

Rushden Town Council
Matter 9 – Town Centres (Policies EN21, EN22, EN23)

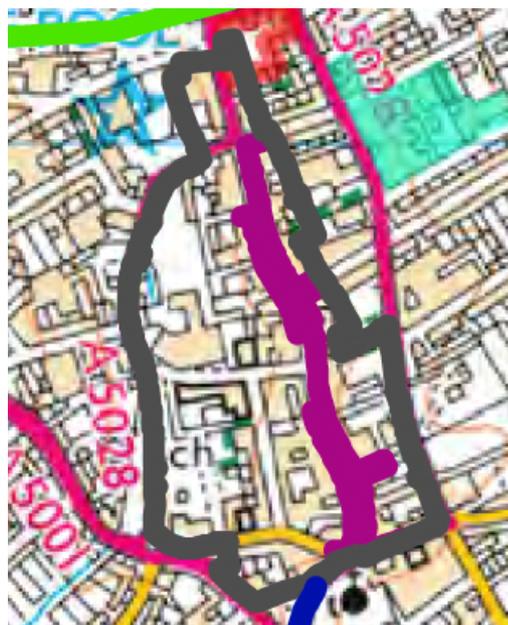
ISSUE – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy and the JCS in relation to the matter of town centres.

EN21 Town centres and primary shopping frontages

Q1. Is the approach to town centres and primary shopping frontages in Policy EN21 justified, effective and consistent with national policy and the JCS?

RTC Response:

1. It is difficult to identify which properties in Rushden Town Centre are covered by the “Primary Shopping Frontage” designation as the line is very thick (see below).



2. The Policies Map for Rushden appears to have an error(s) as it shows the ‘Town Centre Boundaries’ and ‘Primary Shopping Frontages’ as Policy EN23. However, we understand that these topics are covered under EN21 (see below).



3. The policy is ambiguous when it states that “*Development should deliver increased vitality, through some or all of the following...*”. This reads as if some or all of the policy clauses do not need to be complied with. The policy should be definitive.
4. Clause ‘a’ refers to a mix of main town centre uses and then lists ‘convenience and comparison retailing, financial services and / or food and drink businesses’. However, this is not the full extent of the ‘Main town centre uses’ defined in the NPPF which is provided below for ease of reference. By NNC singling out a few uses in the policy it could make the reader or decision maker think that they are full extent of main town centre uses appropriate for town centres in East Northamptonshire.

Main town centre uses: “Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).” NPPF Glossary

5. Clause ‘c’ requires an avoidance of “an over concentration of a particular Use Class, with the exception of retailing.
 - What does NNC consider to be an ‘over concentration’? How can a decision maker assess an application against this?
 - Retail does not have its own use class as it is shared with the other uses now covered under Class E so the policy will need to be more specific and reflect the most recent changes to the Use Class Order.
6. Clause ‘d’ requires the retainment of a predominantly retail offer for the defined shopping frontages. What is meant by ‘predominantly’? How should vacant units be counted for example?

Q2. In practical terms how will proposals be ‘supported’?

RTC Response:

7. The proposed wording should be improved for clarity.

Q3. Does the policy only apply to centres which do not have NPs in place as suggested in paragraph 7.56 of the Plan and is this clear? Should the town centres to which the policies apply be listed in the Policy?

RTC Response:

8. This is not clear in the policy. Yes it should be added.

Q4. Do all the criteria apply? Should there be an ‘or’ instead of an ‘and’ after criterion f?

RTC Response:

9. This does require clarification.

Q5. How will an ‘over concentration’ of a particular use class referred to in criterion c be measured? Would it be more effective to refer to ‘town centre uses’ rather than the use classes?

RTC Response:

10. Please see our comments above.

Q6. Are the ‘defined shopping frontages’ referred to in criterion d the primary frontages? Should the policy refer to these being shown on the Policies Map? (see MM18)

RTC Response:

11. This should be clarified.

Q7. What are the 'Local development strategies' referred to in criterion g? Is it expected that developers would prepare these?

RTC Response:

12. This should be clarified in the policy.

EN22 Impact test thresholds for retail development

Q8. It is clear to which 6 towns Policy EN22 applies? Are these different to those in Policy EN21? Having regard to JCS Policy 12 g, would the Policy apply to the centre(s) in the Rushden East SUE?

