for flexibility and encourages an appropriate mix of town centre uses within the PSA, rather than deterring them. Given the significance of it, this flexibility must be explicit in the policy, and not provided as an exception in the supporting text within the town centres chapter.

- 1.14 The following amendment to policy DMTC2 is required to make it effective and bring it in line with national and London Plan policy.

¹ Government response to the draft revised National Planning Policy Framework consultation
A summary of consultation responses and the Government’s view on the way forward (July 2018)

Intu Recommendation 1:

A) *In primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, café, pubs and bars, **and leisure, entertainment uses** provided that:*

i. ~~A minimum of 70% of the frontage is retained in Use Class A1;~~

ii ~~Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage~~

iii ~~The proposed use will not result in a separation of more than 12 metres between A1 retail uses.~~

*~~ii~~ **The proposed use does not result in a concentration of non retail uses or undermine the predominance of retail uses to a level that is considered harmful to its primary shopping area role which could be considered to cause harm to ;and***

iii that** the vitality and viability of the town centre **will be supported.

DMTC1: Town Centre Developments

1.15

Intu's concerns for Uxbridge is further exacerbated by the proposed expansion of Uxbridge town centre to encompass the RAF site, bringing the site within the town centre boundary. The site would be treated as edge of centre for retail (Class A1) uses requiring compliance with the sequential approach, however for "main town centre uses" it would no longer need to undertake this assessment. This could undermine the vitality and viability of the PSA by encouraging main town centre uses to spread over a wider area.

Intu Recommendation 2:

The south-western boundary of Uxbridge Town Centre should remain unchanged from the UDP proposals maps.