RTC Response:

13. No this is not clear which 6 towns this policy applies to.

14. It is important for NNC to clarify how the policy would (or not) apply to the centre(s) in the Rushden East SUE.

Q9. Does Policy EN22 accord with the advice at paragraph 90 of the Framework regarding impact assessments?

RTC Response:

15. No. Paragraph 90 and 91 of the NPPF require an assessment of a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on the town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). Where the application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations (a and b above) it should be refused. NNC's policy does not reflect this accurately in Policy EN22.

Q10. What is the justification for a locally set impact thresholds and the specific thresholds proposed? What is the reasoning behind the different thresholds in Rushden and the Market Towns?

RTC Response:

16. RTC considers that differentiating the threshold for Rushden compared to the market towns is unjustified and that it should be 110sqm for all town centres. The main justification used by NNC for this is that Rushden is a 'Growth Town'. However, it also fails to explain the amount of retail development that has taken place at Rushden Lakes and the amount of retail growth planned at the SUE. Rushden has also seen an ASDA Super Store and Lidl delivered within recent years just to the north and south of the town centre boundary respectively. Paragraph 5.34 of the JCS explains that after the trading patterns of the Rushden Lakes development have bedded down the emphasis for Rushden is on *"consolidating and developing a retail, leisure/culture and housing offer that allows Rushden and Wellingborough town centres to operate successfully alongside Rushden Lakes. These changes will be plan-led through the relevant Part 2 Local Plans"*. The Local Plan should be clearer about the need to revitalise Rushden's High Street and Town Centre and this policy should be amended to reflect that.

Q11. Would proposals for town centre uses (other than retail) in edge of centre and outside of town centre locations be subject to the national 2,500m2 threshold as per the JCS?

RTC Response:

17. It would appear that the Local Plan Part 2 is updating this position.

Q12. Are the primary shopping areas referred to in Policy EN22 different from the primary shopping frontages referred to in Policy EN21? Are these shown on the Policies Map? (see MM19) How do the town centre notations on the maps in Appendix 4 of the Plan relate to the Policies Map? Are the notations replicated there and are they consistent?

RTC Response:

18. We are confused by the wording in the policy (EN22) which refers to 'primary shopping areas' and Policy EN21 which refers to 'Primary Shopping Frontages' and the Policies Map which appears to assign an town centre focused policy designation to Policy EN23 which does not seem correct to us.

Q13. Should the final sentence of the Policy refer to ‘adverse impact’ rather than ‘impact’?

RTC Response:

19. The NPPF terminology is “*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact one or more of the considerations in paragraph 90, it should be refused*”. As stated before, NNC’s policy does not accurately reflect this wording of the NPPF.

EN23 Development of main town centre uses around the local centres

Q14. Is it clear from the Policy which local centres are designated? Should these be listed in the Policy for certainty and clarity? Does the Policy apply in areas covered by NPs? What is the difference between a linear local centre and a local centre

RTC Response:

20. Yes the local centres should be listed. It is not clear whether it applies to areas covered by NPs. NNC will need to explain the difference between a ‘linear local centre’ and a ‘local centre’.

Q15. Area all the local centres shown on the Policies Map using a consistent notation? (see MM20) How do the town centre notations on the maps in Appendix 4 of the Plan relate to the Policies Map? Are the notations replicated there and are they consistent?

RTC Response:

21. This should be clarified by NNC.

Q16. How has the 200 metre distance been determined and is it justified? How will it be measured in practice and is this clear in the Plan? (see Initial Question 12 f and the Council’s response)

RTC Response:

22. This should be clarified and justified by NNC.

Q17. What is the purpose of identifying the primary and secondary shopping areas in the local centres on the Maps in Appendix 4? To which Policy does this relate?

RTC Response:

23. This is currently unclear.

Q18. In practice, how will proposals be 'supported'? Are the general development management principles in criteria b and c covered by JCS Policy 8 and should they be duplicated here?

RTC Response:

24. This is for NNC to answer.

Q19. What are the 'exceptional circumstances' to justify the blanket removal of permitted development rights in criterion d? Is this justified in light of the recent changes to the Use Classes Order?

RTC Response:

25. This is for NNC to answer.